

Westfir Land Development Code

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Prepared by
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CHAPTER 1

INTRODUCTORY PROVISIONS

Sections:

- 1.1.0 Title
- 1.2.0 Purpose
- 1.3.0 Consistency with Plan and Laws

- 1.1.0** **Title.** This Code shall be known and may be cited as the Development Code of the City of Westfir, and the map herein referred to shall be known as the Zoning Map of the City of Westfir, Oregon.
- 1.2.0** **Purpose.** The purpose of this Code shall be: To promote orderly city growth; to assist in implementing the Westfir Comprehensive Plan; to conserve and stabilize property values; to establish and encourage the most appropriate utilization of the land; to establish standards for desired population densities; to provide adequate open space for light, air and landscaping; to provide for community facilities and expedite fire and police protection; to provide workable relationships of land use to the transportation system; and in general to promote and protect the public health, safety, convenience and general welfare.
- 1.3.0** **Consistency with Plan and Laws.** Actions initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Westfir and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

CHAPTER 2

GENERAL PROVISIONS

Sections:

- 2.1.0 Severability
- 2.2.0 Compliance and Scope
- 2.3.0 Use of a Development
- 2.4.0 Interpretation
- 2.5.0 Abatement and Penalty

2.1.0 **Severability.** The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

2.2.0 **Compliance and Scope.** A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise, only as this Code permits. In addition to complying with the criteria and other provisions within this Code, each development shall comply with the applicable standards and policies set forth in the Westfir Comprehensive Plan and refinements thereto. The requirements of this Code apply to the person undertaking a development or the user of a development and to the person's successors in interest.

2.3.0 **Use of a Development.** A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed and intended or which is deemed nonconforming.

2.4.0 **Interpretation.** Where the conditions imposed by a provision of this Code are less restrictive than comparable conditions imposed by any other provisions of this Code or any other Code, the provisions which are more restrictive shall govern.

2.5.0 **Abatement and Penalty.** A person, firm, or corporation violating a provision of this Code shall be subject to a fine of not more than \$500, or confinement in a jail not to exceed 60 days, or both fine and imprisonment. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed or continued by such person, firm or corporation, and shall be punished accordingly.

CHAPTER 3

PROCEDURES

Sections:

- 3.1.0 Administration and Authority.
- 3.2.0 Processing Applications
- 3.3.0 Uniform Requirements for Approval
- 3.4.0 Building Permits
- 3.5.0 Development Permit
- 3.6.0 Site Review
- 3.7.0 Conditional Uses
- 3.8.0 Revocation
- 3.9.0 Limitations on Re-filing of Application
- 3.10.0 Appeals
- 3.11.0 Enforcement, Violations and Penalties
- 3.12.0 Expedited Land Divisions

3.1.0. Administration and Authority. The City of Westfir City Council, Planning Commission, and City Recorder, as authorized, shall administer this Code. Unless otherwise specifically prohibited, the City Council, Planning Commission, and Planning City Recorder may delegate their duties under this Code. The City of Westfir may employ the services of a Hearings Official to assist with appeals, the processing of land use permits, the conduct of public hearings, and the development of Findings of Fact. The Hearings Official shall report to the Planning Commission, or the Council in the event of an appeal of the Planning Commission's action, which may adopt, modify or reject the Hearings Official's recommendations.

3.1.1 Council. Council refers to the City Council of the City of Westfir, Oregon, which is the governing body of the city. The Council has the following powers and duties in addition to others not specifically mentioned which currently exist or develop in the future. The Council:

- A. Has authority to maintain the planning process;
- B. May adopt amendments, supplement, or repeal the text of this Code;
- C. May approve, and from time to time amend, the Comprehensive Plan;
- D. May establish a reasonable schedule of fees in regards to matters processed under this Code; and,
- E. May review decisions of the Planning Commission upon appeal.

3.1.2 **Planning Commission.** The Planning Commission shall have the powers and duties designated by this Code in addition to the power and duty to enforce the provisions of this Code.

3.1.3 **City Recorder.** The City Recorder referenced in this Code or the person designated by the Westfir City Administrator. The City Recorder or designee shall have authority to supervise, organize, direct, and control activities defined herein, as well as make certain decisions regarding the processing of applications, as specified herein. The City Recorder is authorized to perform such other duties necessary for the administration of this Code and those duties and powers further delegated.

3.2.0 **Processing Applications.**

3.2.1. **Materials.** Petitions, applications and appeals provided for in this Code shall be made on forms prescribed by the City. In addition to the specific materials and information required for certain types of applications, every application for a building permit, development permit or other permit or approval required by this Code shall be accompanied by the following:

- A. Two sets of plans and specifications drawn to scale which show the actual shape and dimensions of the lot to be built upon and which contain the name and address of the applicant and the street address of the property;
- B. The height, sizes and locations on the lot of all existing and proposed structures;
- C. The intended use of each structure;
- D. The number of families, if any, to be accommodated thereon;
- E. The relationship of the property to the surrounding area;
- F. Any area of the lot within the flood hazard area and the flood elevations of any proposed structures within the flood hazard area; and,
- G. Such other information as is needed to determine conformance with this Code.

If a particular application requires more specific information, compliance with such more specific requirements may be substituted for supplying the equivalent information required in this subsection.

3.2.2. **Fees.** Each application for a permit shall be accompanied by the required fee, and shall not be considered complete and ready for processing until such time as all required fees have been paid and such other information as is required by other provisions of this Code has been provided. Acceptance of the fee shall not be an indication that the application is otherwise complete. Fees shall not be refundable. Fees for all

applications shall be as set by the City Council, and may be revised as deemed appropriate by the Council.

3.2.3. Types of Procedures. Development permit applications subject to this Code shall be classified according to one of the following categories as are defined below; Type I, Type II, Type III, or Type IV.

A. Procedures.

1. Type I Procedure, Administrative Decision.

- a. This type of decision is based upon standards specified in this Code or other laws, and does not require interpretation or legal judgment in reviewing the proposed land use. Approval of a Type I application is not a land use decision.
- b. A public hearing or notice of action is not required. However, the applicant shall receive notice of the final decision.
- c. The applicant may appeal a Type I decision in accordance with the requirements discussed in Section 3.10.
- d. Type I City Recorder's decisions: Actions that are processed by the City Recorder as a Type I procedure include, but are not limited to decisions related to:
 - determination of the completeness of applications;
 - determination of the appropriate procedure for any application;
 - development permits for outright permitted uses requiring no Planning Commission action;
 - development permits after discretionary approvals become final;
 - sign permits; and
 - modifications to nonconforming uses.
- e. Type I Planning Commission decisions: Actions that are processed by the Planning Commission as a Type I procedure include but are not limited to:
 - partitions,
 - lot line adjustments,
 - final subdivision plat approval,
 - minor replats, and
 - similar decisions that result in, or are the final opportunity for review before a change in ownership of any real property subject to review under this Code.

2. Type II Procedure, Limited Land Use Decision.

- a. A Type II Procedure is classified as a Limited Land Use Decision as defined in ORS 197.015. This procedure allows for review of applications that involve discretionary standards for uses permitted outright by this Code. The Planning Commission or designated staff shall follow the procedures specified in the acknowledged comprehensive plan, land use regulations, and other applicable legal requirements.
- b. Notice of the proposed action shall be as provided in section 3.2.5. In addition, the notice shall provide that any person shall have 14 days from the date of the notice to submit written comments to the Planning Commission.
- c. A public hearing may be requested on a proposed decision by the applicant, a member of the Planning Commission, or any party entitled to notice or who is affected by the proposal. If the request for a public hearing shows valid reasons why a public hearing is necessary for a complete analysis of the application, the City Recorder shall schedule a public hearing at the next available Planning Commission meeting, and shall provide notice of the hearing to all persons entitled to receive the original notice of the application. Procedures at the public hearing shall be the same as for a Type III hearing.
- d. Either after receiving all written comments, or after close of the record in the public hearing, the Planning Commission shall review all information received and make findings based on the applicable criteria. The Commission's decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval or denial of the application. Notice of the Commission's decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The Commission's decision can be appealed in accordance with Section 3.10.
- e. Examples of applications. Applications that are processed as a Type II procedure include, but are not limited, to
 - site reviews and
 - expedited land divisions.

3. Type III Procedure, Quasi-Judicial.

- a. A Type III procedure requires a public hearing and may involve complex actions which require discretion on the part of the Planning Commission. Notice requirements are discussed in Section 3.2.5. herein.
- b. Written materials related to the application submitted prior to or during the hearing shall be considered a part of the record. At the public hearing, staff, applicant, and interested persons may present information relevant to the criteria and standards applicable to the proposal. These individuals may

indicate why the proposal should be approved, denied, or modified. If the Planning Commission determines that the record shall remain open for the submission of additional written material, the chairman shall specify the time that the record shall remain open and the nature of the written submissions that may be received while the record remains open.

- c. After close of the record in the public hearing, the Planning Commission shall review all information received and make findings based on the applicable criteria. The Commission's decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval or denial of the application. In making a decision, the Commission may impose additional conditions or restrictions to the approval to ensure compliance with the applicable standards. Notice of the Commission's decision shall be sent to the applicant and any other person who participated in the public hearing or otherwise submitted comments and who has requested notice. The Commission's decision can be appealed in accordance with Section 3.10.
- d. Examples of applications. Type III applications include, but are not limited to the following;
 - conditional uses,
 - review of preliminary subdivision plats,
 - variances (including variances to sign permits),
 - temporary use permits
 - planned unit developments, and
 - vacations.

4. Type IV Procedure, Legislative.

- a. A Type IV procedure requires review by the Commission and the Council. This type of decision may have significant or broad effects on various parties and properties in a large area. These decisions usually involve changes to the development Code or the Comprehensive Plan.
- b. Proposed amendments to this Code, the Comprehensive Plan, or other land use regulations may be initiated by an application from a resident of the City of Westfir, the Planning Commission, the City Council or Lane County, if the requested change relates to the Westfir Comprehensive Plan.
- c. The Planning Commission shall hold at least one public hearing on the proposal. Notice of the public hearing or hearings associated with the proposed legislative change shall be published in a newspaper of general circulation within the community at least once, and at least ten days in advance of the public hearing. If particular properties are to be affected more

than, or in a manner significantly different from, other properties of the same general character within the City of Westfir, individual notice shall be prepared and mailed to these affected, including all persons within 100 feet of the affected property. When a proposal to change the zone of property which includes all or part of a mobile home park is to be considered at a public hearing, written notice by first class mail shall be sent to each existing mailing address for tenants of the mobile home park. All written notices of the Commission's or the Council's hearing shall be mailed at least 20 days but not more than 40 days before the date of the first hearing on the application..

- d. The Commission may submit recommendations and findings regarding the proposal to the City Council. These recommendations and findings may include alterations from the original proposal or application. If the Commission determines that the proposed change should not be recommended for approval by the Council, as originally proposed or as modified by the Commission, the Commission may, but need not, submit the proposal to the City Council. The Council may enact, amend, or defeat all or portions of the proposal or may refer the matter back to the Commission for further consideration.
- e. If the Council takes final action in the form of an Code, resolution, or amendment, then the applicable rules of the Department of Land Conservation and Development must be complied with. Any participants in the hearing shall receive notice of the final action including the effective date of the decision as well as appeal requirements.

B. Determining the Applicable Procedure.

1. If there is a question as to the appropriate procedure type, the City Recorder will determine the applicable type based upon the most similar land use application procedure specified herein or other established policy.
2. For an application containing two or more proposals for the same property, these applications may be processed collectively under the highest numbered procedure that is applicable to any of the proposals. Alternatively, the applications can be reviewed individually according to the corresponding procedure type.

C. Authorization of Similar Uses. The Planning Commission may permit a use not listed in this Code, in a particular zone, provided the use is of the same general type, intensity and character as the uses permitted in a particular zone by this Code. However, this section does not authorize the inclusion of a particular use in a zone where the use is not listed for that zone but is listed as a permitted or conditional use in another zone. The decision of the Planning Commission may be appealed to the City Council using procedures as spelled out in Section 3.10 of this Code.

- D. Pre-Application Conference.** An applicant may request an informal review of a proposal by the City Recorder or by planning staff prior to application to determine the general feasibility of the proposal.
- E. Consolidation of Permits.** Applicants shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. For purposes of this Code, a consolidated permit process shall mean that the deciding body, to the greatest extent possible, apply concurrent notice, public hearing and decision-making procedures to the permits and zone changes which have been consolidated for review.

3.2.4. Time Limits.

- A. For application materials:** All documents and evidence to be relied upon in support of the application must be submitted to the City by scheduled public hearing. Upon request, the decision making body may continue the hearing to the next regularly scheduled date if the applicant fails to comply with these requirements.
- B. For appeals:** An action or ruling of the Planning Commission pursuant to this Code may be appealed to the City Council within ten days after the Planning Commission has rendered its decision. If the appeal is not filed within the ten-day period, the decision of the Planning Commission shall be final.
- C. For completion of approved development:** Unless specifically stated in the permit, the time limit for completion of all development work on any development or use approved pursuant to this Code shall be one year from the time the approval becomes final or the date the development permit is issued, whichever comes last. However, upon written request showing that there are valid reasons beyond the immediate control of the applicant for the failure to achieve substantial completion in one year, the City Recorder may extend authorization for an additional period not to exceed one (1) year.
- D. Means of calculating time:** For all time limits in this Code the time shall be calculated by considering the day after the initiating event to be day one and counting days sequentially until the specified number of days is reached. Saturdays, Sundays and federal holidays shall be included, except that if the final day of the specified period falls on a Saturday, Sunday or federal holiday, the final day of the period shall be the next day which is not a Saturday, Sunday or federal holiday.

3.2.5. Public Hearing and Notice.

- A.** Each notice of hearing authorized by this Code shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the date of the hearing.

- B. Any notice of a proposed land use action, including notice of a public hearing, shall be mailed to all owners of property located within 100 feet of any portion of the property subject to the application. The notice shall be mailed to the applicant and to all appropriate property owners at least 20 days before the date of the hearing or, if no hearing is scheduled, 20 days before the final date for the submission of materials.
- C. The notice provisions of this section shall not restrict the giving of notice by other means, including mail or posting on property.
- D. Except as specified for expedited land divisions, the total processing time for land use requests, including that allotted for appeals, shall not exceed 120 days, unless all parties involved agree to waive this requirement. A request by the applicant for additional time for the submission of evidence or arguments resulting in either the continuance of a hearing or an extension of the time for submission of additional materials for the record shall result in an extension of the 120 day limit by the number of days of the continuance or extension.
- E. All documents or evidence relied upon to support an application shall be submitted to the City Recorder in time for them to be available for public review at least 20 days in advance of the hearing.
- F. The Staff Report shall be available at least 7 days in advance of the public hearing.
- G. The public notice shall contain the following:
 - 1. Date, time and location of the hearing or the ending date for any other opportunity to submit comments.
 - 2. Explanation of the nature of the request and the proposed use or uses which could be authorized.
 - 3. A list of the applicable approval criteria from this Code, the comprehensive plan and other laws that apply to the application.
 - 4. The street address or other easily understood geographical reference to the subject property and the grid coordinate address of the property.
 - 5. The statement: “Failure to raise an issue at this opportunity for comment or hearing, in person or by letter, or failure to provide statements or evidence related to an issue sufficient to afford the decision maker an opportunity to respond to the issue, precludes reliance on that issue in any later appeal of the decision that will be made after consideration of statements and evidence submitted, including an appeal to the Oregon Land Use Board of Appeals.”

6. The name of a local government representative to contact and the telephone number where additional information may be obtained concerning the matter subject to notice.
7. Information as to where a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost, and information that copies of all documents will be provided at reasonable cost.
8. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing date and will be provided at reasonable cost.
9. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings or other review procedures.

3.3.0 Uniform Requirements for Approval.

- A. No permit or discretionary approval may be granted where it appears that approval would result in a violation of any applicable state or federal law or regulation. Where allowed by this Code, the application may, but need not be, granted with a condition that requires compliance with identified federal or state laws or regulations.
- B. No permit or discretionary approval may be granted if the applicant has failed to meet all conditions previously imposed or otherwise failed to comply with the applicable land use laws for any use within the City of Westfir. An exception may be granted if it is shown that the failure to comply with conditions imposed on a previously approved use, or to comply with laws applicable to a use, resulted from conditions or causes beyond the control of the applicant, that there had been a good faith attempt to comply, and that imposition of a condition of approval of the application under consideration requiring compliance for the other use is likely to increase the chances of bringing the other use into compliance. Where the Planning Commission determines that it is appropriate and the applicant agrees, final approval of an application may be delayed pending, or conditioned on, the submission of an application for modification of conditions of a previously approved use or such other action that may remove the impediment of failure to comply.

3.4.0 Building Permits. No permit shall be issued by building officials for the construction, reconstruction, alternation of change of use of a structure or lot that does not conform to the requirements of this section. Building permits shall be issued and administered by the Westfir Building Inspector according to the following considerations:

- A. Building permits may be issued for permitted uses not requiring a separate development permit if after examination, the Westfir Building Inspector concludes that the proposed development will conform to all applicable local and state laws

related to building construction and structural safety. A copy of the building permit shall be sent to the City for verification and filing.

- B. Application for building permits requiring land use approval, including a development permit signed by the City Recorder, site plan reviews, conditional uses, variances, or nonconforming uses shall be submitted for approval by the City prior to issuance.
- C. Each application for a building permit shall be accompanied by the information specified in section 3.2.1 of this Code.

3.5.0 Development Permits.

3.5.1 Nature of a Development Permit

- A. Purpose.** The purpose of a development permit is to provide the City and the property owner with documentary assurance that the applicable land use provisions of this Code have been applied to a proposed development. Issuance of a development permit is not a land use decision, but it is an indication that, based on the facts known at the time of issuance, the proposed use and development of the subject property is consistent with provisions of this Code in effect at the time the application was completed and as applied through any prior development approval because all required discretionary review has been completed and become final, or is not necessary. The development permit is supplemental to other land use permits discussed in various sections of this Code, and will normally be issued after the other land use permit becomes final, if there is another land use permit required for the approval of the application.
- B. When a Development Permit is Required.** Unless exempt, a person shall not promote or cause the development of land when a development permit has not been obtained for such action. Development permits, unless otherwise specified, are required for all uses permitted or conditionally permitted in all zoning districts, proposals subject to site plan approval, and proposals subject to discretionary approval processes including conditional uses and variances.
- C. Exclusions from the Development Permit Requirement.** An exclusion from the development permit requirement does not exempt the proposal or use from compliance with the other applicable provisions of this Code. The uses and developments listed below do not require a development permit;
 - 1. Proposals involving an accessory structure to a permitted use that does not require a building permit, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Chapter 13 of this Code.

2. An internal change to a building or other structure which does not substantially affect use of the building or structure nor involve installation or implementation of a new sign, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Chapter 13 of this Code.
3. An emergency measure necessary for the immediate safety, health, and welfare of persons or property. Such exemption shall be temporary and shall not allow continuation of the use beyond the immediate period of the emergency, and must be followed within five days of the initiation of the use by an application for the appropriate land use approval.

3.5.2 **Building Permit as Development Permit.** The following proposals may utilize the building permit as the development permit as long as the applicable provisions of this Code are met;

- A. Detached single family dwellings and duplex dwellings on pre-existing lots that conform to the applicable provisions of this Code, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Chapter 13 of this Code;
- B. Accessory buildings for permitted uses, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Chapter 13 of this Code;
- C. An internal change to a building or other structure that does not result in a change of use from permitted uses in that zone.

3.5.3 **Issuing a Development Permit.** The City Recorder shall issue development permits. Neither the designated city official nor any other state or local official shall issue a permit for use, development, or occupation of a structure which has not been approved according to this Code.

3.5.4 **Certificate of Occupancy.** It is unlawful to use or occupy any building or premises until the building official or appropriate designated city official has issued a Certificate of Occupancy indicating that the proposed use is in compliance with this Code and other applicable requirements. Where it is appropriate, and where there is a designation to this effect on the permit, a development permit or building permit may serve as the necessary certificate of occupancy. The occupancy of a building or premise without the Certificate of Occupancy is a violation of this Code. Each day that violation of this section occurs is considered to be a separate offense.

3.6.0 **Site Review.**

3.6.1 **Purpose.** The purpose of this section is to assure that a proposed development subject to site review requirements is developed in conformance with applicable land use

regulations and is designed in a manner to provide for environmental quality that will not be detrimental to the public health, safety and general welfare.

3.6.2 Application.

- A. The Planning Commission must review and, if appropriate, approve a site plan for each new building, structure, open land use, or addition to an existing development in all instances where site plan review is requested or required by this Code. No building permit or development permit shall be issued for such a development until the Planning Commission's approval of the site plan has become final. Nothing in this section requires that the Planning Commission approve a site plan application.
- B. The Planning Commission must review and, if appropriate, approve a site plan for any application seeking to alter, move, renovate, demolish or change the use of any historical structure, as defined by the Westfir Comprehensive Plan. Planning Commission approval is necessary before such a change can be undertaken.

3.6.3 Exceptions. The requirement for approval of a site plan does not apply in the following cases:

- A. Temporary use of land not to exceed ten days.
- B. Uses permitted "outright" in an R zone, except in the case of historical sites.
- C. A proposal requiring a site plan that is also subject to approval under the provisions related to planned unit development, variance or conditional use permit.

3.6.4 Review Procedures.

- A. The application for site plan approval must be filed with the City Recorder on the form prescribed by the City.
- B. The Planning Commission shall review all applications for site review as a Type II procedure.
- C. The Planning Commission may approve, approve with conditions or deny an application for site review. If the Planning Commission decides that conditions are necessary for the application to comply with the requirements for approval of a site review, the Planning Commission shall identify and impose the conditions necessary to obtain compliance. If the Planning Commission determines that the proposed development is incompatible with the requirements for approval of an application for site review, the Planning Commission shall deny the application.

3.6.5 Information to Accompany Application. In addition to the information specified in subsection 3.2.1 of this Code, an application for a site plan approval shall be accompanied by a site plan showing the following:

- A. Off-street parking lot design, including entrance and exit points and proper drainage.
- B. Street right-of-way line.
- C. Setbacks.
- D. Exterior lighting and signs.
- E. Fencing, landscaping and underground irrigation system.
- F. Building elevations to illustrate architectural style and compatibility with neighborhood.
- G. Shadow patterns of all proposed structures.
- H. Any other data necessary to describe the proposed development.

3.6.6 Findings Necessary to Granting Approval. Except for site plans concerning historic structures, in order to approve the site plan as meeting the requirements of conformance with applicable land use regulations and assurance of environmental qualities that are not detrimental to the public health, safety and general welfare, the Commission must find that:

- A. Any dead-end road over 150 feet in length and not maintained by the City shall be considered a cul-de-sac and shall have a right-of-way width with a radius of at least 48 feet. Fire apparatus access roads shall have an improved all-weather surface that can support a fully loaded fire truck with a width of at least 36 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Cul-de-sacs on dead-end roads shall be spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as “NO PARKING – FIRE LANE” and such signs shall have lettering 6 inches high with a one inch stroke and shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road. These standards may be modified by the City Council if objective evidence has been submitted that demonstrates that alternative standards would insure adequate access for fire fighting equipment and emergency vehicles from their point of origin to their point of destination. Fire hydrants shall be spaced in accordance with the standards of Table A-III-B-1 of Appendix III-B of the Oregon Uniform Fire Code (effective April 30, 1998).
- B. The applicant shall consider maintaining existing healthy native trees of at least 8 inches diameter where their destruction is not necessary for construction.

Applications shall include a plan showing existing healthy trees of at least 8 inches in diameter and marking those trees proposed for removal.

- C. The applicant shall provide a plan showing regular maintenance of any walls, fences, hedges, screen plantings or landscape areas to: (i) prevent encroachment on adjacent properties or unsafe conditions; (ii) maintain their original character; and (iii) provide necessary and normal replacement.
- D. The applicant shall provide for the planting of ground cover or other surfacing where necessary to prevent erosion or to reduce dust.
- E. The applicant shall include a statement that no occupancy of the proposed structures will occur until water, sewer and drainage facilities and services are available to serve the proposed use.
- F. Based on the transportation impacts as shown by a traffic impact study submitted by the applicant, the development shall provide adequate adjacent right of way and road improvements to accommodate anticipated traffic generation.
- G. A secondary or emergency accessway shall be provided for emergency ingress or egress.
- H. The applicant shall provide a plan showing regular maintenance of common facilities and structures to improve or maintain their original character and to provide necessary and normal replacement.
- I. For development on slopes of greater than 15%, the applicant shall provide certification from a registered geotechnical engineer that the proposed development and placement of structures will not cause or be subject to erosion or landslide potential that would have a greater than normal adverse effect on the proposed development or adjacent properties.
- J. The proposed development conforms to the City of Westfir's Master Road Plan.
- K. Any proposed improvements will conform to the City of Westfir's minimum structural specifications.
- L. The applicant shall submit a parking plan showing that parking is provided consistent with existing City standards for the property's zoning.
- M Lighting Standards:
 - 1. Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be contained to the target area.

2. All exterior lights shall be designed, located, installed and directed in such a manner as to prevent glare across the property lines.
3. All exterior building lighting for security or aesthetics will be full cut-off or shielded type, not allowing any upward distribution of light.
4. For purposes of this subsection:
 - a. “Glare” means light that causes annoyance, discomfort, or loss in visual performance and ability;
 - b. “Uplighting” means any light source that distributes illumination above a 90 degree horizontal plane.

N. Cut and Fill Standards

1. Permanent changes in grade exceeding five (5) feet are not allowed. A “permanent change in grade” means an alteration of the natural grade which remains visible after the project is complete, such as a road cut or a pad for a mobile home, but does not include excavations that are later filled with soil or structures, such as a excavation for a basement or swimming pool.
2. Notwithstanding the foregoing, permanent changes in grade may be allowed if the applicant can show that the planned cut or fill conforms with the following standards:
 - a. There are no practical, economically feasible alternatives to the planned cut or fill. For purposes of this section, an “economically feasible alternative” is one that will cost in excess of 115 percent of the cost of proposed cut or fill. Alternatives include, but are not limited to, the reductions of street width over a short distance; changes in the location of a street; increases in grade of a street over a short distance; special design of structures to conform with the natural grade; and the clustering of structures to avoid steep areas.
 - b. The planned cut or fill can and will be revegetated, leaving no exposed soil or rock. For cuts, the applicant must show that the subsoil is capable of supporting plant growth, or that the cut can be completely covered by creeping vegetation rooted in the topsoil at the upper end of the cut. Drawings or detailed descriptions of the proposed revegetation must be submitted.
 - c. As an alternative to revegetation, the applicant may propose dry stone, wood or masonry walls to cover cuts or fills. Drawings or detailed descriptions of the proposed walls must be submitted.

- O. Public facilities are adequate to accommodate the proposed development or provisions will be made in the course of development to upgrade public facilities to meet existing City standards.
- P. Where applicable, that all criteria and standards relating to development in a flood hazard area have been met.

3.6.7 **Building Permits for Approved Site Review Requests.** Building permits for all or any portion of a site review application shall be issued only on the basis of the approval plan. Any proposed change in the approved plan shall be submitted as a new application for site review.

3.7.0 **Conditions of Approval.** In approving a site review application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Code, additional conditions which the Commission considers necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole as well as being in conformance with the Comprehensive Plan. These conditions may include any of the following:

- A. Regulating the required lot size, lot width or yard dimensions.
- B. Regulating the height of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Requiring dedication of additional street right-of-way or increasing the street width.
- E. Increasing the number of required off-street parking or off-street loading spaces.
- F. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- G. Limiting the number, size, location and lighting of signs.
- H. Designating sites for open space or outdoor recreation areas.
- I. Requiring ongoing maintenance of buildings and grounds.
- J. Regulating noise, vibration, odors and similar factors that may have a substantial negative effect on the development of the surrounding area of the City as a whole.
- K. Providing internal property improvements such as underground utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening or recreation areas in order to enhance the area and to protect adjacent or nearby property.

- L. Regulating time periods for the conduct of certain activities.
- M. Setting a time limit for which the site plan is approved.
- N. Requiring the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services which are directly benefiting the proposed development or require participation in an improvement district to insure provision of basic services, parks or streets and sidewalks directly benefiting the proposed development.
- O. Requiring the staggering of units to avoid a barrack-like effect.
- P. Requiring the installation of fire and intrusive alarm systems.
- Q. Requiring that the proposed buildings are located so as to protect solar access of adjacent buildings and lots.
- R. Regulating grading, excavating, construction and filling in all areas identified as special flood hazard.
- S. Requiring that exterior modification of designated historical structures be made with the same or similar materials and in the same or similar architectural style as originally used in the historic structure.
- T. Additional conditions may be added to meet the requirements set out in Section 3.6.6 of this Code, or the purposes of site review, provided that such conditions do not discourage needed housing types at densities provided by the underlying zone through unreasonable cost or delay.

3.8.0 Revocation.

3.8.1 Automatic Revocation. All development permits, site review permits, conditional use permits and other discretionary permits issued pursuant to this Code are automatically revoked without special action if:

- A. The Permit has not been exercised or a building permit issued within one year of the date of approval.
- B. The use allowed by the Permit is discontinued for any reason for one continuous year or more.

3.8.2 Revocation After a Hearing. The Planning Commission may revoke any Permit for failure to comply with the applicable land use laws, including failure to comply with any prescribed conditions of approval.

- A. The Planning Commission may initiate a hearing on revocation at any time the Planning Commission determines that there is reason to believe that grounds for revocation exist. The Planning Commission may act upon receiving:
 - 1. A letter from the City Council notifying the Planning Commission that the Council is of the opinion any or all of the bases for revocation as stated in this subsection exist;
 - 2. A written complaint from any person where the complainant supplies at least sufficient information to show cause to believe that an investigation is justified;
 - 3. A written report from the City Recorder indicating that the City Recorder has come into possession of information indicating that one or more of the basis for revocation exist, and reciting such evidence.

- B. Procedures and notice for a revocation hearing shall be the same as for a Type III hearing. If the Planning Commission determines that it will be in the best interest of the City, the identity of the person or persons initiating the hearing may be kept confidential. In the hearing, the City Recorder shall have the burden of showing that substantial evidence exists to justify the revocation of the permit. If a claim is made, the person to whom the permit was issued, or the successor to such person, shall have the burden of showing that good cause exists why the permit should not be revoked despite the showing of grounds for revocation. The Planning Commission shall make a decision based on the substantial evidence in the record as a whole concerning revocation.

- C. The Planning Commission's decision may be appealed to the Council in the manner set for all other appeals.

3.9.0 **Limitations on Refiling of Application.** The Planning Commission shall not hear applications for which a substantially similar application has been denied or revoked for cause within the previous year unless the Planning Commission makes a determination that the applicant has shown that the application may be refiled for good cause. Any application that the City Recorder determines is likely to be found to be subject to this provision shall not be considered complete and ready for processing until the applicant has applied for and received a Planning Commission determination that the application in question may proceed. The Planning Commission's action shall be considered a Type I decision.

3.10.0. **Appeals.**

- A. An appeal from a decision by the City Recorder regarding a requirement of this Code may be made only to the Planning Commission. Any action or decision exercising authority delegated to the City Recorder shall be considered final 15 days after the completion of that action. An appeal of the City Recorder's action must be filed with the City within 15 days of the action. If the appeal is filed, the Planning

Commission shall receive a report and recommendation thereon from the City Recorder and shall hold a public hearing on the appeal. The grounds for the appeal are limited to the question of whether the City Recorder exercised delegated authority in a manner that is consistent with the requirements of this Code.

- B. An action or ruling of the Planning Commission pursuant to this Code may be appealed to the City Council within ten days after the Planning Commission has rendered its decision. If the appeal is not filed within the ten-day period, the decision of the Planning Commission shall be final. Written notice of the appeal shall be filed with the City. The appeal shall refer to the specific criteria upon which the Planning Commission's land use decision was based, and state the reasons why the criteria were not satisfied. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission, which shall be based on whether or not the specific criteria cited in the appeal notice had been satisfied.
- C. Each notice of hearing authorized by this Code shall be published in a newspaper or general circulation in the City at least 10 days prior to the date of the hearing.
- D. Sign Removal. Upon filing of the notice of appeal, the City shall take no further action with regard to removal of any sign involved until the final decision of the Planning Commission or the City Council on the appeal unless the City finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, in which case, they shall proceed immediately as provided in Section 27.9.0.D of this Code.

3.11.0 Enforcement, Violations and Penalties

3.11.1 Penalty. A person violating a provision of this Code shall, upon conviction, be punished by a fine of not more than \$500.00. A violation of this Code shall be considered a separate offense for each day the violation continues.

3.11.2 Alternative Remedy. In case a structure is located, constructed, maintained, repaired, altered or used or land is used in violation of this Code, the structure or land thus in violation shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this Code, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

3.11.3 Procedures.

- A. Within ten (10) days after violation of this Code becomes known, the City Recorder shall notify the property owner by certified mail and regular mail, or by personal service, that such a violation exists and the time within which the action to rectify the violation must be completed.

- B. Where the violation does not involve a structure, action to rectify such shall be made within 30 days. Where the violation involves a structure, action to rectify shall be made within 60 days. If the City Recorder determines that a risk to health or safety is involved, the City Recorder may specify a shorter time within which the action to rectify shall be made.
- C. If no action has been taken to rectify the violation within the specified time, the City Recorder shall set the date for Planning Commission consideration of whether subsequent legal action should be taken to rectify the violation. Notice of the date of the hearing may be included in the City Recorder's notice of the violation. The Planning Commission consideration of subsequent legal action is not a land use action. The Planning Commission may, but need not, conduct a hearing before deciding on subsequent legal action. If directed by the Planning Commission, the City Recorder shall take such legal action as required to insure compliance with this Code.

3.12.0 Expedited Land Divisions.

3.12.1 Application. A person who wishes to create three or fewer parcels on residential land where the density after division will be at least 80 percent of the maximum net density permitted in the residential zone may apply for an expedited land division. An application for an expedited land division must be clearly identified in writing on the application as an application for an expedited land division to be considered under the provisions of section 3.12 of this Code.

3.12.2 Incomplete Application. If an application for an expedited land division is incomplete, the City Recorder shall notify the applicant of exactly what information is missing within 21 days of the receipt of the application and allow the applicant to submit the information. For purposes of computation of time, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

3.12.3 Notice. Written notice of the receipt of the completed application shall be provided to any state agency, local government or special district responsible for providing public facilities or services to the development, and to owners of property within 100 feet of the entire contiguous site for which the application was made. Notice shall also be provided to any recognized neighborhood or community planning organization whose boundaries include the site.

3.12.4 Comment. After notice, interested parties shall have 14 days for submission of written comments prior to the decision.

3.12.5 Decision. A decision to approve or deny the application for an expedited land division shall be made without a hearing, after consideration of the material submitted with the application and all written comments received within the time allowed. A final decision shall be made within 63 days of receiving a completed application, based on whether the

application satisfies the substantive requirements of Chapter 24 of this Code. The 63-day time period may be extended to a date certain, after seven (7) days notice to the applicant, when such an extension is based on the determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall the extension be more than 120 days after the application was deemed complete.

Approval of an application for an expedited land division may include conditions to ensure that the application meets the applicable land use regulations. The applicant and all persons entitled to receive notice of the application shall be notified of the decision within 63 days of the date the completed application was submitted. The notice of decision shall include:

- A. A summary explaining the determination of compliance or non compliance with the applicable land use regulations, and
- B. An explanation of appeal rights under 3.12.6.

3.12.6 **Appeal**. The applicant or any person or organization who filed written comments in the allowed time period may file an appeal of the decision within 14 days of the date notice of the decision was mailed. The appeal shall be accompanied by a \$300 deposit. Any decision not appealed within 14 days becomes final. An appeal shall be based solely on allegation listed in ORS 197.375(c). All appeals of expedited land use decisions shall be in compliance with ORS 197.375.

CHAPTER 4

DISTRICTS AND ZONES

Sections:

- 4.1.0 Classification of Zones
- 4.2.0 Overlay Zones
- 4.3.0 Zoning Map
- 4.4.0 Zone Boundaries
- 4.5.0 Zoning of Annexed Areas
- 4.6.0 Zone Changes

4.1.0 Classification of Zones. For the purpose of this Code, the following zones are hereby established:

- A. Community Residential (CR)
- B. Low Density Residential (R-1)
- C. Medium Density Residential (R-2)
- D. High Density Residential (R-3)
- E. Mixed Use (MU)
- F. Community Commercial (CC)
- G. Limited Industrial (I-IND)
- H. General Industrial (G-IND)
- I. Parks, Recreation and Open Space (PRO-S)

4.2.0 Overlay Zones. An overlay zone may be combined with any underlying zone. The regulations of a overlay zone shall be supplementary to the regulations of the underlying zone and the regulation of the overlay zone and underlying zone shall all apply. The following are overlay zones in Westfir:

- A. Flood Plain Overlay (/FPD)
- B. Unstable Soils Overlay (/USD)

4.3.0 Zoning Map. It shall be the responsibility of the City Recorder to keep the Zoning Map and to make alterations to the Zoning Map necessary to keep it up to date. A copy of the map as it existed on the effective date of this Code shall be kept on file in the office of the City Recorder. Alterations shall be made within ten days of an action authorized by this Code that alters a boundary of a zone. If a discrepancy is found between the classification of land shown on the Zoning Map and a record of action, the record of action shall prevail.

- 4.4.0** **Zone Boundaries.** The boundaries for the zones listed in this Code are indicated on the Westfir Zoning Map, which is hereby adopted by reference. Unless otherwise specified, zone boundaries are section lines; subdivision lines; lot lines; center line of street or railroad rights-of-way; or such lines extended.
- 4.5.0** **Zoning of Annexed Areas.** All areas annexed to the City shall be zoned as designated in the Westfir Comprehensive Plan at the time of annexation.
- 4.6.0** **Zone Changes.** See Chapter 24 of this Code.

CHAPTER 5

COMMUNITY RESIDENTIAL ZONE (CR)

Sections:

- 5.1.0 Purpose
- 5.2.0 Permitted Uses
- 5.3.0 Conditional Uses
- 5.4.0 Development Standards and Requirements
- 5.5.0 Parking
- 5.6.0 Signs
- 5.7.0 Fences
- 5.8.0 Special Standards

5.1.0 **Purpose.** 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. 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.

5.2.0 **Permitted Uses.** The following uses are permitted in this zone after issuance of a development permit; which may be issued upon determination of compliance with Section 3.4 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Single Family Dwelling.
- B. Duplex on corner lots, with a minimum of 3,500 square feet of land per family unit and a maximum of 45% lot coverage. Duplex lots may be partitioned into two (2) lots for separate unit ownerships providing each lot contains 3,500 square feet of land, Minor Partitioning is approved, building code requirements are met and the duplex is to be newly constructed.
- C. Growing and gathering of crops, trees, vegetables, flowers and other plants. Products resulting therefrom shall not be sold on the premises.
- D. Parks, playgrounds, golf courses, community centers, swimming pools and similar neighborhood recreational areas and uses; provided no night activities and no commercial accessory uses shall be permitted.
- E. Public and semi-public buildings essential to the physical and economic welfare of the area, such as fire stations, libraries, substations, pump stations, reservoirs, elementary and secondary schools and community centers.

- F. Accessory buildings and structures with a maximum of two (2) allowed per single family dwelling and shall be prohibited in a side yard abutting a street.
- G. Home occupations: See Definitions, Home Occupations.
- H. Two (2) dogs over the age of six (6) months are permitted.
- I. Family Child Care Home
- J. Residential Home

5.3.0 **Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. Additional accessory buildings after initial approval of the use must be subject to conditional use approval.

- A. Multi-family residence, maximum density of one (1) dwelling unit for every 4,356 square feet of development site (10 units per acre).
- B. Residential Facility
- C. Churches and temples.
- D. Private schools.
- E. Group care or nursing homes.
- F. Boarding, lodging, or rooming house having four or more boarders.
- G. Neighborhood store.
- H. Cemeteries, provided that no above ground 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.
- I. Planned Unit Development (PUD) as set forth in Chapter 15.
- J. Family Day Care Facilities.

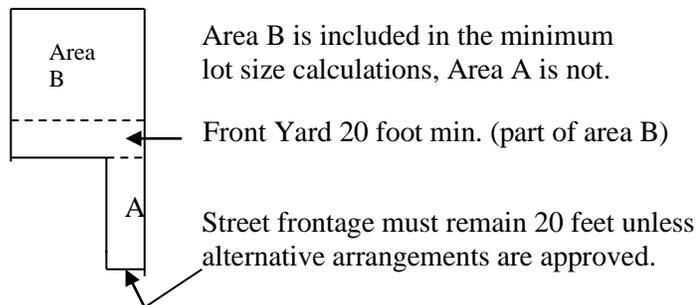
5.4.0 **Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Additional standards for certain developments may be found in other sections, especially in Chapter 26 (Land Divisions). Non-residential uses in this zone include Family Day Care Facilities;

Churches; Schools; Cemeteries; Day Care Facilities; Boarding; and Public and Semi-public buildings.

TABLE 5.4.1
Development Standards

Minimum Lot Size	
Single-family detached	6,000 square feet
Multi-family residence	10,000 square feet
Minimum Lot Width	Interior lots = 60 feet; Corner lots = 65 feet
Minimum Lot Depth	80 feet
Minimum Lot Frontage	20 feet
Setbacks	
Front yard	20 feet
Rear yard	15 feet, except garages and carports taking access on the front of the property shall be 20 feet.
Side yard	10 feet, except corner lots where the interior side yard is a minimum of 10 feet, the rear yard may be reduced to a minimum of 5 feet. All vehicular parking spaces not less than 14 feet from the centerline of the alley.
Other setbacks	<u>Alley side</u> - 5 feet. Interior side - 1 story- 5 feet; 2 stories - 10 feet; 3 stories - 15 feet. <u>Street side</u> - 10 feet, except garages taking access shall be 20 feet. Swimming pools and accessory buildings and structures shall conform to the above yard requirements.
Maximum Building Height	
Single-family	3 stories or 36 feet
All other buildings	2 1/2 stories or 30 feet
Maximum Lot Coverage	40 percent

For a flag lot, the setbacks and minimum lot size shall be measured using only the buildable portion of the lot (where the lot is of sufficient size to contain the primary structure with setbacks), so that the “pole” or narrow portion used as an access route shall not be included as a part of any measured setback or lot size requirement, except access.



5.5.0 **Parking.** Off-street parking shall be provided in accordance with Section 16.4.0.

5.6.0 **Signs.** Signs shall be provided in accordance with Chapter 27.

5.7.0 **Fences.**

A. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials.

B. Fences are limited to no more than six (6) feet in height, except that in the front yard setback area (including side yard fences) sight-obscuring fences shall be no more than three (3) feet in height.

5.8.0 **Special Standards for Uses in the Community Residential Zone.** The following special standards apply to the particular uses listed in this subsection, in addition to and not as a substitute for the requirements applicable to all uses in the zone. Uses which are allowed as conditional uses in the Residential Zone, whether or not these uses are listed in this subsection, will be subject to the Conditional Use standards and to any conditions that may be applied as part of the conditional use process.

A. Guest House. Must be located in the rear or side yard, but not on a street side yard. Must be separated from the primary use and other accessory structures by a minimum of five feet. Provision for additional parking shall be made as if the lot contained a duplex.

B. Manufactured Home on Individual Lot. Manufactured homes are permitted on individual parcels or lots (one to each parcel or lot) outside Manufactured Home Parks, in accordance with the placement standards set forth below:

1. The manufactured home shall be a Class A manufactured home.
2. 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 12 inches above grade.
3. The manufactured home shall have a pitched roof, with a slope of at least a nominal 3/12.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning staff on review of the application.

5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured home shall have a garage or carport constructed of like materials, which shall be detached where such is consistent with the predominant construction of immediately surrounding dwellings.

C. Home Occupations.

1. A home occupation permit shall be obtained prior to conducting a home occupation. The applicant for a home occupation shall sign an agreement acknowledging compliance with the conditions listed below.
2. Home occupations in operation at the time this Code is adopted are considered Nonconforming Uses as described in Chapter 19, (Nonconforming Uses).
3. New home occupations shall comply with the following conditions at all times:
 - a. One non-illuminating wall sign is allowed not more than 1-1/2 square feet in area. No other display shall be allowed that indicates from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
 - b. The building shall retain the characteristics of a single-family dwelling.
 - c. There shall be no outside storage of materials visible from public property or adjacent private property.
 - d. There shall be no more than three (3) persons other than family members employed at the home occupation.
 - e. There shall be no sales of products or services not produced on the premises, except for the incidental sale of products commonly associated with, or provided as a part of, the services carried out on the premises.
 - f. Not more than 25 percent of the floor area of the home occupation dwelling and an accessory building shall be used in the conduct of the home occupation.
 - g. There shall be no offensive noise, vibration, dust, odors, heat, electrical interference, or glare noticeable resulting from the home occupation at or beyond the property line.
 - h. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal for the District in which it is located.

CHAPTER 6

LOW DENSITY RESIDENTIAL ZONE (R-1)

Sections:

- 6.1.0 Purpose
- 6.2.0 Permitted Uses
- 6.3.0 Conditional Uses
- 6.4.0 Development Standards and Requirements
- 6.5.0 Parking
- 6.6.0 Signs
- 6.7.0 Fences
- 6.8.0 Special Standards

6.1.0 **Purpose.** The purpose of the Low Density Residential Zone is to provide opportunities for residential uses in Westfir. The primary uses within the zone shall be single-family dwellings with a minimum lot size of 8,000 square feet. It is assumed that one-half of all development in this zone will be on one-quarter acre lots; one-quarter will be on one-third acre lots; and one-quarter will be on one-half acre lots. Additional uses that can coexist with the residential character of the zone, which will be predominantly associated public uses will also be allowed.

6.2.0 **Permitted Uses.** The following uses are permitted in this zone after issuance of a development permit; which may be issued upon determination of compliance with Section 3.4 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Agriculture, including the growing and raising of trees, vines, shrubs, vegetables, nursery stock, hay, grains and similar food and fiber products, but not including raising animals for commercial purposes, except that raising animals commonly recognized as household pets (dogs, cats, etc.) is permitted, subject to other restrictions (i.e. kennels, etc.).
- B. Family Child Care Home.
- C. Guest house.
- D. Home occupations.
- E. Manufactured homes on individual lots.
- F. Residential Home.

- G. Single-family dwellings (One per lot or parcel).
- H. Subdivision (residential) including manufactured home subdivisions.

6.3.0 **Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. Additional accessory buildings after initial approval of the use must be subject to conditional use approval.

- A. Bed and Breakfast, Boarding, Lodging, or Rooming House.
- B. Cemeteries.
- C. Church.
- D. Duplex on non-corner lot.
- E. Public and semi-public buildings and uses, including but not limited to, fire stations, substation, pump stations, wells, parks, playgrounds, libraries and community centers.
- F. Residential Facility (as per ORS 197.667).
- G. One neighborhood commercial facility.

6.4.0 **Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Additional standards for certain developments may be found in other sections, especially in Chapter 26 (Land Divisions). Non-residential uses in this zone include Family Day Care Facilities; Churches; Schools; Civic; Cemeteries; Day Care Facilities; Bed and Breakfast, Boarding, Lodging or Rooming Houses; a neighborhood– scale commercial facility; and Public and Semi-public buildings.

TABLE 6.4.1
Residential Uses

****The average of all lot sizes created during any subdivision process shall be 9,500 square feet or more, as long as this provision for average lot size is not modified or waived by the city during the master plan or tentative subdivision process.**

Minimum Lot Size**	8,000 square feet
Minimum Lot Width	80 feet
Minimum Lot Depth	80 feet
Minimum Lot Frontage	60 feet

Setbacks	
Front yard	20 feet
Rear yard	5 feet, unless abutting an alley, then 1 foot
Side yard	5 feet on each side
Street side yard	10 feet, except carports and garages shall be 20 feet
Maximum Building Height	
Accessory Buildings	1 story or 15 feet
All other buildings	2 stories or 36 feet
Maximum Lot Coverage	50 percent

For a flag lot, the setbacks and minimum lot size shall be measured using only the buildable portion of the lot (where the lot is of sufficient size to contain the primary structure with setbacks), so that the “pole” or narrow portion used as an access route shall not be included as a part of any measured setback or lot size requirement, except access.

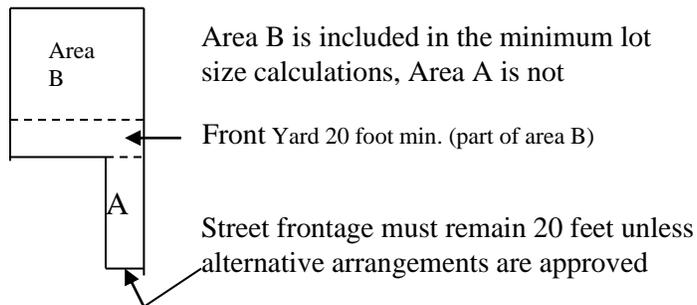


TABLE 6.4.2
Other Uses

Minimum Lot Size	
Non-structural uses (agricultural, cemeteries)	None.
Day Care	14,500 square feet for Family Day Care, 14,500 square feet for Day Care Facility.
Visiting or Residence Care Facility (Residential Home)	14,500 square feet.
Neighborhood-scale commercial facility	15,000 square feet
Public uses	10,000 square feet.
Minimum Lot Width	80 feet
Minimum Lot Depth	80 feet.
Minimum Lot Frontage	20 feet.
Setbacks	
Front yard	20 feet.
Rear yard	15 feet, unless abutting an alley, then 1 foot.

Side yard	15 feet on each side.
Street side yard	20 feet.
Maximum Building Height	
Accessory Buildings	1 story or 15 feet.
All other buildings	2 stories or 36 feet.
Maximum Lot Coverage	50 percent.

6.5.0 **Parking.** Off-street parking shall be provided in accordance with Section 16.4.0.

6.6.0 **Signs.** Signs shall be provided in accordance with Chapter 27.

6.7.0 **Fences.**

- A. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials.
- B. Fences are limited to no more than six (6) feet in height, except that in the front yard setback area (including side yard fences) sight-obscuring fences shall be no more than three (3) feet in height.

6.8.0 **Special Standards for Uses in the Residential Zone.** The following special standards apply to the particular uses listed in this subsection, in addition to and not as a substitute for the requirements applicable to all uses in the zone. Uses which are allowed as conditional uses in the Residential Zone, whether or not these uses are listed in this subsection, will be subject to the Conditional Use standards and to any conditions that may be applied as part of the conditional use process.

A. Guest House. Must be located in the rear or side yard, but not on a street side yard. Must be separated from the primary use and other accessory structures by a minimum of five feet. Provision for additional parking shall be made as if the lot contained a duplex.

B. Manufactured Home on Individual Lot. Manufactured homes are permitted on individual parcels or lots (one to each parcel or lot) outside Manufactured Home Parks, in accordance with the placement standards set forth below:

1. The manufactured home shall be a Class A manufactured home.
2. 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 12 inches above grade.

3. The manufactured home shall have a pitched roof, with a slope of at least a nominal 3/12.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning staff on review of the application.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured home shall have a garage or carport constructed of like materials, which shall be detached where such is consistent with the predominant construction of immediately surrounding dwellings.

C. Home Occupations.

1. A home occupation permit shall be obtained prior to conducting a home occupation. The applicant for a home occupation shall sign an agreement acknowledging compliance with the conditions listed below.
2. Home occupations in operation at the time this Code is adopted are considered Nonconforming Uses as described in Chapter 19, (Nonconforming Uses).
3. New home occupations shall comply with the following conditions at all times:
 - a. One non-illuminating wall sign is allowed not more than 1-1/2 square feet in area. No other display shall be allowed that indicates from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
 - b. The building shall retain the characteristics of a single-family dwelling.
 - c. There shall be no outside storage of materials visible from public property or adjacent private property.
 - d. There shall be no more than three (3) persons other than family members employed at the home occupation.
 - e. There shall be no sales of products or services not produced on the premises, except for the incidental sale of products commonly associated with, or provided as a part of, the services carried out on the premises.

- f. Not more than 25 percent of the floor area of the home occupation dwelling and an accessory building shall be used in the conduct of the home occupation.
- g. There shall be no offensive noise, vibration, dust, odors, heat, electrical interference, or glare noticeable resulting from the home occupation at or beyond the property line.
- h. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal for the District in which it is located.

CHAPTER 7

MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

Sections:

- 7.1.0 Purpose
- 7.2.0 Permitted Uses
- 7.3.0 Conditional Uses
- 7.4.0 Development Standards and Requirements
- 7.5.0 Parking
- 7.6.0 Signs
- 7.7.0 Fences
- 7.8.0 Special Standards

7.1.0 Purpose. The purpose of the Medium Density Residential Zone is to provide opportunities for residential uses in Westfir. The primary uses within the zone shall be single-family dwellings with a minimum lot size of 8,000 square feet. This zone is intended to allow up to three units per lot. Additional uses that can coexist with the residential character of the zone, which will be predominantly associated public uses will also be allowed.

7.2.0 Permitted Uses. The following uses are permitted in this zone after issuance of a development permit; which may be issued upon determination of compliance with Section 3.4 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Agriculture, including the growing and raising of trees, vines, shrubs, vegetables, nursery stock, hay, grains and similar food and fiber products, but not including raising animals for commercial purposes, except that raising animals commonly recognized as household pets (dogs, cats, etc.) is permitted, subject to other restrictions (i.e. kennels, etc.).
- B. Family Child Care Home.
- C. Guest house
- D. Home occupations
- E. Manufactured homes on individual lots
- F. Residential Home.
- G. Single-family dwellings (One per lot or parcel).

H. Subdivision (residential) including manufactured home subdivisions.

I. Multiple-family residences (Up to three units per lot).

7.3.0 **Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. Additional accessory buildings after initial approval of the use must be subject to conditional use approval.

A. Bed and Breakfast, Boarding, Lodging, or Rooming House.

B. Cemeteries.

C. Church.

D. Duplex on non-corner lot.

E. Public and semi-public buildings and uses, including but not limited to, fire stations, substation, pump stations, wells, parks, playgrounds, libraries and community centers.

F. Residential Facility (as per ORS 197.667).

7.4.0 **Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Additional standards for certain developments may be found in other sections, especially in Chapter 26 (Land Divisions). Non-residential uses in this zone include Family Day Care Facilities; Churches; Schools; Civic; Cemeteries; Day Care Facilities; Bed and Breakfast, Boarding, Lodging or Rooming Houses; and Public and Semi-public buildings.

TABLE 7.4.1
Residential Uses

****The average of all lot sizes created during any subdivision process shall be 9,500 square feet or more, as long as this provision for average lot size is not modified or waived by the city during the master plan or tentative subdivision process.**

Minimum Lot Size**	
Single family dwelling/manufactured home on individual lot or res. home	8,000 square feet
Duplex	14,500 square feet
Multi-family dwelling	14,500 square feet for 3 dwelling units

Minimum Lot Width	80 feet
Minimum Lot Depth	80 feet
Minimum Lot Frontage	60 feet
Setbacks	.
Front yard	20 feet
Rear yard	5 feet, unless abutting an alley, then 1 foot
Side yard	5 feet on each side
Street side yard	10 feet, except carports and garages shall be 20 feet
Maximum Building Height	
Accessory Buildings	1 story or 15 feet
All other buildings	2 stories or 36 feet
Maximum Lot Coverage	50 percent

For a flag lot, the setbacks and minimum lot size shall be measured using only the buildable portion of the lot (where the lot is of sufficient size to contain the primary structure with setbacks), so that the “pole” or narrow portion used as an access route shall not be included as a part of any measured setback or lot size requirement, except access.

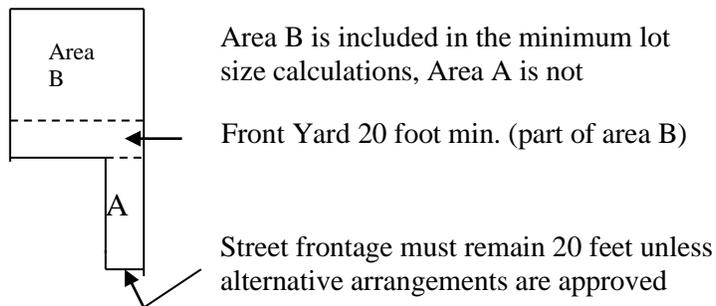


TABLE 7.4.2
Other Uses

Minimum Lot Size	
Non-structural uses (agricultural, cemeteries)	None.
Day Care	14,500 square feet for Family Day Care, 14,500 square feet for Day Care Facility.
Visiting or Residence Care Facility (Residential Home)	14,500 square feet.
Public uses	10,000 square feet.
Minimum Lot Width	80 feet
Minimum Lot Depth	80 feet.
Minimum Lot Frontage	20 feet.
Setbacks	
Front yard	20 feet.

Rear yard	15 feet, unless abutting an alley, then 1 foot.
Side yard	15 feet on each side.
Street side yard	20 feet.
Maximum Building Height	
Accessory Buildings	1 story or 15 feet.
All other buildings	2 stories or 36 feet.
Maximum Lot Coverage	50 percent.

7.5.0 Parking. Off-street parking shall be provided in accordance with Section 16.4.0.

7.6.0 Signs. Signs shall be provided in accordance with Chapter 27.

7.7.0 Fences.

- A. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials.
- B. Fences are limited to no more than six (6) feet in height, except that in the front yard setback area (including side yard fences) sight-obscuring fences shall be no more than three (3) feet in height.

7.8.0 Special Standards for Uses in the Residential Zone. The following special standards apply to the particular uses listed in this subsection, in addition to and not as a substitute for the requirements applicable to all uses in the zone. Uses which are allowed as conditional uses in the Residential Zone, whether or not these uses are listed in this subsection, will be subject to the Conditional Use standards and to any conditions that may be applied as part of the conditional use process.

A. Guest House. Must be located in the rear or side yard, but not on a street side yard. Must be separated from the primary use and other accessory structures by a minimum of five feet. Provision for additional parking shall be made as if the lot contained a duplex.

B. Manufactured Home on Individual Lot. Manufactured homes are permitted on individual parcels or lots (one to each parcel or lot) outside Manufactured Home Parks, in accordance with the placement standards set forth below:

- 1. The manufactured home shall be a Class A manufactured home.
- 2. 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 12 inches above grade.

3. The manufactured home shall have a pitched roof, with a slope of at least a nominal 3/12.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning staff on review of the application.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured home shall have a garage or carport constructed of like materials, which shall be detached where such is consistent with the predominant construction of immediately surrounding dwellings.

C. Home Occupations.

1. A home occupation permit shall be obtained prior to conducting a home occupation. The applicant for a home occupation shall sign an agreement acknowledging compliance with the conditions listed below.
2. Home occupations in operation at the time this Code is adopted are considered Nonconforming Uses as described in Chapter 19.
3. New home occupations shall comply with the following conditions at all times:
 - a. One non-illuminating wall sign is allowed not more than 1-1/2 square feet in area. No other display shall be allowed that indicates from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
 - b. The building shall retain the characteristics of a single-family dwelling.
 - c. There shall be no outside storage of materials visible from public property or adjacent private property.
 - d. There shall be no more than three (3) persons other than family members employed at the home occupation.
 - e. There shall be no sales of products or services not produced on the premises, except for the incidental sale of products commonly associated with, or provided as a part of, the services carried out on the premises.

- f. Not more than 25 percent of the floor area of the home occupation dwelling and an accessory building shall be used in the conduct of the home occupation.
- g. There shall be no offensive noise, vibration, dust, odors, heat, electrical interference, or glare noticeable resulting from the home occupation at or beyond the property line.
- h. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal for the District in which it is located.

CHAPTER 8

HIGH DENSITY RESIDENTIAL ZONE (R-3)

Sections:

- 8.1.0 Purpose
- 8.2.0 Permitted Uses
- 8.3.0 Conditional Uses
- 8.4.0 Development Standards and Requirements
- 8.5.0 Parking
- 8.6.0 Signs
- 8.7.0 Fences
- 8.8.0 Special Standards

8.1.0 **Purpose.** The purpose of the High Density Residential Zone is to provide opportunities for residential uses in Westfir. The primary uses within the zone shall be single-family dwellings with a minimum lot size of 8,000 square feet. This zone is intended to allow up to ten units per lot. Additional uses that can coexist with the residential character of the zone, which will be predominantly associated public uses will also be allowed.

8.2.0 **Permitted Uses.** The following uses are permitted in this zone after issuance of a development permit; which may be issued upon determination of compliance with Section 3.4 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Agriculture, including the growing and raising of trees, vines, shrubs, vegetables, nursery stock, hay, grains and similar food and fiber products, but not including raising animals for commercial purposes, except that raising animals commonly recognized as household pets (dogs, cats, etc.) is permitted, subject to other restrictions (i.e. kennels, etc.).
- B. Family Child Care Home.
- C. Guest house
- D. Home occupations
- E. Manufactured homes on individual lots
- F. Residential Home.
- G. Single-family dwellings (One per lot or parcel).

- H. Subdivision (residential) including manufactured home subdivisions
- I. Multiple-family residences (Between six and 10 units per lot.)

8.3.0 **Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. Additional accessory buildings after initial approval of the use must be subject to conditional use approval.

- A. Bed and Breakfast, Boarding, Lodging, or Rooming House.
- B. Cemeteries.
- C. Church.
- D. Duplex on non-corner lot.
- E. Public and semi-public buildings and uses, including but not limited to, fire stations, substation, pump stations, wells, parks, playgrounds, libraries and community centers.
- F. Residential Facility (as per ORS 197.667).

8.4.0 **Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Additional standards for certain developments may be found in other sections, especially in Chapter 26 (Land Divisions). Non-residential uses in this zone include Family Day Care Facilities; Churches; Schools; Civic; Cemeteries; Day Care Facilities; Bed and Breakfast, Boarding, Lodging or Rooming Houses; and Public and Semi-public buildings.

TABLE 8.4.1
Residential Uses

****The average of all lot sizes created during any subdivision process shall be 9,500 square feet or more, as long as this provision for average lot size is not modified or waived by the city during the master plan or tentative subdivision process.**

Minimum Lot Size**	
Single family dwelling/manufactured home on individual lot or res. Home	8,000 square feet
Duplex, Triplex and others	Up to five (5) units per lot
Multi-family dwelling	17,500 square feet for 6-10 dwelling units per lot

Minimum Lot Width	80 feet
Minimum Lot Depth	80 feet
Minimum Lot Frontage	60 feet
Setbacks	
Front yard	20 feet
Rear yard	5 feet, unless abutting an alley, then 1 foot
Side yard	5 feet on each side
Street side yard	10 feet, except carports and garages shall be 20 feet
Maximum Building Height	
Accessory Buildings	1 story or 15 feet
All other buildings	2 stories or 36 feet
Maximum Lot Coverage	75 percent

For a flag lot, the setbacks and minimum lot size shall be measured using only the buildable portion of the lot (where the lot is of sufficient size to contain the primary structure with setbacks), so that the “pole” or narrow portion used as an access route shall not be included as a part of any measured setback or lot size requirement, except access.

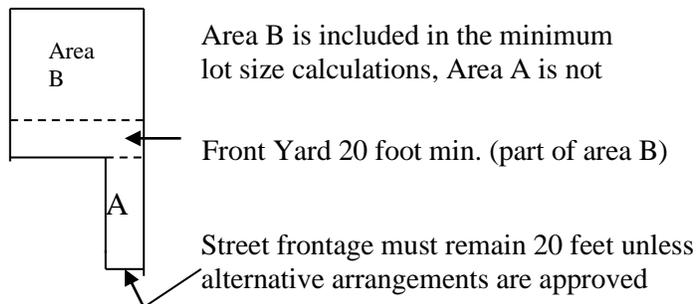


TABLE 8.4.2
Other Uses

Minimum Lot Size	
Non-structural uses (agricultural, cemeteries)	None.
Day Care	14,500 square feet for Family Day Care, 14,500 square feet for Day Care Facility.
Visiting or Residence Care Facility (Residential Home)	14,500 square feet.
Public uses	10,000 square feet.
Minimum Lot Width	80 feet
Minimum Lot Depth	80 feet.
Minimum Lot Frontage	20 feet.
Setbacks	
Front yard	20 feet.

Rear yard	15 feet, unless abutting an alley, then 1 foot.
Side yard	15 feet on each side.
Street side yard	20 feet.
Maximum Building Height	
Accessory Buildings	1 story or 15 feet.
All other buildings	2 stories or 36 feet.
Maximum Lot Coverage	50 percent.

8.5.0 Parking. Off-street parking shall be provided in accordance with Section 16.4.0.

8.6.0 Signs. Signs shall be provided in accordance with Chapter 27.

8.7.0 Fences.

- A. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials.
- B. Fences are limited to no more than six (6) feet in height, except that in the front yard setback area (including side yard fences) sight-obscuring fences shall be no more than three (3) feet in height.

8.8.0 Special Standards for Uses in the Residential Zone. The following special standards apply to the particular uses listed in this subsection, in addition to and not as a substitute for the requirements applicable to all uses in the zone. Uses which are allowed as conditional uses in the Residential Zone, whether or not these uses are listed in this subsection, will be subject to the Conditional Use standards and to any conditions that may be applied as part of the conditional use process.

A. Guest House. Must be located in the rear or side yard, but not on a street side yard. Must be separated from the primary use and other accessory structures by a minimum of five feet. Provision for additional parking shall be made as if the lot contained a duplex.

B. Manufactured Home on Individual Lot. Manufactured homes are permitted on individual parcels or lots (one to each parcel or lot) outside Manufactured Home Parks, in accordance with the placement standards set forth below:

1. The manufactured home shall be a Class A manufactured home.
2. 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 12 inches above grade.

3. The manufactured home shall have a pitched roof, with a slope of at least a nominal 3/12.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning staff on review of the application.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured home shall have a garage or carport constructed of like materials, which shall be detached where such is consistent with the predominant construction of immediately surrounding dwellings.

C. Home Occupations.

1. A home occupation permit shall be obtained prior to conducting a home occupation. The applicant for a home occupation shall sign an agreement acknowledging compliance with the conditions listed below.
2. Home occupations in operation at the time this Code is adopted are considered Nonconforming Uses as described in Chapter 19.
3. New home occupations shall comply with the following conditions at all times:
 - a. One non-illuminating wall sign is allowed not more than 1-1/2 square feet in area. No other display shall be allowed that indicates from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
 - b. The building shall retain the characteristics of a single-family dwelling.
 - c. There shall be no outside storage of materials visible from public property or adjacent private property.
 - d. There shall be no more than three (3) persons other than family members employed at the home occupation.
 - e. There shall be no sales of products or services not produced on the premises, except for the incidental sale of products commonly associated with, or provided as a part of, the services carried out on the premises.

- f. Not more than 25 percent of the floor area of the home occupation dwelling and an accessory building shall be used in the conduct of the home occupation.
- g. There shall be no offensive noise, vibration, dust, odors, heat, electrical interference, or glare noticeable resulting from the home occupation at or beyond the property line.
- h. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal for the District in which it is located.

CHAPTER 9

MIXED USE ZONE (MU)

Sections:

- 9.1.0 Purpose
- 9.2.0 Permitted Uses
- 9.3.0 Conditional Uses
- 9.4.0 Development Standards and Requirements
- 9.6.0 Parking
- 9.7.0 Signs
- 9.8.0 Other Requirements
- 9.9.0 Special Standards for Mixed Uses

9.1.0 **Purpose.** The purpose of the Mixed Use Zone is to accommodate a mixture of low and multi-family residential development and commercial uses that attract shoppers from a community or a larger market area.

9.2.0 **Permitted Uses.** The following uses are permitted in this zone after issuance of a site review permit; which may be issued upon determination of compliance with Section 3.6 and the additional requirements set forth in this section. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Bed and breakfast, boarding, lodging, or rooming home.
- B. Business, technical, and instructional facilities.
- C. Civic, social, and fraternal organizations.
- D. Clinics and health services, including animal clinics except that animals may be boarded overnight only when being medically treated in the clinic.
- E. Commercial indoor recreation uses, such as athletic clubs, spas, bowling lanes, theatres, dance halls, pool halls, and skating rinks.
- F. Family Child Care Home.
- G. Delicatessens and sit-down restaurants, including espresso shops and taverns.
- H. Single-family residences.
- I. Grocery stores or supermarkets.

- J. Hardware or building material retail sales, not including bulk sales of landscaping materials and rock products.
- K. Hospital, convalescent care, nursing, residential home, residential facility, or rest home.
- L. Hotel or motel.
- M. Multi-family development up to six units per acre.
- N. Museums, galleries or studios for art and dance.
- O. New residences on ground floor that are necessary or accessory to the permitted commercial use.
- P. New residences on second story.
- Q. Nursery/greenhouse.
- R. Parking garages and parking lots.
- S. Personal services, including but not limited to: banks and other financial institutions, barber and beauty shops, catering establishments, general business offices, laundry services, pharmacies, printing, publishing, and newspaper offices and professional offices.
- T. Public or private golf courses.
- U. Public and semi-public buildings, park, playground or recreational facilities limited to performing arts studios, arcades, athletic fields, bowling alleys and similar uses.
- V. Religious, social and public institutions.
- W. Residential home or group home.
- X. Retail businesses that do not exceed a total of 5,000 square feet of floor space devoted to commercial and residential uses.
- Y. Services, sales, rental and repair, including but not limited to bicycles, business machines, gunsmith, locksmith, shoes, small appliances and computers and electronic equipment, including support and development of computers and electronic equipment.
- Z. Other uses similar in nature.

9.3.0 **Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21 and any other requirements established in this section for the use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval.

- A. Automobile service stations, including automobile maintenance and repair which shall be conducted entirely within an enclosed building.
- B. Automobile, boat, truck, recreational vehicle, manufactured home, agricultural implements, or trailer sales, including fuel, service, repair, or maintenance provided that all repairs shall be conducted entirely within an enclosed building.
- C. Car washes.
- D. Kennels.
- E. Motels, hotels, hostels, and lodges.
- F. Retail bulk sales of landscaping materials and rock products.
- G. Retail sales and dispensing of any gasoline products or diesel without accessory service bays.
- H. Small scale manufacturing provided that the front 25 feet of the building is used for commercial sales or business or professional offices.
- I. Storage and warehousing.
- J. Truck fuel sales, truck servicing, and overnight trucking facilities.
- K. Wholesale sales.

9.4.0 **Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone.

Minimum Lot Size	For single family residential uses, minimum lot size will be 8,000 square feet although the average of all lot sizes created during any subdivision process will be 9,500 square feet or more, as long as this provision for average lot size is not modified or waived by the city during the master plan or tentative subdivision processes.
Minimum Lot Width	For single family residential uses, minimum lot width will be 80 feet.
Setbacks	
Front yard	None, except where specified setbacks are established for street widening purposes.
Rear yard	None, except where a commercial zone abuts a residential zone, then a 10 foot setback shall be provided.
Side yard	None, except where a commercial zone abuts a residential zone, then a 5 foot setback shall be provided. Where side or rear yards are created, they shall be a minimum of 3 feet wide.
Maximum Building Height	3 stories or 36 feet.
Maximum Lot Coverage	100 percent when minimum loading space, parking, and setbacks are provided.

9.6.0 **Parking.** Off-street parking shall be provided in accordance with Section 16.4.0 of this Code.

9.7.0 **Signs.** Signs shall be provided in accordance with Chapter 27 of this Code.

9.8.0 **Other Requirements.**

9.8.1 **Landscaping.** No landscaping will be required when no space for landscaping is available, such as where there are no yard or parking or other standards that require a portion of the parcel remain unoccupied by structures. All yards adjacent to a street exclusive of accessways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one year may be issued if the developer posts a bond with the city. Plants native to the southern Willamette Valley are encouraged. Minimum landscaping acceptable per 1,000 square feet of required yard area is as follows:

- A. One tree at least six feet in height.

- B. Four 1-gallon shrubs or accent plants.
- C. The remaining area treated with suitable living ground cover, lawn, decorative treatment or bark, rock, other attractive ground cover.

Parking lots must be landscaped in accordance with the standards set forth in Section 16.4.0 of this Code.

9.8.2 Outside Storage. Outside storage or display of materials; junk, parts or merchandise shall not be permitted within required front yards or parking lots, except as follows:

Seasonal or special displays of merchandise for sale are allowed when the merchandise is removed during non-business hours and the total cumulative time of display or sale during a calendar year does not exceed 120 days. Outside storage is permitted except in the front yard, provided such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm. This enclosure shall be located on the property at the required setback line.

9.8.3 Screening of Refuse Containers. Any refuse container or disposal area which would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight obscuring gate, fence, wall, or hedge a minimum of 6 feet in height. All refuse materials shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window.

9.8.4 Fences.

- A. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except that barbed wire is permitted atop a six (6) foot chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet.
- B. Fences are limited to the height and location standards listed below:
 - 1. For commercial uses, fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard setback area and outside of any vision clearance area.
 - 2. For residential uses, fences are limited to no more than six (6) feet in height, except that in the front yard setback area (including side yard fences) fences or sight-obscuring landscaping shall be no more than three (3) feet in height.
 - 3. Fences more than six (6) feet in height require Building Permits.

- C. Wherever a sight-obscuring fence, wall, or hedge is required under the provisions of this Code, it must meet the following provisions:
1. In order to be “sight obscuring,” fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting.
 2. Fences and wall will be a minimum of six (6) feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height, and health when planted.
 3. Fences and walls must be maintained in safe condition and opacity must be maintained as required in subsection “1” above. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection “1” of this section is not met.

9.8.5 Loading Standards. All necessary loading spaces for commercial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- A. The minimum area required for commercial loading is as follows:
1. 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
 2. 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
 3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- B. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- C. The required loading area shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- E. Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

9.8.6 Vision Clearance. Vision clearance for corner lots on streets with widths of less than 60 feet shall be a minimum of one foot of vision clearance for each foot of street width, up

to a maximum required distance of ten (10) feet. The area of vision clearance shall be from the curb or walk level to a minimum height of eight (8) feet.

9.9.0 Special Standards Particular Uses

- A. Personal Services. Shall not exceed 2,000 square feet of floor space devoted to commercial uses and shall be housed in structures designed to be consistent with the character of surrounding residential development.
- B. Non-Residential Development. Shall be subject to site review permits; shall be limited to an equivalent of four(4) full-time employees working at any one time on the premises; and, prior to connection with the Sewage Treatment Plant, shall not utilize sewer services in excess of an equivalent to five (5) residential households (2.5 pounds of Biological Oxygen Demand (BOD) per day).

CHAPTER 10

COMMUNITY COMMERCIAL ZONE (CC)

Sections:

- 10.1.0 Purpose
- 10.2.0 Permitted Uses
- 10.3.0 Conditional Uses
- 10.4.0 Development Standards and Requirements
- 10.5.0 Parking
- 10.6.0 Signs
- 10.7.0 Fences

10.1.0 **Purpose.** To create and preserve areas suitable for commercial uses and services on a broad basis to serve as the central or principal downtown area for the community.

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, shall be developed for such purposes.

10.2.0 **Permitted Uses.** The following uses are permitted in this zone after issuance of a development permit; which may be issued upon determination of compliance with Section 3.4 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

A. All retail uses that are conducted entirely within a building.

B. Retail and Wholesale Stores, sales and display rooms and lots providing that:

1. Yards and open buildable areas shall not be used for the storage or display of used materials or for any scrap or salvage operation, storage or sale.
2. Where there is manufacturing, compounding, processing or treatment of products for sale only on the development site, the front 25 feet of the building's ground floor facing the principal commercial street shall be used for commercial sales or business or professional offices.
3. Any use allowed must not be objectionable due to odor, dust, smoke, noise, vibration or appearance.

- C. Administrative, business, professional, technical, medical and dental offices or "groups."
- D. Personal service use.
- E. Banks, lending agencies, and financial institutions.
- F. Art gallery, museum, library, or other cultural uses.
- G. Caterers, bakeries, provided the primary retail outlet is on the development site.
- H. Cleaning plants and laundry pickup stations, using only non-flammable hydrocarbons in a sealed unit as the cleansing agent.
- I. Newspapers, publishing houses, printing shops, cartographer and duplicating processes such as blueprinting or photostating.
- J. Private clubs, lodges and fraternities, provided that the front 25 feet of the building's ground floor facing the principal commercial street, shall be used for commercial or business purposes.
- K. Eating and drinking establishments, other than "drive-in's."
- L. Tour, travel and ticket agencies.
- M. Business, technical or trade schools; art, modeling, music, dancing, photographic or other similar studios or academies.
- N. Residential use provided that a dwelling unit does not occupy the front 25 feet of the building's ground floor facing the principal commercial street, except that one six-foot wide separate entrance to the residential uses may be allowed off the principal commercial street at the ground floor.
- O. Accessory buildings and uses normal and incidental to the uses permitted in this Section.

10.3.0 **Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. Additional accessory buildings after initial approval of the use must be subject to conditional use approval.

- A. Amusement establishments.
- B. Automobile and truck sales and service, except body and fender and paint shops.

- C. Service stations.
- D. Recreational vehicle sales and services; boat sales and service.
- E. Mobile home sales and service.
- F. Motels and motor hotels.
- G. Public parking areas and structures.
- H. Retail and service commercial "drive-in" uses.
- I. Public and semi-public buildings--fire stations, libraries, substations, reservoirs--essential to the physical, social and economic welfare of the area.
- J. Churches, except rescue missions or temporary revivals.
- K. Planned Unit Development as set forth in Chapter 15.

10.4.0 Development Standards and Requirements. Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Additional standards for certain developments may be found in other sections, especially in Chapter 26 (Land Divisions).

TABLE 10.4.1
Commercial Uses

Setbacks	
Front yard	None, except where established for street widening purposes.
Rear yard	None, except where a commercial zone abuts a residential zone, a 10-foot rear yard may be required.
Side yard	None, except: <ul style="list-style-type: none"> a. Except where established for street widening purposes. b. Where a commercial use abuts a residential zone, a five-foot side yard may be required. c. Where side yards are created, they shall be a minimum of three feet wide and three feet deep, providing no structural improvements, except road surfacing, shall be allowed within seven feet of the center line of an alley

Maximum Building Height	
Accessory Buildings	1 story or 15 feet.
All other buildings	2 stories or 25 feet.
Maximum Lot Coverage	100 percent, when minimum loading space, parking and setbacks are provided.

10.5.0 **Parking.** Off-street parking shall be provided in accordance with Section 16.4.0.

10.6.0 **Signs.** Signs shall be provided in accordance with Chapter 27.

10.7.0 **Vision Clearance.** Vision clearance for corner lots on street with rights-of-way less than 60 feet in width shall be a minimum of one foot vision clearance for each foot of width less than 60 feet, provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

CHAPTER 11

LIMITED INDUSTRIAL ZONE (I)

Sections:

- 11.1.0 Purpose
- 11.2.0 Permitted Uses
- 11.3.0 Conditional Uses
- 11.4.0 Development Standards and Requirements

11.1.0 Purpose. To provide areas for a wide range of manufacturing, assembly, packaging, wholesaling and related activities and a limited range of uses such as offices, commercial services and retail commercial, when included as mixed use developments.

11.2.0 Permitted Uses. The following uses are permitted in this zone after issuance of a site review permit; which may be issued upon determination of compliance with Chapter 23 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Lumber and wood products, including secondary wood products.
- B. Publishing, including newspaper publishing.
- C. Manufacturing, fabrication and processing of materials, including but not limited to: machine parts; fabricated structural metal products; and electronic and communication components, systems and equipment. Rock quarries, and rock crushing or processing shall not be a permitted use.
- D. Warehousing, wholesaling and storage.
- E. Other establishments engaged in manufacturing, processing, packing, assembly, publishing, distribution, repair, finishing, or refinishing, testing, fabrication, research and development and servicing activities. Examples of uses include: aircraft or automobile parts, bottling plants, bakery products fabricated textile products and building materials.

11.3.0 Conditional Uses. The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval.

- A. Telecommunications facilities, including radio and wireless telephone towers, whether as a secondary use on a parcel with an existing industrial use, or as a single use. Wherever technologically possible, such initial uses shall provide for collocation of possible later uses.
- B. Other industrial uses (manufacturing, wholesaling or related activities) not listed as a permitted use, including recycling centers, salvage yards and the like.
- C. Large scale commercial uses.

11.4.0 Development Standards and Requirements. Except as otherwise provided in this Section, the following standards apply to all uses in this zone.

11.4.1 Height Limits. Three stories or 50 feet, whichever is less.

11.4.2 Minimum Yard Requirements.

- A. Front: 20 feet
- B. Side: None, except when contiguous to a Residential Zoning District, then 30 feet. Corner lots shall have a side yard of 15 feet on the street side.

11.4.3 Minimum Lot Area and Dimensions.

- A. Area: 10,000 square feet.
- B. Width: 100 feet.

11.4.4 Lot Coverage. One hundred percent when minimum parking space, loading space, vision clearance and required yards are provided.

11.4.5 Vision Clearance.

- A. Corner lots shall be not less than 20 feet.
- B. Alley/street or driveway/street shall be not less than ten (10) feet.

11.4.6 Parking. Off-street parking shall be provided in accordance with Chapter 16 of this Ordinance.

11.4.7 Signs. Signs shall be provided in accordance with Chapter 27 of this Ordinance.

11.4.8 Landscaping. No landscaping will be required when no yard is available. All yards adjacent to a street exclusive of accessways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one year may be issued if the developer posts a bond with the city.

Plants native to the southern Willamette Valley are encouraged. Minimum landscaping acceptable per 1,000 square feet of required yard area is as follows:

- A. One tree at least six feet in height.
- B. Four 1-gallon shrubs or accent plants.
- C. The remaining area treated with suitable living ground cover, lawn, decorative treatment or bark, rock, other attractive ground cover.

Parking lots must be landscaped in accordance with the standards set forth in Section 16 of this Ordinance.

11.4.10 Buffering and Screening. In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required which shall be at least a sight-obscuring fence or sight obscuring landscaping.

11.4.11 Outside Storage. Outside storage or display of materials; junk, parts or merchandise shall not be permitted within required front yards or parking lots.

11.4.12 Screening of Refuse Containers. Any refuse container or disposal area which would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight obscuring gate, fence, wall, or hedge a minimum of 6 feet in height. All refuse materials shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window.

11.4.13 Fences.

- A. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except that barbed wire is permitted atop a six (6) foot chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet.
- B. Fences are limited to the height and location standards listed below:
 - 1. Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard setback area and outside of any vision clearance area.
 - 2. Fences more than six (6) feet in height require Building Permits.
- C. Wherever a sight-obscuring fence, wall, or hedge is required under the provisions of this Code, it must meet the following provisions:

1. In order to be “sight obscuring,” fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
2. Fences and wall will be a minimum of six (6) feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height, and health when planted.
3. Fences and walls must be maintained in safe condition and opacity must be maintained as required in subsection “1” above. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection “1” of this section is not met.

11.4.14 Loading Standards. All necessary loading spaces for industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- A. The minimum area required for industrial loading is as follows:
 1. 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
 2. 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
 3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- B. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- C. The required loading area shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- E. Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

CHAPTER 12

PARK, RECREATION AND OPEN-SPACE ZONE (PRO-S)

Sections:

- 12.1.0 Purpose
- 12.2.0 Permitted Uses
- 12.3.0 Conditional Uses
- 12.4.0 Development Standards and Requirements
- 12.5.0 Parking
- 12.6.0 Signs
- 12.7.0 Vision Clearance

12.1.0 Purpose. It is the purpose of this zone to preserve and protect park, recreation and open-space lands that contribute to the general welfare, and safety, the full enjoyment, or the economic well-being of persons who reside, work, or travel in, near, or around them.

A. This zone may be established when found necessary in order:

1. To preserve any existing open land type of use which has been established, or is proposed, to encourage development around it such as a golf course, country club, park and recreation facility, etc., and investments have been or will be made in reliance upon the retention of such open type use.
2. To buffer an otherwise incompatible use or zone.
3. To preserve and maintain natural drainage ways, lakes (natural or artificial) areas unsuitable for intensive development by virtue of physical limitations and environmental control areas for the protection of resource areas and wildlife habitat.
4. To preserve a valuable scenic vista or an area of historical significance.
5. To separate neighborhoods for the purpose of maintaining a small-town atmosphere.

B. When establishing this zone, due regard shall be given the percentage of a total holding being zoned, the investment made or proposed to be made by private or public interests in reliance upon the retention of the open space, the proper balancing of public and private interests which are affected by such action.

C. When used as a buffer the land being zoned as a PRO-S Zone shall be part of the holding which creates the necessity for the buffer.

- D. In each instance, when this zone is established, the Planning Commission and Council must establish the findings and purpose for establishment of the zone or the values to be obtained, encouraged or preserved.

12.2.0 **Permitted Uses.** The following uses are permitted in this zone after issuance of a development permit; which may be issued upon determination of compliance with Section 3.4.0 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Public parks and playgrounds.
- B. Historical areas, structures, interpretive signs, and monuments.
- C. Natural features and vistas unique to the Urban Growth Area.
- D. Accessory buildings and uses normal and incidental to uses permitted in this Section.
- E. Wireless communications facilities are permitted only on PRO-S land associated with wastewater treatment facilities. Towers may be no greater than 130 feet in height and are not permitted within 500 feet of any residence.

12.3.0 **Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Chapter 21. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. Additional accessory buildings after initial approval of the use must be subject to conditional use approval.

- A. Private recreation uses involving no above ground structure except dressing rooms, swimming pool covers, recreation shelters and comfort stations.
- B. Cemeteries, provided the only accessory buildings are chapels, administration and maintenance buildings and the only interment facilities are at ground level or below and no mounds or grave markers extend above ground level.
- C. Public and semi-public buildings related to health and safety services--fire stations, substations, reservoirs, waste water treatment facilities--essential to the physical, social and economic welfare of the area.
- D. Bicycle, pedestrian and equestrian trails and paths.
- E. Planned Unit Development (PUD) as set forth in Chapter 15.

12.4.0 **Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Additional standards for certain developments may be found in other sections, especially in Chapter 26 (Land Divisions).

- A. Minimum Lot Size. None except specified as a condition of approval for a CUP, PUD or site design review.
- B. Minimum Yard Requirements. None except specified as a condition of approval for a CUP, PUD or site design review.
- C. Minimum Lot Area. None except specified as a condition of approval for a CUP, PUD or site design review.
- D. Maximum Building Height. Thirty–five feet unless a lesser standards is specified as a condition of approval for a CUP, PUD or site design review.
- E. Maximum Lot Coverage. None except specified as a condition of approval for a CUP, PUD or site design review.

12.5.0 **Parking.** Off-street parking shall be provided in accordance with Section 16.4.0.

12.6.0 **Signs.** Signs shall be provided in accordance with Chapter 27.

12.7.0 **Vision Clearance.** Vision clearance for corner lots on street with rights-of-way less than 60 feet in width shall be a minimum of one foot vision clearance for each foot of width less than 60 feet, provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of eight feet.

CHAPTER 13

FLOOD PLAIN OVERLAY (/FPD)

Sections:

- 13.1.0 Purpose
- 13.2.0 Designation of Special Flood Hazard Areas
- 13.4.0 Provisions for Flood Hazard Reduction
- 13.5.0 Review of all Proposed Construction Required
- 13.6.0 Criteria and Standards
- 13.7.0 Site Investigation Report
- 13.8.0 General Requirements
- 13.9.0 Grading, Excavating and Filling- General Requirements
- 13.10.0 Variances
- 13.11.0 Fees

13.1.0 **Purpose.** The /FP Flood Plain Overlay Zone designation shall be applied in any zone hereinafter set forth where the area is subject to inundation by flooding shall be shown on the Westfir Flood Hazard Map and the Westfir Zoning Map, which designate regulated floodways and areas subject to a 1 percent or 100-year flood. Its purpose is to minimize property loss, danger of injury and health hazards. To accomplish such purposes, floor elevations will be established by the City prior to issuing any building permits.

- A. The Flood Plain Overlay establishes special concern requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water in order to safeguard the life and health of people in the area of the general public.
- B. The Flood Plain Overlay shall be any zone in combination with the symbol "FP" as an overlay district of special concern. (For example, R/FP means a Residential Zone with combining Flood Plain District regulations.)
- C. The regulations governing the /FP Overlay shall be those of the zone in which it lies and additionally, the provisions of this section applicable to the development.

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

13.2.0 Designation of Special Flood Hazard Areas

- A. The area of Westfir's jurisdiction that is within the flood hazard area is identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lane County Oregon and incorporated cities, dated June 2, 1999 ,with accompanying Flood Insurance Maps, is hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at the Westfir City Hall.
- B. In areas where base flood elevations have not been provided in accordance with Section A above, the Planning Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer this Section. When only approximate flood information is available, the property owner shall be cautioned that the property is within an identified flood hazard area.

13.3.0 Provisions for Flood Hazard Reduction - Development Permits. All structures being erected, repaired, or relocated in areas of special flood hazard must first obtain a conditional use permit. The degree of flood hazard will dictate precautions that must be taken to protect the structure and contents from base flood levels unless exempted by the current state building code or amendments. A conditional use permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 13.2.0 A. The conditional use permit shall be for all structures including manufactured homes, as set forth in Chapter 29 Definitions of this Code, and for all development including fill and other activities, also as set forth in Chapter 29 of this Code.

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

13.5.0 Review of All Proposed Construction Required. Notwithstanding any other provision of this Code, any proposed construction or development within any area of special flood hazard shall require review to assure compliance with the provisions of Sections 13.6 through 13.9 of this Code. Where other review is required, (i.e., site review or conditional use review) the determination of compliance with the standards of Sections 13.6 through 13.9 may be combined with and made a part of that review.

13.6.0 Criteria and Standards. Development Permits, Site Review Approval, Conditional Use Permits and other land use approvals for development within the flood hazard area may be approved by the Planning Commission or the City Council (which ever is appropriate) after determination that:

- A. The proposed development site will not during potential future flooding be so inundated by flood water as to result in injury to property or to the health, safety and welfare of residents or potential residents of the immediate area.
- B. All new construction, relocation or substantial improvements of structures within "FP" areas shall have the lowest floor (including basement and mechanical systems) elevated to at least one (1) foot above the 100-year flood level. Non-residential structures may be floodproofed in lieu of the elevation of the lowest floor. Flood proofing plans shall be prepared by an engineer licensed by the State of Oregon to practice civil or structural engineering.
- C. No improvements are proposed that will have a serious tendency to change the flow of surface water during potential future flooding so as to endanger the health, safety and welfare of residents or potential residents or other property in the area.
- D. That emergency vehicles such as ambulances, police and fire will have access to the site during occurrence of any such flooding, for the purpose of evacuating residents or inhabitants of any residential structures or living quarters within the Flood Plain area.
- E. The lowest floor elevation, (including basement and mechanical systems) foundation elevation, ground elevation or top of floodproofing elevation required in conjunction with building permit issuance shall be certified in mean sea level datum by a Land Surveyor and the certification filed with the City Recorder. The certifications must be filed within 30 days of completion of that part of the structure to be certified. An unsatisfactory certification will not be accepted. Failure to comply will represent a Westfir Code infraction.
- F. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages and shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- G. All new and replacement water supply and sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sewage systems shall also be designed to minimize or eliminate discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- H. All subdivision proposals shall be consistent with the need to minimize flood damage, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage and shall have adequate drainage provided to reduce exposure to flood damage. Where base flood

elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

- I. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this criteria must either be certified by a registered engineer or architect or meet or exceed the following minimum criteria:
 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 2. The bottom of all openings shall be not higher than one foot above grade.
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

13.7.0 Site Investigation Report. As a part of the review prior to Planning Commission approval, a site investigation report shall be required which provides information on the site of the development and adjacent land that is likely to be affected. The site investigation report shall provide topographic information of the area in sufficient detail to assess accurately potential flooding elevations based on the recognized definition of area flood potential; identify existing natural drainage ways and potential drainage ways; and other characteristics of the area and their significance as related to the proposed development flooding potential. The report also may serve to refine boundaries shown on the Comprehensive Plan and/or Zoning Map that classify land areas within the Flood Plain Overlay. The report shall comply with the standards for the kind of area being investigated and the kind of development being proposed.

The site investigation report shall be prepared by a person or team of persons qualified by experience and training to assemble and analyze physical conditions in a flood potential area. The person or team shall be employed by the applicant but shall be subject to approval as to qualifications by the City.

13.8.0 General Requirements

- A. In a special flood hazard area where base flood elevations have not been established:
 1. The applicant shall be notified that the building site is in an Approximate Study Flood Hazard Area and extra precautions may be appropriate to assure that the building site will be reasonably safe from flooding.
 2. All new construction and substantial improvements shall be anchored to prevent

flotation, collapse, or lateral movement of the structure. All manufactured homes must be anchored to prevent flotation, collapse, or lateral movement, shall be installed using methods and practices that minimize flood damage, and shall be installed within 30 days of placement. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors and shall be installed in a manner to comply with State standards.

3. A time extension to the tie-down requirement may be granted for hardship by the Building Official between May and October based on written appeal. A request shall contain a time schedule for achieving compliance and an agreement not to remonstrate against enforcement action for failure to comply.
 4. Require that development greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.
- B. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 13.2.0 B, the City shall:
1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Section 13.2.0 A.
 3. Maintain for public inspection all record pertaining to the provisions of this Section.
 4. Apply the following standards for construction and improvements of residential structures other than manufactured homes (see subsection 6 below).
 - a. Require that all construction and substantial improvements of residential structures have the lowest floor (including the basement and mechanical systems) elevated to one (1) foot above the base flood elevation. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
5. Apply the following standards to all construction and improvements of non-residential structures:
- a. Require that all new construction and substantial improvements of nonresidential structures have the lowest floor (including the basement and mechanical systems) elevated to one (1) foot above the base flood elevation; or
 - b. Require that, together with attendant utility and sanitary facilities, all new construction and substantial improvements of nonresidential structures shall:
 - (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in this Section.
 - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in part 13.8.0 B.4.b. of this Section.
 - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level.)

6. Apply the following standards to all construction and improvements of manufactured homes;
 - a. All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame tie to ground anchors.
 - b. All manufactured homes to be placed or substantially improved within Zones A1-A3-, AH, and AE on sites:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot about the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
 - c. Manufactured homes to be placed or substantially improved on sites in n existing manufactured home park or subdivision within Zones A1-30, AH, and AE that are not subject to the above manufactured home provisions be elevated so that either:
 - (1) The lowest floor of the manufactured home is at least one foot above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
7. Require that all recreational vehicles place on sites within Zones A1-30, AH, or AE either:
 - a. Be on the site for fewer than 180 consecutive days,

- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
 - c. Meet the permit requirements in Section 13.4.0 and the anchoring requirements for manufactured homes.
- C. In all designated regulatory floodways the City shall:
 - 1. Require that no partitions or land divisions be permitted, if the development site for the structure is inside the floodway boundary or unless an engineering analysis can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood levels during the occurrence of a base flood discharge.
 - 2. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - 3. Mobile homes on single lots or in new or improved mobile home parks or subdivisions are prohibited in designated regulatory floodways.
- D. Replacement in kind shall comply with standards for new construction.
- E. Requirements of this Section shall not apply when specifically waived in accordance with Federal or State laws governing the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
- F. Development permitted under this subsection shall also be subject to the requirements of Sections 13.8.0 A2 and B.
- G. Adjacent communities and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be furnished to the Federal Insurance Administration.
- H. Maintenance shall be required within the altered or relocated portion of altered or relocated watercourses so that the flood carrying capacity is not diminished.

13.9.0 Grading, Excavating and Filling - General Requirements. All areas identified as special flood hazard are subject to the following:

- A. No development will occur within 50 feet of any primary or secondary stream channel, including but not exclusive to the North Fork of the North Fork of the Willamette River and no swale or other low area necessary to discharge water downstream during periods of flooding shall be obstructed unless a grading permit is approved.
- B. Channel improvement or bank protection shall be performed only after receiving approval of a site review permit.
- C. The site review permit shall not authorize any work that is not in compliance with local zoning or other local, state or federal regulations pertaining to the operations authorized by the permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under the site review permit.
- D. Require that in riverine situations, adjacent communities and State Coordinating Officer be notified prior to any alteration or relocation of a watercourse, and that copies of such notification be submitted to the Federal Administrator.
- E. That the flood carrying capacity within the altered or relocated portion of any watercourse be maintained.

13.10.0 Variances.

- A. The issuance of the variance described in this section is for flood plain management purposes only and is generally limited to a lot size less than one-half acre. Insurance premium rates are determined by statute and will not be modified by the granting of a variance.
- B. Variances shall not be issued by the City within any designated regulatory floodway if any increase in base flood discharge would result.
- C. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. Variances shall only be issued by the City upon showing good and sufficient cause based on scientific technical data compiled by a surveyor, engineer or architect submitted by the applicant. There must be a determination that failure to grant the variance would result in exceptional hardship to the applicant. It must be determined that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local laws or Codes.
- E. In all cases, the applicant is charged with the responsibility of obtaining all technical or other evidence for review and filing.

- F. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- G. The applicant shall be notified in writing that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and,
 - 2. such construction below the base flood level increases risks to life and property.
- H. Records will be maintained on all variance actions, including justification for their issuance, and reported in the annual or biennial report submitted to the Administrator.
- I. Variances may be issued for new construction and substantial improvements and for other development necessary for conduct of a functionally dependent use provided that items C through H of Section 13.10.0 are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

13.11.0 **Fees.** Fees established by the City for the floodplain permits or variances will be required by this section to defray the cost of processing the application.

CHAPTER 14

UNSTABLE SOILS DISTRICT (/USD)

Sections:

- 14.1.0 Purpose
- 14.2.0 Permitted Uses
- 14.3.0 Conditional Uses
- 14.4.0 Development Standards and Requirements
- 14.5.0 Parking
- 14.6.0 Signs

- 14.1.0 Purpose.** It is the purpose of this zoning overlay to establish special concern requirements for the use, placement and construction of buildings and development site improvements in areas that have unstable soil conditions or excessive steepness in order to safeguard the life and health of people in the area and of the general public.
- A. The Unstable Soils District shall be any Land Development Zone in combination with the symbol "/USD" as an overlay district of special concern (e.g., CR/SUSD means a Community Residential Land Development Zone with combining Unstable Soils District regulations).
 - B. The regulations governing the "/USD" District shall be the same as the Land Development Zone with which the "/USD" is combined and with the other provisions of this Code applicable to the development.
- 14.2.0 Permitted Uses.** There are no uses that are permitted outright within the Unstable Soils Overlay zone.
- 14.3.0 Conditional Uses.** Conditional Use Permits may be granted by the Planning Commission for uses permitted in the underlying zone and the provisions of Section 3.7.0 of this Code.
- 14.4.0 Site Investigation Report.** The site investigation report shall provide information on the site of the development and adjacent land that is likely to be affected. The site investigation report shall provide topographic and site soils investigation information of the area in sufficient detail to assess the stability and suitability of the area for the proposed development. The report also may serve to refine boundaries shown on the Comprehensive Plan and/or Zoning Map that classify land areas within the Unstable Soils Special Concern District. The report shall comply with the standards of the kind of area being investigated and the kind of development being proposed.
- 14.5.0 Qualifications to Conduct a Site Investigation Report.** The site investigation report shall be prepared by a person or team of persons qualified by experience and training to

assemble and analyze physical conditions in an unstable soils and/or excessively steep area. The person or team shall be employed by the applicant but shall be subject to approval as to qualifications by the Planning Commission.

14.6.0 **Criteria and Development Standards.** Conditional Use Permits may be issued by the Planning Commission when, and only when, the Planning Commission has determined that the proposed development site can be certified by competent authority that the development site can support the proposed use/and or structure and under what specific standards of construction and special conditions of use and/or design.

CHAPTER 15

PLANNED UNIT DEVELOPMENT (PUD) STANDARDS

Sections:

- 15.1.0 Purpose and Applicability
- 15.2.0 Application Submittal Requirements
- 15.3.0 Approval Procedure
- 15.4.0 Findings Required
- 15.5.0 Planning Commission Actions

15.1.0 Purpose and Applicability

- A. In lieu of complying with specific provisions governing development as set forth elsewhere in this Code, application may be made for approval of a "Planned Unit Development," herein called "PUD."
- B. The purpose of the PUD approval is to encourage comprehensive site-planning productive of optimum adaptation of development of land by allowing diversification in the relationships of various uses, buildings, structures, open spaces and yards, building heights, and lot sizes in planned building groups and accommodating site planning provisions which offer optimum solar access while still insuring that the intent of this Code shall be observed.
- C. The minimum area of a PUD shall be at least one acre.
- D. Application for a PUD shall be made on forms prescribed by the Planning Commission.

15.2.0 Application Submittal Requirements

- A. Drawings and plans comprising a general development plan covering the entire area of the PUD shall accompany the application and shall show: uses, dimensions and locations of proposed structures, widths, alignments and improvements of proposed streets, pedestrian and drainage ways, how the property could be divided for individual parcel sale, parking areas, public uses, landscaping and open spaces, a schedule of development; and architectural drawings (for all buildings other than single-family dwellings) of sufficient detail demonstrating the design and character of the proposed buildings and uses; and any other information or plans deemed necessary by the Planning Commission to make a determination that approval of any requests for use permits or variances contained in the proposal are justified by this procedural method.
- B. No PUD shall be considered by the Planning Commission that proposes a use that is not permitted either directly or as a conditional use within the zone unless a separate

application for rezoning accompanies or has preceded the filing of the application for approval of the PUD in which case, the two items shall be considered simultaneously and should the use be appropriate, the approval of the PUD shall not be effective until the Code adopting any necessary change of zone shall have become effective.

15.3.0 Approval Procedure

- A. The procedure for processing an application for approval of a PUD shall be as set forth in Section 3.2.0 of this Code.
- B. Partial approval may be given where architectural plans and drawings have not been submitted with the original application, but no building permit shall be issued nor any construction commence unless and until said drawings have been considered and approved by the Planning Commission and full approval of the PUD secured.
- C. Any PUD, as approved, shall be subject to all conditions imposed, and shall be excepted from other provisions of this Code only to the extent specified in said approval.

15.4.0 Findings Required. In order to approve a PUD, the Planning Commission shall find the following:

- A. That construction on the project will begin within a reasonable period of time from the date of full approval and will be completed within a reasonable period of time.
- B. That the proposed development substantially conforms to the Comprehensive Plan.
- C. That all residential development will constitute an environment of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will result in an intensity of land utilization no higher than, and standards of open space at least as high as permitted or as otherwise specified for the zone in which this development occurs.
- D. That all commercial development will create minimum traffic congestion, will not interfere with any projected improvements, has provided for proper entrances and exits along with proper provisions for internal traffic and parking, and that said development will be an attractive center which will fit harmoniously into and will have minimal adverse effect upon the adjacent and surrounding existing or prospective development.
- E. That all industrial development is fully in conformity with desirable performance standards and will constitute an efficient and well organized development with adequate provisions for freight service and necessary storage, and that such development will have minimal adverse effects upon adjacent and surrounding existing or prospective development.

- F. That the development of a harmonious, integrated whole justifies exceptions, if such as required, to the normal requirements of this Code, and that the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the zone regulations.
- G. The Planning Commission shall give particular attention to the "schedule of development," having in mind that the project may advance in stages or may be abandoned when only partially completed and shall require that the project shall be balanced at all times in relation to the construction of required or necessary facilities.

15.5.0 Planning Commission Actions. The Planning Commission may deny, approve, or conditionally approve an application for PUD.

- A. Any conditions imposed by the Planning Commission may include, but are not limited to, the time within which the project must begin and be completed, changed boundaries of the project, uses permitted, specification of minimum development standards, specified street dedication and improvement, utilities to be furnished, and a list or limit of variances permitted.
- B. Application for and approval of a PUD, wherein variances from the standard regulations are approved or wherein uses normally requiring use permits are permitted, shall be deemed to be in compliance with all the necessary procedures for securing or granting a variance or a use permit.
- C. Where completed drawings are considered, approval of a PUD shall be deemed to be and include "Site Design Review" as provided for in Section 3.6.0 of this Code.
- D. Extensions of time limitations may be granted by the Planning Commission upon finding that no change of conditions has occurred in relation to the property since the approval and/or that the approval is still valid with respect to any changed conditions. Application for any extension must be filed in the Planning Commission offices not less than 60 days prior to the expiration date. Within 45 days after receipt of such application the Planning Commission shall hold a public hearing as provided for in Section 3.2.5 of this Code and take action thereon and if any extension is granted, the Planning Commission may impose additional conditions if such are found to be necessary.

Action of the Planning Commission on any request for time extension is not applicable to the Council and any failure of the Planning Commission to act within the specified time limits shall not result in an approval of the request.

CHAPTER 16

SUPPLEMENTARY PROVISIONS

Sections:

- 16.1.0 Purpose
- 16.2.0 Minimum Code Requirements
- 16.2.0 General Criteria and Standards
- 16.3.0 General Requirements
- 16.4.0 Off-Street Parking and Loading Standards

16.1.0 Purpose.

16.2.0 Minimum Code Requirements. In administering and applying the provisions of this Code, unless otherwise stated, they shall be held to be the minimum requirements necessary to accomplish the purpose of this Code.

16.2.0 General Criteria and Standards. The following general criteria and stands shall be applicable to all land development as provided for in this Code.

16.3.0 General Requirements

- A. Use. Where a similar type of use is not specifically provided for in a zone, upon application to the Planning Commission, such use request may be assessed by the Planning Commission and may be permitted, provided there is a finding that:
1. The use is similar in intensity of activity to the uses permitted.
 2. The use does not require a structure and supporting services that are out of scale and character to the uses permitted.
 3. That the use has a demonstrated need to provide for the general welfare and service of the community.
 4. No "street" as herein defined shall be used for display, sale, or private storage of any commodity or any materials, nor shall any structure be placed therein other than a driveway, ramp or similar structure that is necessary for vehicular access to the adjoining property.
 5. On any development site a single recreation vehicle or travel trailer may be parked or stored as an accessory use provided it is in an enclosed building or is otherwise placed or screened such that it is not visible from any street or from any adjoining property and providing further that the owner of such vehicle or trailer must reside on the premises.

6. In any zone no directed exterior lighting may be installed or used which is directed into the sky or toward any structure or land beyond the development site.

B. Area and Average Width

1. Any parcel of land having less area and/or width than that required by the zone in which located may be used as a "legal development site" only if said parcel was under one ownership on the effective date of this Code or any subsequent amendment thereto and no owner thereof at the time of or since said effective date has owned any adjoining property at the same time.
2. If any legal development site is reduced in area or average width by no more than 20 percent of the respective requirement by reason of the establishment of "plan lines for future streets" or by acquisition by a public agency for public purposes, the remainder of said development site shall be deemed to be a legal development site.

C. Yards and Open Space

1. Future Street Building Setback Requirements. When the Comprehensive Plan or Zoning Map indicate that a street is to be opened or widened, the setbacks required--front, side, and rear yards--shall be measured from the proposed right-of-way which shall be considered 60 feet unless expressly designated otherwise.
2. Setbacks from Half Dedications of Streets. When a subdivision plan has been accepted and filed with half-width dedications of streets on the exterior boundary of the subdivision, setbacks for structures on land contiguous to or fronting upon half-widths dedicated streets but not within the subdivision tract, shall be a minimum of the required setbacks for the zone in which it is located, plus a distance equal to the abutting half-width street dedication.
3. Setback Exceptions. Except as may otherwise be restricted, the following projections or features may extend two feet into any required yard or open space: cornices, eaves, steps, fire escapes, terraces, platforms, porches and ramps, and solar collectors and appurtenances; provided that none of the features shall be enclosed above an open or grill type railing no higher than four feet may be permitted.
4. Vision Clearance. On every corner development site in any zones except a CC, L-IND or G-IND, within a triangle formed by the street lines of such development site (ignoring any corner radius) and a line drawn between points on such street lines 25 feet from the intersection thereof, shall be no fence, wall, hedge or other structure higher than 30 inches nor any obstruction to vision other than a post column or trunk (clear of branches or foliage) of a tree, between a

height of 30 inches and a height of 8 feet above the level of the above described point of intersection.

5. Access and Safety. No fence, wall or architectural feature or other obstruction shall be so placed, or be without gates or openings, as to prohibit complete access around any main building at all times.
6. Front Yard Exception. The required front yard for a single-family dwelling need not exceed the average depth of the nearest front yards of single-family dwellings within 100 feet on both sides of the proposed dwelling, except for garages and carports taking access on the front of the property.

D. Height

1. Chimneys, smokestacks, spires, belfries, monuments, steeples, ventilating fans, antennas, flagpoles and, solar collectors and appurtenances and other similar structures may exceed the zone height limits by no more than 10 feet.
2. In any zone, in addition to the allowable number of floors, a basement or one extra story is permitted below ground level except that on sloping land, the downhill side of such basement or extra story does not have to be below ground; provided that in either case the zone height limits are rigidly observed at the uphill line of the building.

16.4.0 Off-Street Parking and Loading Standards. The purpose of this section is to set forth off-street parking and loading requirements for the various buildings and uses irrespective of the zones in which they occur.

A. Required Off-Street Parking. Every use hereafter inaugurated and every building hereafter erected, enlarged or reconstructed or increased in floor area shall have permanently maintained parking spaces in accordance with the provisions of this Code.

B. Parking Area Design

1. All public or private parking area and parking spaces, except those required in conjunction with a single-family or two-family dwelling on a single lot, shall be designed and laid out to conform with the requirements of this Code and the Planning Commission.
2. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movements or other maneuvering of a vehicle within a street, other than an alley, shall be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic

access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

3. By Site Design review (Section 3.6.0), the Planning Commission may allow 35 percent of the required off-street parking spaces to be reduced to 7 feet by 15 feet to accommodate small cars, if the applicant can demonstrate that such a reduction is reasonable in view of local small car ownership.

C. Parking Spaces Required

The number of off-street parking spaces required shall be no less than set forth in the following:

1. All institutional, commercial and industrial uses shall provide no less than two spaces for visitors.
2. All uses shall provide parking spaces for employees at the rate of one space per employee working on or from the site as determined by the maximum number of employees during any single hour of the day. This rate of employee off-street parking provision may be reduced by the Planning Commission if the development can demonstrate that such reduction is supported by adequate mass transit service or that organized car pooling or company provided transportation is available.
3. All uses shall provide parking space for each vehicle operating on or from the development site.

<u>Residential Use</u>	<u>Parking Space Required</u>
a. Dwelling, Single-Family and Two-Family Duplex	2 per Dwelling Unit
b. Dwelling, Multiple	Spaces equal to 1.5 times the number of dwelling units; where fractioned, next highest full unit; plus one additional space for owner or manager and one space per five dwelling units for guests, trailers and boat storage.
c. Hotels, motels, motor hotels, etc.	One for each guest room.
d. Rooming or boarding houses.	One for each guest room.

5. Institutional Use

Parking Space Required

- a. Hospitals
Spaces equal to 1.5 times the number of beds; where fractioned, next highest unit; plus two for each nurses stations.
- b. Churches, clubs, lodges
One for every four fixed seats or every eight feet of bench length or every 28 square feet of main assembly room (sanctuary) where no permanent seats or benches are maintained.
- c. Libraries, museums
One for each 250 square feet of art galleries gross floor area.
- d. Nursing homes, homes for the aged, group care homes, asylums, etc.
One for each three beds.
- e. School, elementary and junior high
Spaces equal to 1.5 times the number of teaching stations, plus one for every six fixed seats or for every 42 square feet of seating area where there are no fixed seats in the auditorium or assembly area.
- f. Schools, high
Spaces equal to 1.5 times the number of teaching stations, plus for the largest assembly room or auditorium, one for every four fixed seats or for every 28 square feet of floor area where no fixed seats are maintained.

6. Commercial Use

Parking Space Required

- a. Retail establishments, retail floor area.
One for each 300 square feet of except as otherwise specified in this Code.
- b. Barber and beauty shops
One for each 150 square feet of gross floor area.
- c. Bowling alleys
Three for each bowling lane.
- d. Office buildings, business
One for every 400 square feet of

gross floor area. and professional offices

- e. Recreational or entertainment establishments:

Spectator type - One for each four seats.
auditoriums, assembly
halls, theaters, stadiums,
places of public assembly, etc.

Participating type - One for each 150 square feet
skating rinks, of gross floor area.
dance halls, etc.

Establishments for the sale One for each three seats.
and consumption on the premises
of food and beverages.

7. Industrial Use

Parking Space Required

- a. Industrial uses which entail One for each 600 square feet of
manufacturing, research, gross floor area.
processing, or research
except as otherwise
specified in this Code.
- b. Industrial uses which are One for each 800 square feet
primarily warehousing and of gross floor area.
distribution, except as
otherwise specified in this Code.

D. Parking Requirements for Uses Not Specified

The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Commission and such determination shall be based upon the requirements for the most comparable building or use specified herein.

- 1. Common Facilities for Mixed Uses. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided in paragraph (b) Joint Use of Parking Facilities.

2. Joint Use of Parking Facilities. The Planning Commission may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:
 - a. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
 - b. The parking facility for which joint use is proposed is no further than 200 feet from the building or use required to have provided parking.
 - c. The parties concerned in the joint use off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this Code, shall be recorded in the office of the County Recorder and copies thereof filed with the City Recorder.

E. Parking Area Improvements

All public or private parking areas, which contain four or more parking spaces, and outdoor vehicle sales areas, shall be improved according to the following:

1. All parking areas to include loading areas, ingress and egress, shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, or other approved materials.
2. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
3. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper or curb stop that will prevent cars from encroachment on abutting private or public property.
4. All parking areas and service drives shall be enclosed along any interior property which abuts any residential district, with a 70 percent opaque, site-obscuring fence, wall, or hedge not less than three feet nor more than six feet in height, but adhering to the visual clearance and front and interior yard requirements established for the district in which it is located. If the fence, wall, or hedge is not located on the property line, said area between the fence, wall, or hedge and the property line shall be landscaped with lawn or low-growing evergreen ground cover, or vegetable or rock mulch. All plant vegetation in this area shall be adequately maintained by a permanent irrigation system, and said fence, wall, or hedge shall be maintained in good condition. Screening or plantings shall be of such size as to provide the required degree of screening within 24 months after

installation. Adequate provisions shall be maintained to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.

5. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential zone or use.
6. All parking spaces shall be appropriately and substantially marked, to include designated handicapped spaces.

F. Parking Space Dimensions

Parking Table. Table 16.4.0 provides the minimum dimensions of public or private parking areas, except single-family or two-family dwellings on a single lot, or under provisions of Section 16.4.0 C.4 based on the Parking Diagram where "A" equals the parking angle, "B" equals the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the stall distance at bay side, "F" equals the minimum clear bay width, and "G" is the maximum permitted decrease in clear aisle width for private parking areas. (See Table 16.4.0.)

G. Off-Street Loading

In any zone in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales, a hotel, a hospital, a mortuary, a laundry, a dry cleaning establishment, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained at least one off-street loading space plus one additional such loading space, for each additional 20,000 square feet of gross floor area.

Said loading space shall be provided with access, driveways and surfacing in the same manner as for off-street parking, except that each space shall be 10 feet wide and 25 feet long with a height clearance of at least 14 feet. In the case where service vehicles of the truck and trailer category are utilized, the Planning Commission may require additional length for required off-street loading spaces to accommodate up to a maximum overall length of 50 feet.

Table 16.4.0
Parking Space Standards

CHAPTER 17

ANNEXATIONS

Sections:

- 17.1.0 Purpose, Applicability and Procedure
- 17.2.0 Designation of Annexed Property

17.1.0 Purpose, Applicability and Procedure. A proposal to annex territory to the City shall be conducted under a public hearing as provided for in Section 3.2.5 of this Code with supplements or modifications required to comply with state law. When an annexation proposal has been initiated and has determined the territory is eligible for annexation it shall be referred to the Planning Commission. The Planning Commission shall base its recommendation on whether the following criteria have been met.

- A. The proposal conforms to the Comprehensive Plan or substantial changes in conditions have occurred which render the Comprehensive Plan inapplicable to the annexation.
- B. Inclusion of the territory within the City would be consistent with the purpose served by the City.

Although the City Council shall make affirmative findings on the two criteria if it proceeds with the annexation, proceedings may be terminated by the council at any time.

17.2.0 Designation of Annexed Property. Territory annexed to the City shall remain subject to the land development regulations of the County until changed by the City. Such changes may be entirely or partially carried out as a part of the annexation proceedings if included in the public hearing proceedings of the Council. Within 30 days after the effective date of the annexation, the Planning Commission shall report on any further steps that appear necessary to have the annexed territory fully subject to the provisions of this Code and shall initiate appropriate action to have those steps carried out. If the City Council finds it is important to the protection or implementation of City policies, interim regulations may be applied to the annexed area until more permanent action can be taken.

CHAPTER 18

VACATIONS

Sections:

- 18.1.0 Purpose, Applicability and Procedure
- 18.2.0 Conditions Attached to a Vacation

18.1.0 Purpose, Applicability and Procedure. A proposal to vacate a street, plat, public square or other public place shall be conducted under a public hearing as provided for in Section 3.2.3.A.3 and in accordance with the provisions of ORS 271.080 through 271.230. The Planning Commission shall base its recommendation on whether the following criteria have been met.

- A. The proposal does not cause a conflict with the Comprehensive Plan.
- B. No street to be vacated will substantially reduce the market value of abutting property unless the owners of the property affected, consent or provisions have been made to pay damages.
- C. The public interest will not be prejudiced by the vacation.

The City Council shall make affirmative findings on the three criteria if it proceeds with a vacation under administrative rather than legislative proceedings. Proceedings may be terminated by the Council at any time.

18.2.0 Conditions Attached to a Vacation. The following reservation or conditions may be attached to the approval of a vacation.

- A. Retention of an easement for a public utility or other public service facility and limitations on the use of the area adjacent to such facility.
- B. Construction or removal of a public utility or other public service utility.
- C. Replatting of land in a subdivision to be vacated.
- D. Another matter of like or different nature related to any of the following:
 - 1. The area to be vacated.
 - 2. A remaining or relocated street area within or adjacent to the vacated property.
 - 3. An area dedicated or reserved as a condition to the vacation.

CHAPTER 19

NONCONFORMING USES

Sections:

- 19.1.0 Purpose,
- 19.2.0 Continuation of a Nonconforming Use
- 19.3.0 Completion of Nonconforming Development
- 19.4.0 Termination of Nonconforming Use

19.1.0 **Purpose.** It is the intent of the Nonconforming Use Chapter of this Code to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this Code to continue under conditions specified herein.

19.2.0 **Continuation of a Nonconforming Use.** Except as otherwise provided in this Code, a nonconforming development or use may continue but shall be changed while continuing to be nonconforming, only as authorized in this section.

- A. A development that is nonconforming only because of a failure to comply with a requirement of development standards contained herein, may be altered or extended if the Planning Commission finds the alteration or extension will not increase the degree of noncompliance and the development is not a development site that is nonconforming because of a public facility deficiency. A development site that is nonconforming only because of a public facility deficiency may have further development upon meeting the other requirements of this Code and after provisions have been made to correct the public facility deficiency or to assure that the applicant will meet the appropriate share of responsibility for correcting the deficiency when the correction takes place.
- B. With the approval of the Planning Commission under the variance procedures set forth in Chapter 20, a nonconforming development or use may be changed except that compared to comparable requirements on the date this Code became applicable to the development, the maximum amount of special relief that can be given in the following cases is as described.
 - 1. The floor area of a building shall not be increased by more than 20 percent.
 - 2. The land area covered by structures shall not be increased by more than 10 percent.
 - 3. The standard requirement for land area or width or length of a lot or parcel shall not be reduced by more than 10 percent.
- C. The entire contiguous ownership of land shall be considered as a single parcel for determination of nonconformance as a consideration for approval of any further development. A record of separate lot or parcel boundaries shall be disregarded.

19.3.0 **Completion of Nonconforming Development.** A development that is lawfully under construction on the date this Code is adopted may be completed even though not in compliance with this Code and may be used for the purpose for which it was designed, arranged and intended. The development and its use are then nonconforming.

19.4.0 **Termination of Nonconforming Use.** A nonconforming development or use shall terminate under the following conditions:

- A. When the use has been discontinued for a period of twelve months.
- B. When the structure which is nonconforming has been destroyed to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor.
- C. When it is a sign pertaining to a business product or service and 30 days have transpired since the business product or service has been offered to the public at the location of the sign.

CHAPTER 20

VARIANCES

Sections:

- 20.1.0 Purpose
- 20.2.0 Authorization to Grant or Deny Variance
- 20.3.0 Circumstances for Granting a Variance
- 20.4.0 Variance Approval Procedure
- 20.5.0 Building Permits for an Approved Variance
- 20.6.0 Time Limit on an Approved Variance
- 20.7.0 Termination
- 20.8.0 Limitations
- 20.9.0 Variance to Sign Standards

20.1.0 **Purpose.** To adjust the provisions of this Code to special and unusual cases without defeating the general purposes and intent of the Code.

20.2.0 **Authorization to Grant or Deny Variances.** The Planning Commission may authorize variances from the requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the Code would cause an undue or unnecessary hardship. No variance shall be created 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 Code. The Planning Commission decision shall be final unless the decision is appealed to the City Council in accordance with Section 3.10.0 of this Code.

20.3.0 **Circumstances for Granting a Variance.** A variance may be granted only in the event that all of the following circumstances exist:

- A. Special or unusual circumstances apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity.
- B. The variance would not be materially detrimental to the public health, safety and welfare or to the purposes of this Code 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.
- C. The variance requested is the minimum variance that would alleviate the hardship.
- D. Where applicable, the provisions for special variances regarding construction in the flood hazard area, as discussed in Chapter 13, apply.

20.4.0 **Variance Approval Procedure.** The procedure for taking action on an application for a variance shall be as follows:

- A. A property owner may initiate a request for a variance by filing an application with the Planning Commission. A filing fee as specified by the City Council shall accompany an application for a variance. The applicant shall submit evidence that the circumstances for granting a variance as outlined above apply to the variance request.
- B. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon in accordance with the provisions of Section 3.2.5.
- C. The Commission may prescribe the terms and conditions upon which a variance may be granted and set a time limit for the duration of such variance and may require guarantees in such form as it may deem proper under the circumstances to insure that the purposes for which said variance is granted will be fulfilled and that the conditions of the variance will be met.
- D. Within ten (10) days after a decision has been rendered with reference to a variance application, the Planning Commission shall provide the applicant with written notice of the decision.

20.5.0 **Building Permits for an Approved Variance.** Building permits for all or any portion of an application involving an approved variance shall be issued only on the basis of the plan for the variance as approved by the Planning Commission. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a variance.

20.6.0 **Time Limit on an Approved Variance.** Authorization of a variance shall be void one (1) year after the date of approval of a variance application or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the Planning Commission may extend authorization for an additional period not to exceed one (1) year.

20.7.0 **Termination.** A variance may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

- A. Approval of the variance was obtained by fraud or misrepresentation.
- B. The use for which approval was granted has ceased to exist.
- C. The use does not meet the conditions specifically established for it at the time of approval of the application.
- D. The variance is in violation of any other applicable statute, Code or regulation.

20.8.0 **Limitations.** No request for a variance shall be considered by the Planning Commission within the one-year period immediately following a denial of such request, unless new evidence or a change of circumstances warrants it.

20.9.0 **Variance to Sign Standards.** There may be rare instances where a combination of strict application of the sign standards in Chapter 27 and/or public safety concerns may preclude use of signs as a communication medium for a primary frontage. In these cases, it may be appropriate to vary a particular standard to enable a property owner to utilize signage in a manner similar to others in the district. In addition to criteria set forth in Sections 20.1.0 through 20.8.0, the following provisions apply to a sign variation:

A. A sign variance request shall not be granted for any of the following:

1. Size of a proposed sign;
2. Limitations on visibility resulting from required landscaping;
3. Location of buildings or other structures;
4. Lack of exposure on a primary sign frontage
5. Convenience or economic hardship to the applicant;
6. Inclusion of signs otherwise prohibited by this Code.

B. **Approval Criteria.** To approve a sign variance request, the Planning Commission must find that the application meets all of the following criteria in addition to criteria in Section 20.3.0:

1. The type of the proposed sign is not of a type prohibited by this Code, Section 20.3.0.
2. The variance does not substantially subvert the basic regulating formula relating the amount of area to the amount of sign frontage.
3. No other alternative solution that complies with these regulations is available to the applicant.

C. **Sign Included in Conditional Use Permit or Variance Application.** Whenever application is made for a variance under this Section, the applicant need not submit a separate variance for any sign to be erected on the premises described in the application. Any plan for signs to be so erected or constructed on the premises shall be submitted in conjunction with the application for the variance for the use request provided that any such plan for signs shall be subject to approval, denial, or modification at the discretion of the City.

CHAPTER 21

CONDITIONAL USE PERMIT PROCEDURES

Sections:

- 21.1.0 Purpose
- 21.2.0 Initiation of Application
- 21.3.0 Review Procedures
- 21.4.0 Findings Necessary to Granting Approval
- 21.5.0 Conditions
- 21.6.0 Supplemental Conditions
- 21.7.0 Building Permits for Approved Conditional Use Applications

21.1.0 Purpose. Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration include, among others, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the City as a whole. All uses permitted conditionally possess unique and special characteristics making impractical their inclusion as outright uses in many of the various zones herein defined. Locations and operation of designated conditional uses shall be subject to review and authorized only by issuance of a Conditional Use Permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of establishing such conditions as may be reasonable so that the basic purposes of this Code shall be served. Nothing herein shall be construed or applied in a manner inconsistent with state laws and regulations governing approval procedures and standards for needed housing.

21.2.0 Initiation of Application. Application for Conditional Use Permits shall be filed with the City Recorder on the form prescribed by the City Council by any person with a legal interest in the property, or such persons authorized agent. In addition to the information listed in subsection 3.2.1 of this Code, an application for a conditional use permit shall include:

- A. A Statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.), a description of that interest and in the case the applicant is not the owner, that the owner knows of the application.
- B. The application shall be accompanied by the following information:
 - 1. Site and building plans and elevations.
 - 2. Existing conditions on the site and within 300 feet of the site.
 - 3. Utility and access data.

4. Landscaping improvements.
5. Operational data.
6. Any other materials or information as may be deemed necessary by the applicant to demonstrate compliance with this Code.

21.3.0 Review Procedures.

- A. The Planning Commission shall review all applications for conditional use approval as a Type III procedure.
- B. The Planning Commission may approve, approve with conditions, or deny an application for conditional use approval.

21.4.0 Findings Necessary to Granting Approval. In order to approve an application for conditional use approval the Commission must find that:

- A. The proposed use and development of land conforms to applicable land use regulations and the Westfir Comprehensive Plan. Conformity with this requirement shall mean that the proposed use is a use allowed within the terms of the land use regulations and is of a type permitted within the designations set forth in the Comprehensive Plan as those documents apply to the land upon which the proposed use will be sited.
- B. The size and area of use of the proposed development is consistent with and can be accommodated within the proposed location. This shall be determined by examining whether the submitted plans indicate that the proposed use will fit within the dimensions of the proposed location, taking into consideration all applicable setbacks, easements and other restrictions on location set forth in this development code and in the documents of title to the proposed location.
- C. That the use can be and has been conditioned so as to mitigate any significant adverse traffic safety or volume impacts, or other adverse impacts on public water, wastewater and storm drainage facilities or fire protection and public safety.

For needed housing (as defined in ORS 197.303) a significant adverse traffic safety or volume impact shall mean a change in the standard measures of traffic safety and volume at least equal to one level in the commonly accepted rating standards used by traffic engineers for intersections of a size and character similar to the intersections near the proposed development. For needed housing an adverse impact on other public facilities shall mean that the demand for public facilities made by the proposed development, including existing demand by other uses, shall be beyond the rated capacity of the public facilities that will be used by the proposed development, or can not otherwise be accommodated by the facilities locally available. For needed housing an adverse impact on fire protection and public safety shall mean that, as

proposed, the size, location or configuration of the proposed use will create barriers to access or have an effect on flow rates that will, in the opinion of the public service provider, prevent an adequate provision of services.

- D. That there will be no significant adverse impacts on adjoining land uses or on the growth and development of the City, as identified in the Comprehensive Plan.

For needed housing a significant adverse impact on adjoining land uses shall mean the creation of conditions which have been documented to prevent the operation or use of an allowed use on the adjoining land. For needed housing a significant adverse impact on the growth and development of the City will mean the proposed development is of a type or in a location not allowed or planned in the applicable provisions of the Comprehensive Plan.

- E. That the proposed use will not be incompatible with the type of uses permitted in surrounding areas.

For needed housing incompatibility shall be limited to situations where it is demonstrated that the proposed use will create conditions making it impossible for the continuation of an existing use on properties adjacent to the proposed use property.

- F. Where applicable, that all criteria and standards relating to development in a flood hazard area have been met.

21.5.0 Conditions. The Planning Commission may impose conditions to minimize conflict between proposed and existing uses and otherwise assure compliance with the applicable criteria for approval. Such conditions include, but are not limited, to the following:

- A. Modify yard setbacks, coverage and height to accomplish specified ends.
- B. Screen unsightly development such as trash receptacles, mechanical apparatus, storage areas or windowless walls.
- C. Require walls, fences, hedges and screen planting to accomplish specified ends.
- D. Require planting of ground cover or other surfacing to prevent erosion and reduce dust.
- E. Retain trees or other natural features for buffers, windbreaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational use.
- F. Require adequate off-street parking and loading-unloading facilities.
- G. Modify access provisions for safety reasons.

- H. Modify sign requirements to meet specified ends.
- I. Require landscaping and lighting plans to accomplish specified ends.
- J. Require ongoing maintenance of buildings and grounds.
- K. Require adequate additional right-of-way and road improvements to promote traffic safety.
- L. Require abatement of noise, vibration and odors.
- M. Require time limitation for certain activities.
- N. Require a time period within which the proposed use shall be developed.
- O. Require a limit of total duration of use.
- P. Regulation and control of points of vehicular ingress and egress.
- Q. Requiring bonds to ensure performance of special conditions.
- R. Additional conditions which may be necessary to implement applicable requirements of section 3.7.4.

21.6.0 **Supplemental Conditions.** Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions follow:

- A. **Churches and Temples.** Any building use for church purposes in any residential area, except free standing parsonages, shall provide and maintain a minimum setback of 20 feet from any property line which is under a different ownership and is zoned for residential use.
- B. **Hospitals.** Any building used for hospital purposes shall provide and maintain a minimum of 50 feet from side and rear property lines, except in the street side of a corner lot where the street is dedicated to the public. Alleys contiguous to or within the property being used for hospital purposes may be included in the required setback.
- C. **Public or Private Schools and child Day Care Centers.** Any building used for school or child day care center purposes shall provide and maintain setbacks of 50 feet from side and rear property lines, except on the street side of a corner lot where a setback of at least 25 feet shall be required. Alleys contiguous to or within the property being used for school purposes may be included in the required setback.

- D. Boarding, Lodging, or Rooming House Having Four or More Boarders. Only one principal building may be constructed on each development site. The following development standards shall apply:
1. Lot Area. The minimum lot area shall not be less than 8,000 square feet.
 2. Lot Coverage. The maximum coverage of the lot by all structures shall not exceed 45 percent of the lot area; the maximum coverage of the lot for all structures, driveways, and parking areas shall not exceed 65 percent of the lot area.
 3. Yard Regulations. Each principal building shall be set back from all property lines at least one foot for each foot of height, except that no principal building shall be required to set back more than 20 feet from any property line. Accessory buildings are not permitted in any side yard.
 4. Access. No ingress or egress to a boarding, lodging, or rooming house shall be allowed from less than a 50-foot right-of-way or 24-foot paved street.
 5. Utilities. Any boarding, lodging, or rooming house shall have full financial responsibility for the utilities needed for a single-family dwelling on the development site and partial or full financial responsibility, as determined by the City Council, for extra capacity utilities required to serve the development site; extra capacity utilities includes water lines in excess of six inches in diameter, sanitary sewer lines in excess of eight inches in diameter, and storm sewer lines in excess of 12 inches in diameter.
- E. Multiple Family Dwellings and Group Care Nursing Homes. More than one principal building may be constructed on each development site. The minimum lot area per dwelling unit shall be 4,356 square feet or 10 units per acre. The following development standards shall apply:
1. Lot Area. The minimum lot area shall not be less than 10,000 square feet.
 2. Lot Dimensions. The minimum lot depth shall be 100 feet; the minimum lot width shall be 80 feet, except for corner lots which will be not less than 85 feet.
 3. Lot Coverage. The maximum coverage of the lot by all structures shall not exceed 45 percent of the lot area; the maximum coverage of the lot for all structures, driveways, and parking areas shall not exceed 65 percent of the lot area.
 4. Building Height. The maximum or structural height of multiple family buildings shall not exceed three stories or 36 feet, whichever is the lesser.

5. Yard Regulations. Each structure shall be set back from all property lines at least one foot for each foot of height, except that no structure shall be required to set back more than 20 feet from any property line. Front, side, and rear yards shall be no less than for a single family residence. No building shall be permitted in any front, side, or rear yard.
6. Open Space. Each development shall provide at least one continuous joint use open space for all occupants. Such open space:
 - a. Shall be at least 1,000 square feet in area for the first five dwelling units or rooms, plus 150 square feet for each additional unit or room over five;
 - b. Shall be no less than 30 feet in any single dimension;
 - c. Shall not be used for parking.
7. Access. No ingress or egress to a development site shall be allowed from less than a 50-foot right-of-way or 24 foot paved street. Any ingress or egress to a development site from a cul-de-sac or dead-end street shall be within the first 50 percent of the length of the cul-de-sac or dead-end street, except that no ingress, or egress shall be farther than 200 feet from the intersection.
8. Utilities. Any development shall have a full financial responsibility for the utilities needed for a single family dwelling on the development site and partial or full financial responsibility, as determined by the City Council, for extra capacity utilities required to serve the development site; extra capacity utilities includes water lines in excess of six inches in diameter, sanitary sewer lines in excess of eight inches in diameter, and storm sewer lines in excess of 12 inches in diameter. Service to the development site includes responsibility for utilities improvement along the entire street frontage of the development site.
9. Placement of Buildings. The minimum space between the exterior walls of principal buildings shall be as follows:
 - a. Buildings end to end — 10 feet.
 - b. No entries permitted from the spaces between building ends.
 - c. Buildings rear to end or front to end — 25 feet.
 - d. Buildings front to rear or rear to front — 35 feet.
 - e. Buildings front to front, where arranged around an open court, minimum distance between buildings — 30 feet; except where there is a driveway within the court the minimum distance shall be 35 feet.

- F. Mobile Home Park. Since mobile homes and mobile home parks have unusual characteristics and their location, arrangement and density may adversely affect the public safety, health, and welfare of the City, it is therefore necessary that adequate safeguards shall be imposed which will provide for the proper location of mobile home parks within the City of Westfir, particularly in relation to adjacent land uses and to the development of the whole community.
1. Minimum Standards. Mobile home parks shall be developed to conform with the minimum standards established by the State of Oregon, Department of Commerce, Building Codes Division Mobile Home Park Standards, as they now read or are hereafter amended, are hereby adopted by reference and made part of this Section: ORS 446.002 through 446.990, OAR 28.010 through 28.170 and OAR 23.005 through 23.900, and the requirements of this Code. All mobile homes shall be skirted in accordance with OAR 23.070.
 2. Permitted Buildings and Uses.
 - a. Mobile Homes.
 - b. Overnight travel trailers.
 - c. Community recreation facilities, including swimming pools for use only by residents of the park and guests.
 - d. One single family residence, not a mobile home, only for use of the caretaker or a manager responsible for maintaining or operating the property.
 - e. Service buildings for park retail and personal service needs.
 - f. Accessory buildings and structures, a maximum of two buildings accessory to any mobile home dwelling.
 - g. Planned Unit Development (PUD) as set forth in Chapter 15.
 3. Height Limits. Two and one-half stories or 30 feet, whichever is lesser.
 4. Minimum Lot Area. 40,000 square feet.
 5. Off-Street Parking and Loading. Two spaces are required for each dwelling unit. See Section 16.4.0 for additional detailed information concerning parking space requirements.
 6. Recreational Area Required. One hundred square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations. Each area shall have a minimum of 2,500 square feet and a minimum width of 25 feet. Mobile home park recreation facility shall not be open to the general public.

7. Landscaping and Open Space. All open areas in the park, not otherwise used, shall be landscaped and maintained with suitable plant materials. The front, side and rear boundaries of the mobile home park shall be developed with landscape planting, fences, walls or a combination of these or other materials as a screen, provided that necessary openings, access points of pedestrian and vehicular entrance, and exits shall be included.

Landscaped areas shall be provided with a suitable, fixed and permanent method for watering or sprinkling of plant materials.

8. Storage. With the exception of motor vehicles and carports, storage outside a mobile home shall be within a totally enclosed structure.
9. Access to Streets. A mobile home park shall have access on a public street if the right-of-way of said street is not less than 50 feet in width.

G. Service Stations.

1. General Principals.

- a. Service stations shall be located adjacent to and integrated with other commercial uses and shall not be developed in "spot" locations.
- b. A service station shall be located adjacent to an arterial or collector street.
- c. Service stations in retail commercial shopping centers shall be integrated with, but located on the periphery of retail commercial centers.
- d. The size and nature of a service station may be expected to vary with the location of a service station and market it is intended to serve.
- e. The siting and architectural character of a service station shall blend with the existing or proposed character of the surrounding area. Variations in building design, materials, and functional features are encouraged.
- f. A pleasing uncluttered appearance of service stations should be assured by adherence to sign regulations, maintenance of adequate landscaping, and limited outdoor display of automotive accessories.

2. Location Standards.

- a. The site shall have a minimum of 125 feet of frontage on an arterial street.
- b. At the time of its establishment, the property lines of the site shall not be conterminous with the property lines of an existing residential use.

- c. The minimum distance from the site to a residential zone, school, park, playground, church, museum, or similar use shall be 200 feet.
- d. The minimum distance between service stations shall be 400 feet, except at intersections.
- e. Not more than two service stations shall be located at any given intersection. When two service stations are proposed to be located near an at-grade intersection, they should be situated on diagonally opposite corners.

3. Site Improvements.

- a. A minimum of eight percent of the net area of a service station site shall be improved with well maintained landscaping elements. These elements may include, but will not be limited to, plant materials, street furniture, and decorative surfaces. Emphasis should be on a pleasing appearance, quality of design, and proper balance between structure and landscape elements, rather than satisfaction of quantitative criteria. Existing specimen trees, mature ornamental shrubs, and ground cover shall be preserved whenever possible.
- b. A fence, hedge, or wall shall be erected on all interior property lines. Such a fence, hedge, or wall shall be a minimum of five feet and a maximum of seven feet in height, except within 40 feet of street rights-of-way where it may be no greater than three feet in height. No fence, hedge, or wall shall be within 15 feet of a street right-of-way. The fence, hedge or wall shall screen 70 percent of the view between the service station and adjacent property and shall be reviewed by the Planning Commission for esthetic and maintenance factors.
- c. Each landscaped and planted area shall be serviced by an installed irrigation system.
- d. A screened trash enclosure shall be provided on each station site.

4. Area and Dimensions.

- a. Area. The maximum site area shall be 30,000 square feet. The minimum site area shall be 10,000 square feet.
- b. Dimensions. The minimum width along an arterial street shall be 125 feet; the minimum depth shall be 80 feet.

5. Access.

- a. A service station shall be permitted not more than two curb cuts for each street frontage.
 - b. Service station driveways on streets shall be located at least 10 feet from the nearest point of the intersection of public right-of-way.
 - c. Driveways for service stations which are developed as part of or in conjunction with adjacent uses shall be located as part of the total circulation element of such adjacent uses.
6. Signs. Service stations shall be required to adhere to the sign regulations of the zone in which they are located. The aggregate area of all signs shall not exceed the sign regulations of the zone in which they are located.
7. Exterior Lighting. Freestanding lighting fixtures shall not exceed a height of 20 feet. Other exterior lighting as may be necessary shall be permitted, provided no nuisance or traffic hazard is created.
8. Operations.
- a. One gasoline pump shall be permitted per 2,000 square feet of site area. A double pump stanchion shall represent one pump.
 - b. Only those vehicles awaiting service shall be permitted to be stored on the premises.
 - c. Operations outside permanent structures shall be limited to the dispensing of gasoline, oil, water, servicing tires, and attaching and detaching trailers.
 - d. No auto body repair shall take place on the premises.
 - e. No major mechanical auto repair shall take place on the premises, unless such repair existed at the time this code was passed.
 - f. Utility trailers, not exceeding 10 in number, may be stored for rent at service stations provided they occupy the rear half of the property and occupy an area of at least 2,000 square feet.
 - g. No mechanical-type car washing facilities shall be operated outside a structure.
 - h. Exterior sales display and storage areas shall be considered as areas of principal business activity, and therefore, they shall be required to be located and designed in a manner that will not detract from the pleasing appearance of the station.

- i. No merchandise shall be stored overnight outside of an enclosed structure.

9. Discontinuance of Operations.

- a. When a service station is not operated for any nine months out of any 18 consecutive months, the Conditional Use Permit for the service stations shall be revoked.
- b. Abandoned station premises shall be maintained in a safe and businesslike manner and shall not be allowed to deteriorate and become a nuisance or safety hazard. After the effective date of this code, all service stations shall be subject to subsections above. The nature of a service station structure is such that, with long-continued vacancy and the accompanying deterioration and obsolescence, the building serves no useful economic or social purpose and injures the value and impairs the development of adjacent properties, all to the public detriment.

H. Historic Structures. A conditional use permit is required for any alteration, change in use, or demolition of a historic structure or site identified in the Westfir Comprehensive Plan text or plan map. Such permit requests shall be evaluated by the Planning Commission and granted only in cases which are in accordance with the eight standards and criteria adopted as policy under Historic and Cultural Areas as contained in the Westfir Comprehensive Plan, and any additional terms or conditions required pursuant to the authority of this Code.

1. Modifications. For conditional use permit requests related to the modification to a historic structure, the Planning Commission must adopt findings, which shall include the following considerations.

- a. Whether the site, structure or object has maintained the required characteristics for historic significance.
- b. Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare.
- c. Whether historical significance will be substantially affected by the proposed change.
- d. Whether the financial or other hardship to the owner in preserving the historic significance is outweighed by the public interest in preserving historic values.
- e. Whether there are alternative ways in which historic values may be preserved if the proposed action is carried out.

- f. Whether the proposed action or change will have any substantial economic, social, environmental or energy consequences and the affect of such consequences on the public and private interests involved.
 - g. Whether there are sources of compensation or financial assistance available to compensate the owner in the event that preservation of the property is recommended by the Planning Commission.
2. Demolition. Permit requests for the demolition of an identified historic structure shall be evaluated by the Planning Commission and granted only in cases which are in accordance with historic structure demolition standards contained in the Westfir Comprehensive Plan and any additional terms or conditions required pursuant to the authority of this Code.

21.7.0 Building Permits for Approved Conditional Use Applications. Building Permits for all or any portion of a conditional use application shall be issued only on the basis of the approved conditional use plan. Any significant change in the approved plan, including the proposed construction of any additional structures, shall be submitted as a new application for conditional use approval.

CHAPTER 22

TEMPORARY USE PERMITS

Sections:

- 22.1.0 Purpose
- 22.2.0 Application
- 22.3.0 Criteria
- 22.4.0 Public Hearing and Notice Requirements
- 22.5.0 Compliance with Conditions of Approval
- 22.6.0 Vested Interest in Approved Temporary Use Permits
- 22.7.0 Time Limit on an Approved Temporary Use Permit

22.1.0 Purpose. The purpose of the temporary use permit procedure is to allow on an interim basis temporary uses in the City not otherwise allowable in a zoning district and not otherwise a nonconforming use. No temporary use permit can be granted which would have the effect of permanently rezoning or granting a privilege not shared by other property in the same zone.

22.2.0 Application. Applications shall be filed with the City Recorder on the form prescribed by the City Recorder at least 10 days prior to the Planning Commission's public hearing and shall include the following:

- A. Name and address of applicant.
- B. Statement of the applicant's legal interest in the property and a description of that interest.
- C. Address and legal description of the property.
- D. Statement explaining the intended request.
- E. The fee required to defray the cost of processing the application.
- F. Any other materials or information as may be deemed necessary by the applicant to assist in evaluation of the request.

22.3.0 Criteria. A Temporary Use Permit may be granted only if:

- A. The temporary use is not inconsistent with the nature of the zoning district in which it is placed.
- B. The temporary use is not inconsistent with the Westfir Comprehensive Plan.

22.4.0 Public Hearing and Notice Requirements. See Section 3.2.5 of this Code.

- 22.5.0 Compliance with Conditions of Approval.** Compliance with conditions imposed in the Temporary Use Permit and adherence to the plot plan submitted as approved are required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code.
- 22.6.0 Vested Interest in Approved Temporary Use Permits.** A valid Temporary Use Permit supersedes conflicting provisions of subsequent rezoning or amendments to this Code unless specifically provided otherwise by the provisions of this section or the conditions of the approval of the Temporary Use Permit.
- 22.7.0 Time Limit on an Approved Temporary Use Permit.** Authorization of a temporary use permit shall be void one (1) year after the date of approval of the permit application or such lesser time as the authorization may specify.

CHAPTER 23

SITE REVIEW PROCEDURES

Sections:

- 23.1.0 Purpose
- 23.2.0 Application
- 23.3.0 Exceptions
- 23.4.0 Review Procedures
- 23.5.0 Information to Accompany Application
- 23.6.0 Findings Necessary to Granting Approval
- 23.7.0 Conditions of Approval
- 23.8.0 Building Permits for Approved Site Review Requests

23.1.0 Purpose. The purpose of this section is to assure that a proposed development subject to site review requirements is developed in conformance with applicable land use regulations and is designed in a manner to provide for environmental quality that will not be detrimental to the public health, safety and general welfare.

23.2.0 Application.

- A. The Planning Commission must review and, if appropriate, approve a site plan for each new building, structure, open land use, or addition to an existing development in all instances where site plan review is requested or required by this Code. No building permit or development permit shall be issued for such a development until the Planning Commission's approval of the site plan has become final. Nothing in this section requires that the Planning Commission approve a site plan application.
- B. The Planning Commission must review and, if appropriate, approve a site plan for any application seeking to alter, move, renovate, demolish or change the use of any historical structure, as defined by the Westfir Comprehensive Plan. Planning Commission approval is necessary before such a change can be undertaken.

23.3.0 Exceptions. The requirement for approval of a site plan does not apply in the following cases:

- A. Temporary use of land not to exceed ten days.
- B. Uses permitted "outright" in an R zone, except in the case of historical sites.
- C. A proposal requiring a site plan that is also subject to approval under the provisions related to planned unit development, variance or conditional use permit.

23.4.0 Review Procedures.

- A. The application for site plan approval must be filed with the City Recorder on the form prescribed by the City.
- B. The Planning Commission shall review all applications for site review as a Type II procedure.
- C. The Planning Commission may approve, approve with conditions or deny an application for site review. If the Planning Commission decides that conditions are necessary for the application to comply with the requirements for approval of a site review, the Planning Commission shall identify and impose the conditions necessary to obtain compliance. If the Planning Commission determines that the proposed development is incompatible with the requirements for approval of an application for site review, the Planning Commission shall deny the application.

23.5.0 Information to Accompany Application. In addition to the information specified in subsection 3.2.1 of this Code, an application for a site plan approval shall be accompanied by a site plan showing the following:

- A. Off-street parking lot design, including entrance and exit points and proper drainage.
- B. Street right-of-way line.
- C. Setbacks.
- D. Exterior lighting and signs.
- E. Fencing, landscaping and underground irrigation system.
- F. Building elevations to illustrate architectural style and compatibility with neighborhood.
- G. Shadow patterns of all proposed structures.
- H. Any other data necessary to describe the proposed development.

23.6.0 Findings Necessary to Granting Approval. Except for site plans concerning historic structures, in order to approve the site plan as meeting the requirements of conformance with applicable land use regulations and assurance of environmental qualities that are not detrimental to the public health, safety and general welfare, the Commission must find that:

- A. Any dead end road over 150 feet in length and not maintained by the City shall be considered a cul-de-sac and shall have a right-of-way width with a radius of at least 48 feet. Fire apparatus access roads shall have an improved all-weather surface that can support a fully loaded fire truck with a width of at least 36 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Cul-de-sacs on

dead-end roads shall be spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as “NO PARKING – FIRE LANE” and such signs shall have lettering 6 inches high with a one inch stroke and shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road. These standards may be modified by the City Council if objective evidence has been submitted that demonstrates that alternative standards would insure adequate access for fire fighting equipment and emergency vehicles from their point of origin to their point of destination. Fire hydrants shall be spaced in accordance with the standards of Table A-III-B-1 of Appendix III-B of the Oregon Uniform Fire Code (effective April 30, 1998).

- B. The applicant shall consider maintaining existing healthy native trees of at least 8 inches diameter where their destruction is not necessary for construction. Applications shall include a plan showing existing healthy trees of at least 8 inches in diameter and marking those trees proposed for removal.
- C. The applicant shall provide a plan showing regular maintenance of any walls, fences, hedges, screen plantings or landscape areas to: (i) prevent encroachment on adjacent properties or unsafe conditions; (ii) maintain their original character; and (iii) provide necessary and normal replacement.
- D. The applicant shall provide for the planting of ground cover or other surfacing where necessary to prevent erosion or to reduce dust.
- E. The applicant shall include a statement that no occupancy of the proposed structures will occur until water, sewer and drainage facilities and services are available to serve the proposed use.
- F. Based on the transportation impacts as shown by a traffic impact study submitted by the applicant, the development shall provide adequate adjacent right of way and road improvements to accommodate anticipated traffic generation.
- G. A secondary or emergency accessway shall be provided for emergency ingress or egress.
- H. The applicant shall provide a plan showing regular maintenance of common facilities and structures to improve or maintain their original character and to provide necessary and normal replacement.
- I. For development on slopes of greater than 15 percent, the applicant shall provide certification from a registered geotechnical engineer that the proposed development and placement of structures will not cause or be subject to erosion or landslide

potential that would have a greater than normal adverse effect on the proposed development or adjacent properties.

- J. The proposed development conforms to the City of Westfir's Master Road Plan.
- K. Any proposed improvements will conform to the City of Westfir's minimum structural specifications.
- L. The applicant shall submit a parking plan showing that parking is provided consistent with existing City standards for the property's zoning.
- M. Lighting Standards:
 - 1. Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be contained to the target area.
 - 2. All exterior lights shall be designed, located, installed and directed in such a manner as to prevent glare across the property lines.
 - 3. All exterior building lighting for security or aesthetics will be full cut-off or shielded type, not allowing any upward distribution of light.
 - 4. For purposes of this subsection: (a) "Glare" means light that causes annoyance, discomfort, or loss in visual performance and ability; (b) "Uplighting" means any light source that distributes illumination above a 90 degree horizontal plane.
- N. Cut and Fill Standards
 - 1. Permanent changes in grade exceeding five (5) feet are not allowed. A "permanent change in grade" means an alteration of the natural grade which remains visible after the project is complete, such as a road cut or a pad for a mobile home, but does not include excavations that are later filled with soil or structures, such as a excavation for a basement or swimming pool.
 - 2. Notwithstanding the foregoing, permanent changes in grade may be allowed if the applicant can show that the planned cut or fill conforms with the following standards:
 - a. There are no practical, economically feasible alternatives to the planned cut or fill. For purposes of this section, an "economically feasible alternative" is one that will cost in excess of 115 percent of the cost of proposed cut or fill. Alternatives include, but are not limited to, the reductions of street width over a short distance; changes in the location of a street; increases in grade of a street over a short distance; special design of structures to conform with the

natural grade; and the clustering of structures to avoid steep areas.

- b. The planned cut or fill can and will be revegetated, leaving no exposed soil or rock. For cuts, the applicant must show that the subsoil is capable of supporting plant growth, or that the cut can be completely covered by creeping vegetation rooted in the topsoil at the upper end of the cut. Drawings or detailed descriptions of the proposed revegetation must be submitted.
 - c. As an alternative to revegetation, the applicant may propose dry stone, wood or masonry walls to cover cuts or fills. Drawings or detailed descriptions of the proposed walls must be submitted.
- O. Public facilities are adequate to accommodate the proposed development or provisions will be made in the course of development to upgrade public facilities to meet existing City standards.
- P. Where applicable, that all criteria and standards relating to development in a flood hazard area have been met.

23.7.0 **Conditions of Approval.** In approving a site review application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Code, additional conditions which the Commission considers necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole as well as being in conformance with the Comprehensive Plan. These conditions may include any of the following:

- A. Regulating the required lot size, lot width or yard dimensions.
- B. Regulating the height of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Requiring dedication of additional street right-of-way or increasing the street width.
- E. Increasing the number of required off-street parking or off-street loading spaces.
- F. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- G. Limiting the number, size, location and lighting of signs.
- H. Designating sites for open space or outdoor recreation areas.
- I. Requiring ongoing maintenance of buildings and grounds.

- J. Regulating noise, vibration, odors and similar factors that may have a substantial negative effect on the development of the surrounding area of the City as a whole.
- K. Providing internal property improvements such as underground utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening or recreation areas in order to enhance the area and to protect adjacent or nearby property.
- L. Regulating time periods for the conduct of certain activities.
- M. Setting a time limit for which the site plan is approved.
- N. Require the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services which are directly benefiting the proposed development or require participation in an improvement district to insure provision of basic services, parks or streets and sidewalks directly benefiting the proposed development.
- O. Require the staggering of units to avoid a barrack-like effect.
- P. Requiring the installation of fire and intrusive alarm systems.
- Q. Requiring that the proposed buildings are located so as to protect solar access of adjacent buildings and lots.
- R. Regulating grading, excavating, construction and filling in all areas identified as special flood hazard.
- S. Require that exterior modification of designated historical structures be made with the same or similar materials and in the same or similar architectural style as originally used in the historic structure.
- T. Additional conditions may be added to meet the requirements set out in Section 3.6.6 of this Code, or the purposes of site review, provided that such conditions do not discourage needed housing types at densities provided by the underlying zone through unreasonable cost or delay.

23.8.0 Building Permits for Approved Site Review Requests. Building permits for all or any portion of a site review application shall be issued only on the basis of the approval plan. Any proposed change in the approved plan shall be submitted as a new application for site review.

CHAPTER 24

AMENDMENTS

Section:

- 24.1.0 Procedure
- 24.2.0 Initiation of Amendments
- 24.3.0 Application
- 24.4.0 Action by the Planning Commission
- 24.5.0 Action by the City Council
- 24.6.0 Burden of Proof
- 24.7.0 Standards for Granting Approval
- 24.8.0 Limitation of New Applications
- 24.9.0 Record of Amendments

24.1.0 **Procedure.** This Code or the Comprehensive Plan map or text may be amended by changing the boundaries of districts or designations or by changing any other provisions thereof whenever the public necessity and convenience and the general welfare requires such an amendment by following the procedure of this code.

24.2.0 **Initiation of Amendments.** An amendment to the text of this Code or to the zoning map and/or to the Comprehensive Plan map or text may be initiated by:

- A. Motion of the Planning Commission
- B. Motion of the City Council
- C. Application filed by an owner of record, a purchaser under a record land sale contract, or the holder of an option to purchase property which is the subject of the application for rezoning or comprehensive plan map redesignation.

24.3.0 **Application.** The property owner or his authorized agent may make application for an amendment by filing an application, on a Land Use Application form, with the Planning Commission. The application will be scheduled for the next available Planning Commission hearing. The application shall be accompanied by the following information:

- A. Name and address of the applicant.
- B. Title report and/or other documentation to provide evidence that the applicant is the owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property that is the subject of the application.
- C. Address, legal description and Lane County Assessor's tax lot and map number of the subject property.

- D. A map (Lane County Assessor's plat) showing the subject property, and surrounding properties and a listing of current property owners within 250 feet of the property subject to this application.
- E. Statement and supportive evidence indicating the precise manner in which the proposed amendment is in conformance with the Comprehensive Plan for the City of Westfir and each of the applicable provisions of this Code together with any other data pertinent to the findings prerequisite to the granting of an amendment to this Code, zoning map or Comprehensive Plan map and/or text as listed in subsection D of Section 24.5.0 of this Code.
- F. The application shall be accompanied by a filing fee in the amount established by general resolution of the City Council. No part of the filing fee is refundable.

24.4.0 Action by the Planning Commission.

- A. Upon filing application for an amendment as described in Section 23.3.0, or upon motion of the City Council or Planning Commission for the initiation of an amendment, the matter shall automatically be referred to the Planning Commission and a public hearing shall be held on the matter for which notice shall be given as provided in Chapter 3. In open meeting, the Planning Commission shall recommend the approval or disapproval of the amendment. The recommendation shall be reported to the City Council by filing the recommendation with the City Recorder. No further action need be taken by the City Council.
- B. The report and recommendation of the Planning Commission shall be made within 90 days after the filing of the application; provided that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the commission to report within 90 days shall be deemed a recommendation of approval.

24.5.0 Action by the City Council.

- A. Hearing before City Council. Upon receipt of the report of recommendation from the Planning Commission, or upon the expiration of the 90 period, a public hearing is automatically set for the next regular City Council meeting following the receipt of the report; provided, however, that the Council may, by motion, set the date of such public hearing at such other time or at such other place it desires, or may decline to proceed further with the proposed zone change or amendment. Notice of the public hearing shall be given as provided in Section 3.2.5.
- B. At the conclusion of the public hearing, the Council may enact an Code granting the zone change or amendment, or may make any changes the Council deems appropriate to the proposed zone change or amendment, or may decline to adopt the zone change or amendment. The Council should seek to render its decision within

60 days after the receipt of the report and recommendation of the Planning Commission or the expiration of the 90 day decision period in Section 24.4.0(B).

- C. If the Council proposes to adopt an amendment that is substantially altered from the recommendation of the Planning Commission, the Council may refer the amendment back to the Commission for report and recommendation. The Commission shall consider the referral within 30 days of receipt.
- D. Except as set forth herein, in order for the City Council to adopt an Code for an amendment to this Code, Comprehensive Plan document and/or map, findings must be made and adopted as a part of the Code that are adequate to support the amendment proposal. It must be found that the amendment complies with and conforms to the Comprehensive Plan goals, policies, and generalized land use map.

24.6.0 Burden of Proof. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the amendment. If no evidence is produced supporting the findings, the application may be denied.

24.7.0 Standards for Granting Approval.

- A. The proposed zone/district change is in conformance with the Comprehensive Plan and will not have a significantly adverse effect upon adjoining lands and uses.
- B. A 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/district change.
- C. The uses and density that will be allowed by the change can be served through the orderly and efficient extension of key urban services and are consistent with the principles of compact and sequential growth.

24.8.0 Limitations on New Applications. If the application for an amendment is denied by the City Council, the application shall not be eligible for re-submittal for one (1) year from the date of denial. A new application affecting the same property must be significantly different from the application denied unless the Planning Commission finds that conditions have changed to an extent that further consideration is warranted.

24.9.0 Record of Amendments. The City Recorder shall maintain records of amendments to the text and zoning map of the Code.

CHAPTER 25

MASTER PLANS

Section:

- 25.1.0 General
- 25.2.0 Applicability
- 25.3.0 Review
- 25.4.0 Master Plan Submittal Requirements
- 25.5.0 Criteria
- 25.6.0 Conditions of Approval
- 25.7.0 Modifications to the Master Plan and Schedule
- 25.8.0 Obligations of the City and The Applicant

25.1.0 General.

- A. A Master Plan is a comprehensive development plan that allows phased development of a specific development area over several years in accordance with the provisions of this Code for public, commercial, industrial or residential development. By addressing public service impacts and development requirements at the time of approval of Master Plan, such impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.
- B. The purpose of a Master Plan is to:
 - 1. Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;
 - 2. Assure that individual phases of a development will be coordinated with each other;
 - 3. Provide the applicant an assurance of the City's expectation for the overall development as a basis for detailed planning and investment by the developer.
- C. The Planning Commission shall approve the Master Plan prior to City approval of a related subdivision or site plan application; however, the Master Plan may be reviewed concurrently with a zone change application, discretionary use application, variance application and any other application or approval sought by the applicant related to the Master Plan.
- D. Subject to prior approval of a Master Plan, a separate subdivision or site plan application shall be approved for each phase. The Master Plan shall be the basis for

the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.

- E. Approval of a Master Plan shall be effective for up to seven (7) years; however the approved Master Plan time limit may be extended pursuant to Section 25.7.0.

25.2.0 **Applicability** The Master Plan process shall apply when initiated by an applicant when the following criteria are met:

- A. The development area is under one ownership; or
- B. If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and
- C. The development area is five acres or greater. Notwithstanding the foregoing, the City Planner may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

25.3.0 **Review**

- A. Master Plans shall be reviewed under Type III procedure.
- B. A Pre-Application review is required prior to submittal of an application for Master Plan Approval.
- C. Pursuant to Section 3.2.0, a complete application together with all required materials shall be accepted by the City Recorder prior to review of the request.

25.4.0 **Master Plan Submittal Requirements** A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the requirements of this Code are being fulfilled and shall include but not be limited to the following:

- A. Existing Westfir Comprehensive Plan designation and zone classification.
- B. A vicinity map drawn to scale on a street base map.
- C. A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.
- D. Topography map and narrative depicting present uses of the land, existing structures, roads, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.
- E. A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.

- F. The density or intensity of proposed uses.
- G. The maximum height and size of proposed structures, if known.
- H. A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.
- I. Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.
- J. The City Planner may require additional information necessary to evaluate the proposed development including but not limited to an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps except vicinity and detail maps shall be at the same scale.
- K. Provisions, if any, for reservation, dedication, or use of land for public purposes, including rights of way, easements, parks, open spaces, and school sites.
- L. An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives should be described.
- M. Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.
- N. Designation of responsibility for providing infrastructure and services.
- O. A general schedule of annexation consistent with the phasing plan if applicable.

25.5.0 **Criteria** A Master Plan may be approved if the Planning Commission finds that the proposal conforms with all of the following criteria. In the event of a conflict with criteria in this subsection, the more specific requirements shall apply.

- A. The zoning of the property is consistent with the Westfir Comprehensive Plan diagram and/or applicable refinement plan diagram;
- B. The request as conditioned conforms to the applicable Westfir Development Code requirements, Westfir Comprehensive Plan policies, functional or refinement plan policies, applicable state statutes and administrative rules;
- C. Proposed on-site and off-site public and private improvements are sufficient to accommodate the proposed phased development and any capacity requirements of

public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing;

- D. The request provides adequate guidance for the design and coordination of future phases;
- E. Inventoried natural resources, wetlands, open space areas, archaeological and historic features are evaluated and considered consistent with the Oregon Administrative Rule procedure for Statewide Planning Goal 5; and
- F. Local public facilities plans and local street plans will not be adversely impacted by the proposed development.
- G. If any portion of the property subject to the Master Plan is contaminated with hazardous materials, the applicant shall provide a development plan, consistent with Oregon Department of Environmental Quality regulations and applicable Prospective Purchaser Agreements and/or other applicable agreements in force between the property owner and DEQ, that contains the following:
 - 1. An inventory and assessment of the type, scope and location of the hazardous materials and the cleanup methods and costs associated with all locations.
 - 2. A financial plan that will describe the mechanism for funding the eventual cleanup of all hazardous materials.
 - 3. A schedule for the manner and timing of the cleanup of hazardous materials.

25.6.0 **Conditions Of Approval** In addition to any applicable Discretionary Use conditions, the Planning Commission may attach other conditions as may be reasonably necessary to minimize negative impacts in accordance with this Code to ensure that the proposed development can fully meet the criteria of Section 25.5.0, and may require guarantees and evidence that such conditions will be complied with as a condition use. Additionally, the conditions of approval may contain any conditions necessary to implement the provisions of Section 25.4.0 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.

25.7.0 **Modifications To The Master Plan And Schedule** Applications for phase approval which are substantial conformity with an approved Master Plan shall not be deemed a modification. Modifications to the Master Plan must be processed under the applicable procedures described below to amend the Plan:

- A. Those modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to (2) or (3) below shall be processed as ministerial decisions by the Planning Commission.

- B. Those modifications that are significant but do not affect the basic underlying assumptions of the approved Master Plan shall be processed under a Type II procedure. The changes include:
1. Request by the applicant for a change of density allocation within the density range allowed in the applicable zoning district;
 2. Request by the applicant for a change to the alignment of right of way requirements of local streets;
 3. Request by the City or applicant for a change to the sizes or location of public facilities;
 4. Request by the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;
 5. Requests for Master Plan amendments initiated by the City based on the requirement to implement newly adopted state or federal regulations;
 6. A request by the applicant for a one time extension of the approved time limit for up to 3 years. Such extensions shall be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;
 7. A request by the applicant to alter significant natural resources, wetlands, open space areas, archaeological and historic features beyond the scope of the approved Master Plan; or
 8. Other changes to the final approved Master Plan as requested by the applicant that the City Planner determines to be similar to the modifications set forth in this subsection.
- C. Those modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:
1. Zone Change or Discretionary Use applications initiated by the applicant;
 2. Requests for re-alignment or re-designation of arterial or collector streets initiated by the applicant;
 3. Inability of the City or the applicant to provide essential public infrastructure;
 4. Requests for Master Plan amendments initiated by the City based on the requirement to implement newly adopted state or federal regulations;

5. A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Section 25.1.0.E or the extension permitted in Section 25.7.0.B.6 but in no case shall the extension exceed 15 years from the original Master Plan approval date; or
6. Other changes to the final approved Master Plan as requested by the applicant that the Planning Commission determines to be similar to the modifications set forth in this subsection.

25.8.0 Obligations of the City and The Applicant

- A. Approval of the Master Plan shall assure to the applicant the right to proceed with the development and substantial conformity with the Master Plan, subject to such changes as may be approved pursuant to Section 25.7.0. Changes to ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.
- B. Phase approvals shall occur through the subdivision review process, Chapter 26, or the site plan review process, Chapter 23, as applicable.
- C. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Approval of development phases shall be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City ordinances on issues that the Master Plan does not address.
- D. Notwithstanding the preceding provision, the city is not obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.
- E. The City is not required to approve development of any phase described in the Master Plan if such approval violates applicable Federal or State statutes or administrative rules.
- F. The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City.

CHAPTER 26

LAND DIVISIONS

Sections:

- 26.1.0 Purpose
- 26.2.0 Applicability
- 26.3.0 Lot Line Adjustments
- 26.4.0 Procedure for Platting Property
- 26.5.0 Partitions
- 26.6.0 Expedited Land Divisions
- 26.7.0 Subdivisions
- 26.8.0 Modification of Provisions
- 26.9.0 Appeals

26.1.0 **Purpose.** It is the intent of the Land Division Chapter of this Code to accomplish the orderly development of land within the corporate limits of the City of Westfir; to promote the public general health, safety and welfare; to provide rules, regulation and standards to govern the approval of plats for subdivisions and partitions; to carry out the development pattern and plan of the City of Westfir; to lessen congestion of streets; to secure safety from fire, flood, pollution and other dangers; to provide adequate light and air; to prevent overcrowding of land; to facilitate adequate provision for transportation, water supplies, sewage, drainage, education, recreation and other needs of the people; and to provide the prescribed procedures to be followed in submitting plans and plats of subdivision for approval.

26.2.0 **Applicability.**

- A. No person shall divide land, except after approval of such division pursuant to this Code.
- B. No person shall sell any lot in any subdivision for which approval is required by this Code:
 - 1. Until such approval is obtained, and
 - 2. The 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 plan has been approved.
- C. No person shall sell any lot in any subdivision by reference to or exhibition of 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.

- D. No person may sell any parcel in a partition for which approval is required by this Code until such approval is obtained and the partition recorded, however, a person may negotiate to sell a parcel in a partition prior to the required approval of the partition.
- E. 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.
- F. No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the City Council.
- G. A Master Plan that conforms to the requirements of Chapter 25 of this Code shall be required for the phased development of property in excess of five (5) acres in size that is proposed for partitioning or subdivision.
- H. A person subdividing or partitioning of property that is contaminated with hazardous materials shall comply with provisions of Section 25.5.0.G of this Code.

26.3.0 **Lot Line Adjustments.** A lot line adjustment means the relocation of a common property line between two abutting properties. It occurs when the property lines separating two or three properties are moved to add and remove land from the properties. A lot line adjustment does not result in the creation of a new lot.

26.3.1 **Procedure.** Lot line adjustments are reviewed through the Type I procedure.

26.3.2 **Submittal Requirements.** A complete application for a lot line adjustment consists of a completed application form, signed by all property owners in the proposed adjustment, and a map showing the details below. Failure to provide any information required by this Code shall not constitute a waiver to any standards, criteria or requirements of this Code.

- A. The scale, north arrow, and date of the map.
- B. The tax map and lot number identifying each parcel involved in the adjustment.
- C. The location, width, and purpose of any easements, private wells, septic tank systems, and driveway access to public right-of-way, existing or proposed.
- D. The area, before and after the lot line adjustment, of each parcel.
- E. The proposed property lines and dimensions of each parcel.
- F. Evidence that the existing properties are legal, buildable lots or parcels.
- G. Existing structures, all utility lines, including septic systems and wells with dimensions and distances from new property lines.

26.3.3 **Review Criteria.** The Planning Commission shall approve, approve with conditions, or deny the request based upon the criteria below. If any of the criteria are not met, the lot line adjustment is considered a land division and shall be in accordance with Section 26.5.0 or Section 26.6.0 of this Code.

- A. The lot line adjustment does not create a new lot or a land-locked parcel.
- B. The adjusted properties are not reduced below the minimum dimensions of the zoning district and do not otherwise violate standards of this Code.
- C. The adjusted properties comply with any previous requirements or conditions imposed by a review body.
- D. Existing public utility easements shall not be affected.
- E. Setbacks and lot coverage shall not be reduced below the minimum for the zone in which the property is located.

26.3.4 **Recording Requirements.** Lot line adjustments must meet the recording requirements of ORS 92.190 and be executed by deed.

26.4.0 **Procedure for Platting Property.**

26.4.1 **Duplex Divisions (Tandem Duplex).** The division and sale of a parcel containing a duplex shall be treated in all respects as a partition.

26.4.2 **Procedure.** Duplex divisions are reviewed through the Type I procedure.

26.4.3 **Review Criteria.** The Planning Commission may authorize width, area, yard setback and frontage exceptions for the creation, with the intent to sell, one half of a duplex as a separate parcel provided it meets the following criteria:

- A. It is consistent with the purpose and intent of the Westfir Land Development Code.
- B. The existing lot is occupied by a duplex that conforms to all applicable regulations.
- C. A single family dwelling will not replace or be added to the lot.
- D. The resulting lots will be relatively equal in size, with the maximum differential equal to ten percent or less of the total area of the original lot.
- E. Each resulting lot will, except for any exceptions specifically granted by the Planning Commission, comply with all requirements for a standard single family residential lot, including minimum lot size.

- F. Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city-attorney approved easement establishing the rights, responsibilities, and liabilities of the affected parties, to be recorded along with other documents related to the partition.
- G. Prior to approval the Planning Commission may require the applicant to enter into a written, city attorney approved agreement suitable for recording in the Lane County Recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance of common areas, such as, but not limited to, roofing, water pipes, and wiring, and creates an easement for entry onto each parcel for the purpose of maintaining and repairing all common areas and the area immediately adjacent to the common property line.

26.5.0 Expedited Land Divisions.

26.5.1 Procedure. Expedited land divisions are reviewed through the Type II procedure.

26.5.2 Review Criteria. All applications for Expedited Land Divisions shall comply with ORS 197.360 through 197.380, the Westfir Comprehensive Plan, and the Westfir Code.

An application for an expedited land division shall describe the manner in which the proposed division complies with each of the following criteria:

- A. The land shall be zoned for residential use and be within the Urban Growth Boundary;
- B. The divided land shall be solely used for residential uses, including recreational or open space uses accessory to residential use;
 - 1. The division shall not provide for dwellings or accessory buildings to be located on land that is specifically mapped and/or designated in the Comprehensive Plan and land use regulations for full or partial protection of natural features under the statewide planning goals;
 - 2. The division shall satisfy minimum street or other right-of-way connectivity standards established by this Code;
 - 3. The division shall create enough lot or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; and
 - 4. The division shall create three or fewer parcels under ORS 92.010.

26.5.3 Appeals. Appeal procedures are set forth in the Section 3.10.0 of this Code.

26.6.0 Partitions.

- 26.6.1 Difference Between Partitions and Subdivisions.** A subdivision relates to the division of land into four or more lots within a calendar year. A partition relates to the division of land into two or three parcels within a calendar year. A partition does not include the exclusions set forth in ORS 92.010 (7). A partition that creates lots that may later be further divided may, at the discretion of the Planning Commission, be treated as a subdivision.
- 26.6.2 Process.** Partitions are reviewed in two stages. A preliminary plat is reviewed primarily for design aspect, such as connections to existing and future streets, preservation of natural areas, drainage and floodplain considerations, and compliance with requirements of other portions of this Code. The final plat is reviewed for conformance to the preliminary plat as approved (with or without conditions) and applicable state or county laws.
- 26.6.3 Procedure.** Partitions are reviewed through a Type I procedure.
- 26.6.4 Preliminary Plat Submittal Requirements.** The property owner or an authorized agent may make application for a partition by filing an application, on a Land Use Application form with appropriate fees to the City Recorder. The application must also include ten (10) copies of the preliminary plat containing the following information:
- A. Drawn or printed in ink, to scale, on paper in such a way as to be suitable for reproduction. The paper shall be no smaller than 11 inches by 17 inches.
 - B. North arrow, scale (appropriate to the area involved and sufficient to show detail of the plan and related data) and date.
 - C. Name, address and telephone number of each of the following: property owner(s), partitioner, preparer of the map, surveyor, and date of survey.
 - D. Streets: Names, locations, pavement widths, rights-of-way, and access points, both existing and proposed.
 - E. Easements: locations, widths, and purpose of all existing and proposed easements.
 - F. Utilities: location and size of all existing and proposed storm drains, sewer mains, water mains, and utility poles.
 - G. Natural features: Location and extent of streams, wetlands, and wooded areas.
 - H. Flood areas: show location of 100-year flood plain and other areas subject to ponding.
 - I. Slope: show average slope and degree and approximate direction of slope and drainage.

- J. Districts: Location of zoning district and boundary.
- K. Lot dimensions: existing and proposed lot lines and their dimensions.
- L. Lot size. Existing and proposed lot size in square feet or acres.
- M. Existing uses. Location and outline of existing buildings to remain on the property with distances in feet to new lot lines created by the proposed partition.
- N. Supplemental information: deed restrictions, if any.
- O. A signature by the property owner that guarantees to the city that all information shown on the map is accurate and correct, and the applicant accept responsibility for same.
- P. If the proposed partitioning results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines how future divisions and streets can be created. The Planning Commission may require that such applications be treated as an application for subdivision approval.

26.6.5 Preliminary Plat Review. Within five (7) days of the preliminary plat's submittal and acceptance as complete, the Planning Commission shall distribute copies of the plat to the Fire Department, Public Works Department and City Engineer for review.

Not more than 15 days thereafter, the above shall return comments and/or information they deem necessary for public benefit to the Planning Commission. The Planning Commission shall consider the preliminary plat and the reports of the departments named above at a regular Planning Commission meeting no more than 45 full days after the preliminary plat is submitted.

26.6.6 Review Criteria. The Planning Commission shall have the authority to approve, approve with conditions or deny the request, based on the following criteria:

- A. The development is in substantial conformance to the Comprehensive Plan.
- B. The plat meets the appropriate requirements of this Code, and state and federal laws.
- C. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- D. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- E. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

- F. The location and design allows development to be conveniently served by various public utilities.
- G. Any special features of the site (such as topography, floodplains, drainage, wetlands, vegetation, historic sites) have been adequately considered and utilized.
- H. Any conditions, such as the completion of public facilities prior to final plat approval, necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.

26.6.7 Final Plat Approval. Any changes or modifications resulting from preliminary review shall be incorporated and submitted as the partition final plat, along with additional supplementary information required.

26.6.8 Filing Final Plat. After obtaining all required approvals and signatures, the developer shall:

- A. File the final plat survey map with the Lane County Surveyor within 90 days of approval and signature by the City of Westfir. Failure to file within the said time period shall render the approval null and void.
- B. File the deeds and/or descriptions resulting from the partition approval creating the parcels with Lane County Assessor’s Office within 10 working days of filing the survey map with the Lane County Surveyor.
- C. Within 10 days after filing the final plat with the county surveyor, the owner/developer shall provide the city two (2) blue-line prints of the survey map.

26.7.0 Subdivisions.

26.7.1 Difference Between Partitions and Subdivisions. A subdivision relates to the division of land into four or more lots within a calendar year. A partition relates to the division of land into two or three parcels within a calendar year. A partition does not include the exclusions set forth in ORS 92.010 (7).

23.7.2 Process. Subdivisions are reviewed in two stages. A preliminary plat is reviewed primarily for design aspect, such as connections to existing and future streets, preservation of natural areas, drainage and floodplain considerations, and compliance with requirements of other portions of this Code. The final plat is reviewed for conformance to the preliminary plat as approved (with or without conditions) and applicable state or county laws.

26.7.3 Procedure. Preliminary subdivision plats are reviewed as a Type III procedure.

26.7.4 Preliminary Plat Submittal Requirements. The property owner or an authorized agent may make application for a partition by filing an application, on a Land Use Application form with appropriate fees to the City Recorder. The application must also include ten (10) copies of the preliminary plat containing the following information:

- A. Ten (10) copies of the plat map to be drawn on a sheet not less than 18 inches by 24 inches and one (1) reduced copy 11 inches by 17 inches.
- B. The preliminary plat shall be drawn to scale. The scale shall be the largest standard engineering scale possible to fit the sheet size.
- C. North arrow, date map prepared.
- D. The proposed subdivision name shall conform to the standards set forth in ORS 92.090 and cannot duplicate or resemble the name of any other subdivision or partition in Lane County.
- E. The names, addresses and telephone numbers of the property owner(s), preparer of the plat, surveyor, and engineer.
- F. Stamp of the registered engineer or licensed land surveyor who prepares the plat.
- G. Location of the subdivision by section, township, range and a legal description sufficient to define the location and boundaries of the proposed tract.
- H. A vicinity sketch shown on the plat map at a small scale (i.e., 1" = 400') showing all existing and adjacent subdivisions, streets, and tract lines of adjacent parcels.
- I. Zoning of the property
- J. The location of existing and proposed right of way lines for existing and proposed streets as shown on the Transportation System Plan.
- K. The boundary lines (to scale) of the tract to be divided
- L. 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.
- M. Topographic contour lines having the following minimum intervals:
 - 1. One (1) foot contour intervals for ground slopes less than 5 percent.
 - 2. Two (2) foot contour intervals for ground slopes between 5 percent and 10 percent.

3. Five (5) foot contour intervals for ground slopes over 10 percent.
- N. The elevation of all control points used to determine the contours.
 - O. The approximate dimensions in feet and area in square feet of all proposed lots.
 - P. The existing and proposed uses of all property. Existing use of the property including scaled location and present use of all existing structures. Clearly differentiate between structures that will remain after development and those which are slated for removal.
 - Q. The approximate location of the 100-year flood plain and all other areas subject to seasonal ponding.
 - R. All improvements proposed to be made or installed, and the time within which such improvements are proposed to be completed.
 - S. The approximate width and location of all existing and proposed easements for public utilities.
 - T. The approximate width and location of all existing and proposed reserve strips that may be imposed by the Planning Commission pursuant to this Section.
 - U. The domestic and fire protection water system proposed to be installed, including the location of fire hydrants.
 - V. The location of proposed street lights to be installed.
 - W. Dedications: The location and purpose of all areas proposed to be dedicated to the city by the subdivider.
 - X. Utilities: The location and size of all existing and proposed sanitary sewer mains, storm drains, water lines, drainage ways, and public utility installations on and abutting the tract.
 - Y. Easements: The location, width and purpose of all existing and proposed easements on and abutting the tract.
 - Z. Pedestrian ways: location and widths of all proposed and existing sidewalks and pedestrian access ways.
 - AA. Natural features. Location and direction of flow of all creeks, drainageways, wetlands, and significant vegetation (trees over 8" diameter as measured three (3) feet from the base)
 - BB. Proposed and existing deed restrictions (C, C & Rs).

- CC. The approximate radii of all curves.
- DD. Areas designated for phasing of the project development
- EE. A statement that says, “The City is not responsible for costs incurred to structures, shrubs, or other prohibited facilities within the public utility easement area during the repair or maintenance of City utilities.”
- FF. A statement that says, “All utilities are to be installed underground.”
- GG. A statement that says, “As a condition of approval of the proposed development and sale of this property, the owner of this property, and all subsequent owners, consent to pay the City of Westfir any charges reasonably related to Westfir’s construction of sidewalks done pursuant to the provisions of Westfir’s subdivision Code.”

26.7.5 Subdivision Preliminary Plat Review. Within seven (7) days of the preliminary plat’s submittal and acceptance as complete, the Planning Commission shall distribute copies of the plat for review to the Fire Department, Public Works Department, City Engineer, Oregon Department of Transportation, if the property is adjacent to a state highway, and Lane County Public Works Department, if the property is adjacent to a county road or drains to a county facility.

Not more than 15 days thereafter, the above shall return comments and/or information they deem necessary for public benefit to the Planning Commission. The Planning Commission shall consider the preliminary plat and the reports of the departments named above at a regular Planning Commission meeting no more than 45 full days after the preliminary plat is submitted.

26.7.6 Preliminary Plat Review Criteria. The Planning Commission shall have the authority to approve, approve with conditions or deny the request, based on the following criteria:

- A. The development is in substantial conformance to the Comprehensive Plan.
- B. The plat meets the appropriate requirements of this Code, and state and federal laws.
- C. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- D. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- E. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.
- F. The location and design allows development to be conveniently served by various public utilities.

- G. Any special features of the site (such as topography, floodplains, drainage, wetlands, vegetation, historic sites) have been adequately considered and utilized.
- H. Any conditions, such as the completion of public facilities prior to final plat approval, necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.

26.7.7 **Effects of Approval.** After approval of the preliminary plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Approval shall be effective for a period of one year. If the final plat is not submitted to the Secretary of the Planning Commission within one year, the sub-divider may apply in writing to the Planning Commission for an extension based on compliance with the following criteria:

- A. A request for an extension is made in writing prior to expiration of the original approval.
- B. The applicant describes how reasonable progress has been made in completing the final plat prior to requesting the extension.
- C. The applicant describes special or unusual circumstances that exist (e.g., weather conditions, financial problems, etc.) which warrant an extension.
- D. Extensions to the preliminary approval may be granted for a period not to exceed one year from the expiration date of the original approval.
- E. Prior to granting an extension, the Planning Commission may consider any changed circumstances and make modifications to conditions of approval as appropriate.

26.7.8 **Final Plat Submittal Requirements.** A final plat shall be submitted to the Planning Commission no later than one (1) year after the date on which the preliminary plat for the subdivision area was approved. The final plat shall be in conformity with ORS 92.080. It shall be drawn clearly and legibly to a standard engineer's scale. All ink shall be permanent and the paper shall be sufficient for reproduction. The County Surveyor may establish the format to use for plats. Final plat submittal shall include the following information:

- A. The date, north arrow, and scale.
- B. Legal description of the tract boundaries.
- C. Name and address of the owner or owners, subdivider, and engineer or surveyor.
- D. Reference points of existing survey identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division.
 2. Adjoining corners of adjoining subdivisions.
 3. Other monuments found or established in making the survey of the land division or required to be installed by provisions of this Code.
- E. National Geodetic Survey Control points as recorded in the County Surveyor's office; description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referenced.
- F. The location and width of streets and easements intercepting the boundaries of the tract.
- G. The 100-year flood plain for any body of water or natural drainageway together with the method or source of such determination.
- H. Tract, block, lot or parcel boundary lines and street right-of-way and centerlines, with dimension, bearings or deflection angles, radii, arcs, points or curvature, and tangent bearings. All distances shall be shown to the nearest one hundredth foot.
- I. Identification of land to be dedicated for any purposed, public or private, to distinguish it from lots or parcels intended for sale.
- J. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on a curvature which are being dedicated, curve data shall be based on the street center line and, in addition to center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated.
- K. The area of each lot or parcel to the nearest foot.
- L. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
- M. Where the plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
- N. 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. If already recorded, their recorded reference shall also be included. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication. The purposes of easements shall also be identified.

- O. A designation of all areas covered by water, and the location, width, and direction of flow of all water courses.
- P. A designation of all area being dedicated by the subdivider, public or private, including its proposed use, and an effective written dedication thereof.
- Q. Copies of all proposed covenants, conditions, and restrictions or a statement in writing signed by the developer/owner that no such restrictions will be established.
- R. Building setback lines, if any are to be made a part of the subdivision's deed restrictions.
- S. The following certificates, which may be combined where appropriate:
 - 1. A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.
 - 2. A certificate signed and acknowledged as above, dedicating to the public all land shown on the final plat intended for public access, use, or benefit.
 - 3. A certificate signed by the surveyor or engineer responsible for the survey and final plat, the signature accompanied by seal, attesting that applicable city, state, and county requirements have been met.
 - 4. Other certifications as appropriate.
- T. Supplementary Information:
 - 1. A copy of any deed restrictions.
 - 2. A copy of any dedication requiring separate documents.
 - 3. Legal documents conveying property to the City.
 - 4. Assurance satisfactory to the Director of Public Works or City Engineer that improvements installed by the subdivider will be in conformity with the standards of the City and that streets and pedestrian ways will be improved.
 - 5. Financial assurances for all required improvements.
 - 6. Boundary and lot closure computations and total area of each lot, parcel, and open space dedication, in square feet or acres.
 - 7. Title Report.

26.7.9 **Final Plat Review.** Within seven (7) days of the final plat’s submittal and acceptance as complete, the Planning Commission shall distribute copies of the plat for review to the Fire Department, Public Works Department, City Engineer, Oregon Department of Transportation, if the property is adjacent to a state highway, and Lane County Public Works Department, if the property is adjacent to a county road or drains to a county facility.

The Planning Commission or City Council shall approve or deny the final plat and shall state Findings to approve or deny the request. A negative decision shall nullify preliminary plat approval. Review shall be based on the following criteria:

- A. The final plat is in substantial conformance with the preliminary plat and conforms in all respects to the platting laws of the State, and to the requirements of Chapter 19 and other pertinent sections of this Code.
- B. Conditions of approval attached to the preliminary plat have been satisfied.
- C. All taxes and assessments with respect to the subdivision area have been paid.

26.7.10 **Filing Final Plat.** Following review and approval of the final plat, the developer/owner shall take the following actions:

- A. Approval of the final plat shall be evidenced by the signatures of the Chair and the Secretary of the Planning Commission, with the date of the approval.
- B. Obtain the signature of the City Engineer.
- C. Obtain on the final plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid.
- D. Obtain on the final plat the signature of the County Surveyor, whose signature shall certify that the platting laws of this state and the requirements of this Code have been complied with.
- E. Obtain the signature on the final plat of the member or members of the Board of County Commissioners whose signature shall certify that the plat is approved by the Commissioners.
- F. Deliver the final plat to the office of the County Clerk.
- G. Notify the City that the final plat has been delivered to the office of the County Clerk and may be offered for recordation.

26.8.0 **Modification of Provisions.**

26.8.1 **Application Process.**

- A. Time. Concurrently when submitting a finished plat, preliminary plat, or final plat to the Planning Commission for consideration and approval, a subdivider may submit an application for a modification of any provision of the development standards in Chapter 28 of this Code.
- B. Contents. An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
 - 1. Such provision if strictly applied would cause unique and unnecessary hardship.
 - 2. Modification of such provision would not be contrary to the purpose of this Code.

26.8.2 Consideration of Application.

- A. 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. Approval. If a majority of a quorum of the Planning Commission determines that the circumstances specified in Section 26.8.2.A of this Code have been shown to exist, it shall allow a modification of the provision referred to in the application to such extent and on such terms and conditions as it considers proper in accordance with the purpose of the Code.
- C. Effect of Approval. After the specified procedure has been duly complied with, the Planning Commission shall proceed to consider the finished plat, preliminary plat or final plat that accompanied the application for such modification. Such consideration shall proceed under the requirements provided in this Code.
- D. Refusal. If a modification is not allowed by the Planning Commission as provided in 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 therefore provided in this Code.

26.9.0 Appeals.

26.9.1 Guidelines. Any subdivider or developer who has duly submitted a finished partition plat, a preliminary subdivision plat, or a final subdivision plat under the requirements of this Section may appeal to the City Council if:

- A. The subdivider or developer is dissatisfied with the action of the Planning Commission, or

B. The Planning Commission does not take action required by this Code within 45 days after such plat is submitted.

26.9.2 **Time Limits.** Appeals shall be taken not more than ten days after the Planning Commission's action or the expiration of the 45-day period. Appeals shall be in accordance to Section 3.10.0 of this Code.

26.9.3 **Process.** An appeal may be taken by filing with the City Recorder a copy of the plat involved and a written request for an appeal that shall include a concise statement of the grounds upon which the appellant claims the action is in error.

CHAPTER 27

SIGNS

Sections:

- 27.1.0 Purpose
- 27.2.0 General Prohibitions
- 27.3.0 Prohibited Signs
- 27.4.0 Exemptions
- 27.5.0 Special Purpose Signs
- 27.6.0 Sign Regulation by Zoning District
- 27.7.0 Permits
- 27.8.0 Administration, Enforcement and Inspection
- 27.9.0 Construction, Maintenance and Removal
- 27.10.0 Nonconforming Signs
- 27.11.0 Penalties
- 27.12.0 Severability and Conflict
- 27.13.0 Limitation of Liability

- 27.1.0 Purpose.** This Chapter may hereafter be known and designated as the “Sign Code of the City of Westfir,” as well as Chapter 27 of the Westfir Land Development Code. It is adopted in recognition of the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the City of Westfir through the regulation of such factors as size, number, location, illumination, construction and maintenance of signs; and thereby safeguard the public health, safety and general welfare. Nothing in this Chapter shall permit the erection or maintenance of any sign or structure at any place or in any manner unlawful under any other Code or State or Federal Law.
- 27.2.0 General Prohibition.** Any sign not expressly permitted by this Chapter is prohibited in the City.
- 27.3.0 Prohibited Signs.** The following types of signs are expressly prohibited in all districts, except as otherwise provided by this Chapter:
- A. Animated and Intensely Lighted Signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination. Changing signs as defined in this code are permitted.
 - B. Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, benches, or trees, poles, posts, fences or other structures is prohibited unless specifically permitted by this Chapter.
 - C. Moving Signs. Except as otherwise provided in this Chapter, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-

stationary or non-fixed condition except for the rotation of barber poles, changing signs or multi-prism units. Multi-prism signs shall be defined as signs made with a series of sections that turn and stop or flip to show several pictures or messages in the same area. Indexing multi-prism units must not exceed a speed of two (2) complete revolutions every 20 seconds. This section is not meant to prohibit any form of vehicular sign such as a sign attached to a bus or lettered on a motor vehicle.

- D. Abandoned Signs. No person, firm or corporation shall abandon any sign anywhere in the city.
- E. Advertising Vehicles. No person shall operate or park any vehicle or trailer on a public right-of-way of public property or so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

This section is not intended to prohibit a sign attached to a bus or lettered on a motor vehicle unless the primary purpose of such vehicle is for such advertising.

- F. Public Areas. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except expressly be authorized by this code.

G. Banners.

1. Banners, flags, pennants, streamers, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons or other gas-filled figures shall not be used except as described in paragraph (2) and (3) below.
2. Signs described in 27.3.0(G)(1) above, will be permitted at the opening of a new business in a commercial or industrial district for a total period not to exceed 15 days and special promotion of a product or service not to exceed 45 days annually. Banners, flags and pennants will be allowed in residential districts in conjunction with a demonstration of model homes in a new subdivision for two (2) days before the opening of such demonstration to two (2) days after and not to exceed a total period of 15 days in any calendar year.
3. Signs described in 27.3.0(G)(1) above, will be permitted at special events of a civic or philanthropic nature upon application to and approval by the City Recorder.

- H. "A" Frame Signs. "A" frame or sandwich board, sidewalk or curb signs are prohibited.

- I. Portable Signs. Portable or wheeled signs are prohibited except for new business openings for not over 15 days. This shall not be interpreted to prohibit identification lettering on motor vehicles or advertising on buses.
- J. Obstructing Signs. Notwithstanding any of the provisions of this Chapter, no sign or sign structure shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window to such an extent that light or ventilation is reduced below minimums required by any applicable law or Code.
- K. Bare-Bulb Illumination. No bare-bulb illumination (or so the source of light is visible), no exposed reflective type bulb, no strobe light, no festoon lights nor incandescent lamp, which incandescent lamp exceeds 40 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign, if not directed toward the view from any public street. All signs are to be designed and used in such a manner as to avoid undue glare or reflective light on private property in the surrounding area.
- L. Hazardous Signs. Any sign or sign structure which constitutes a hazard to public health or safety.
- M. Illuminated Signs. All illuminated signs unless designed and used in such a manner as to avoid undue glare or reflection of light on private property in the surrounding area.
- N. Other Signs. The following signs are also prohibited:
 - 1. Signs that bear or contain statements, words, or pictures of an obscene, or pornographic character or promote gambling (signs advertising legal gambling, such as "Bingo," are exempt from this prohibition).
 - 2. Signs that are painted on or attached to any fence (except temporary fences around construction sites) or any wall or structure (other than structures for permitted signs) which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address.
 - 3. Signs that operate or employ any stereopticon or motion picture projection of media in conjunction with any advertisements, or have visible moving parts or give the illusion of motion except as expressly permitted in this code.
 - 4. Signs that emit audible sound, odor or visible matter.
 - 5. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.

6. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
7. No signs, except for authorized traffic signs, shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision.
8. Roof signs.
9. Flame as a source of light.
10. Projecting signs beyond 60 inches of a building wall surface.
11. Billboards, posterboards, off-premise advertisements and other outdoor advertising structures.
12. Three-dimensional statue, caricature or representation of person, animals or merchandise used as a sign or incorporated into a sign structure.
13. Public address system or sound devices used in conjunction with any sign or advertising device.
14. Wind signs, devices, blimps or captive balloons.
15. Signs that use words like "STOP," "SLOW," "CAUTION," "LOOK," "DANGER," or any other word, phrase, symbol, or character that may mislead or confuse vehicle operators.
16. No sign, unless exempted or allowed pursuant to this Code, shall be permitted.

27.4.0 **Exemptions.** The provisions and regulations of this Chapter shall not apply to the following signs:

- A. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.
- B. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed two (2) square feet in area; signs identifying restrooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those signs to serve public safety or convenience such as "office" signs and "parking" signs.

- C. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.
- D. “No trespassing” signs or other such signs regulating the use of a property, such as no hunting, no fishing, etc., of no more than two (2) square feet in area.
- E. The flags, emblems, or insignia of any nation or political subdivision or corporate flags.
- F. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other non-combustible material.
- G. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.
- H. Official notices posted by public officers or employees in the performance of their duties.
- I. Other governmental regulatory requirements.
- J. Informational signs placed by the City of Westfir, or by the State of Oregon in the publicly owned right-of-way.

27.5.0 **Special Purpose Signs.** Special Purpose signs in all zoning districts shall not be illuminated:

- A. **Garage Sale Signs.** One temporary sign advertising a garage sale posted on the premises from which the garage sale is to be held. Such signs shall be either a wall sign or a freestanding sign limited in size to 16 square feet in area and a height of six (6) feet. In addition, one (1) off-premise directional sign limited in size to four (4) square feet and a height of 30 inches. All such signs must be removed immediately at the close of the sale.
- B. **Political Signs.** Temporary political signs shall not exceed six (6) square feet in area for each candidate or ballot measure and not more than three (3) signs may be placed on any single parcel of property. Such signs may be placed on private property only. Such signs shall not be erected more than 60 days prior to the election date and shall be removed within 10 days after the election date for which they were erected.
- C. **Construction Project Signs.** After appropriate building permits have been obtained, signs may be erected in conjunction with construction projects and used for the purpose of publicizing the architects, engineers and construction organization participating in the project. No such signs shall exceed 32 square feet in area; no

freestanding sign shall exceed eight (8) feet in height. All such signs shall be removed five (5) days after completion and prior to occupancy.

- D. Special Event Signs. The City Recorder may grant, on such terms as it may deem proper, temporary special permits for signs or the like advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the City. Such signs shall not be placed more than seven (7) days prior to the event and must be removed within (2) days following the event. No more than two (2) such events may be advertised in this manner per lot per year.
- E. Real Estate Signs. One real estate sign advertising the sale, rental or lease of the premises on which displayed is not to exceed the following area and height requirements:
 - 1. Residential Zone: Four (4) square feet in surface area with a maximum height of four (4) feet above grade.
 - 2. Commercial Zone: 32 square feet and 10 feet above grade.
 - 3. Industrial Zone: 32 square feet and eight (8) feet above grade.
 - 4. PUD Subzone and for Real Estate Subdivision Signs (subdivision signs are defined as signs advertising land subdivisions involving more than three continuous lots): 32 square feet and eight (8) feet above grade.

Real Estate signs may be single- or double-faced and may be flat-wall signs or pole mounted.

Real Estate signs must be removed within five (5) days of completion of the sale.

27.6.0 Sign Regulations by Zoning Districts.

- A. General. The following general provisions shall govern all signs in addition to all other applicable provisions of this Chapter.
 - 1. Obstruction by Signs. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
 - 2. Bulletin Board or Reader Board. Twenty (20) percent of permitted sign area may be allowed as a bulletin board or reader board.
 - 3. Placement of Signs.

- a. Near residential. No sign shall be located in a commercial or industrial district so that it is primarily visible only from a residential district.
 - b. Near street intersections. No signs in excess of two and one-half (2 1/2) feet in height shall be placed in the vision clearance area. This provision shall apply to all zones.
 - c. Near driveways. No sign or portion thereof shall be erected within 10 feet of driveways unless the same is less than two and one-half (2 1/2) feet in height.
- B. Residential Zone. Except as otherwise provided in this Chapter, no sign shall be permitted except the following:
- 1. One indirectly or shadow lighted sign indicating the name and address may be located on a parcel of real property in the residential zoning districts. The sign shall not exceed one and one-half (1-1/2) square feet in area and shall not be out of character with the residential environment of which it is a part. The maximum height of the sign shall not exceed three (3) feet.
 - 2. One (1) identification sign facing the street, not to exceed 20 square feet in area, for any permitted use except residences. Such sign shall be solely for the purpose of displaying the name of the institution and non-residential uses and its activities or services. It may be shadow lighted or unlighted. Such signs are for farms, churches, lodges and the like.
 - 3. One (1) wall-mounted home occupation sign for each dwelling unit not to exceed four (4) square feet in area indicating the name of the occupant or identification of a home occupation office.
 - 4. For a subdivision, mobile home park and multi-family dwelling units, one (1) permanent sign shall be permitted not exceeding 12 square feet in area and limited in height to five (5) feet, denoting only the name of the subdivision or mobile home park or for a multi-family dwelling unit, the name and the address.
- C. Parks, Recreation and Open Space Zone (PRO-S). All signing in the Parks, Recreation and Open Space zoning districts shall be subject to the review process by the Planning Commission.
- D. Commercial and Industrial Districts. Except as otherwise provided in this Chapter, each parcel of property in the commercial and individual zoning districts shall be limited to one (1) wall-mounted and one (1) freestanding sign providing they can meet the following criteria:
- 1. Wall Sign. An identification wall sign shall not exceed an area of 10 percent of the wall to which the sign is attached but in no case shall it exceed 100 square feet. In the event there is more than one business sharing occupancy of a single

common space or suite, the total allowable area shall be divided among the tenants. Wall signs shall not be located higher than the wall to which it is attached and in no case shall it be higher than 15 feet.

2. Freestanding Sign. The maximum allowable area shall be 100 square feet. The maximum height of the sign shall be 35 feet. The freestanding sign shall not be located within five (5) feet of any driveway intersecting a public street. The sign shall be set back from the property line so that no portion of the sign shall extend over a public right-of-way.
3. Shopping Center and Business Development. In shopping centers and developments including five (5) or more businesses, one (1) identification freestanding sign shall be allowed in addition to the one (1) wall sign permitted for each business.
4. Content. Graphic information on all identification signs shall be limited to the business name as registered with the State of Oregon with the exception of other applicable provisions of this Chapter. Business logos of regional and national significance that pertain to the primary business and street addresses shall also be permitted.
5. Reader Boards. In conjunction with the permitted sign area, one (1) attraction board to advertise nightclubs, theater, cinema or cabaret entertainment shall be allowed. The following criteria shall hold:
 - a. No permit shall be issued, nor shall any person erect an attraction board, until its design and location are approved.
 - b. The maximum allowable size for an attraction board shall be 25 square feet if facing on the street and 15 square feet on each side if the faces are at right angles to the street.
 - c. The advertising on the attraction board shall be limited to current and future entertainment only.
 - d. Attraction boards shall not be used to advertise rates or prices of attractions.
6. Industrial Subdivision. In the event that an industrial subdivision is established in any industrial zone:
 - a. One (1) freestanding sign shall be allowed for each industrial subdivision. The sign area shall not exceed 100 square feet. Industrial subdivision located on a corner of two (2) intersecting streets or which has frontage on two (2) streets in excess of 400 lineal feet per street shall be allowed two (2) freestanding signs whose total combined area does not exceed 150 square feet. In an industrial subdivision where there are less than six (6) businesses,

each business shall be allowed only to display their trade name and location number on the freestanding signs(s); otherwise, no businesses shall be allowed to display their name on the sign. The location of the freestanding sign shall be subject to the review and approval of the City Recorder with appeal to the Planning Commission. It shall be limited to 35 feet in height from grade and shall have the same setbacks as commercial signing.

- b. One (1) wall sign shall be allowed for each business. The maximum combined area for all signs on one wall shall be five percent (5%) of the wall area to which the signs are attached. The top of the signs shall not be higher than the wall upon which they are placed, and in no case shall the height exceed 15 feet.
- c. An integrated sign program shall be adopted for each industrial subdivision that shall be subject to the review and approval of the City Recorder. Each subdivision having no sign program shall establish one prior to the issuance of future sign permits.

27.7.0 Permits.

A. General. No person shall erect, construct, place, alter, change, relocate, maintain (other than a sign legally existing prior to the effective date of this Chapter), suspend or attach any sign without first obtaining from the City Recorder a written permit to do so, paying the fees prescribed therefore, and otherwise complying with all of the applicable provisions of this Chapter.

B. Approval of Permits.

1. Unless otherwise authorized by this Chapter, no permit shall be issued for any new sign within the City until such sign is reviewed and approved by the City Recorder.
2. Review and approval by the City shall be required for the design and location of all principal signs. The review, approval and denial process shall be as provided:
 - a. Review, Approval Process. The City Recorder shall review the application for a sign permit that has been properly made on a form prescribed by the City and filed with the City Recorder. The Recorder shall issue a permit for the erection, alteration or relocation of a sign within the City when an application therefore has been reviewed and the sign complies with all appropriate laws and Codes.

The Recorder may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of material fact of fraud.

- b. Denial Process. When a sign permit is denied, the Recorder shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
- C. Application. An application for a sign permit shall be made on a form prescribed by the City and shall be filed with the City Recorder. The application shall include, but not be limited to, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, colors, graphic design, structural and mechanical design and engineering data which insures its structural stability. The application shall also contain the names and addresses of the sign company or person erecting the sign and the owner of the subject property. The City may require other pertinent information where, in its opinion, such information is necessary to insure compliance with this Chapter. Before any permit for any such sign is issued, the applicant shall furnish the City written authority granting the City or any of its agents or employees permission to enter upon the premises for the inspection of the sign and the enforcement of this Chapter. The authorization shall be signed by the owners of record of the subject property and by the person proposing to erect the sign.
- D. Fees.
 - 1. In order to defray expenses incurred in connection with the processing of applications, preparation of reports, issuance of permits and other matters and collection of permit and other fees as established by City, the required fees shall be paid to the City of Westfir upon filing of an application or at such other times as specified in this Chapter. The failure to submit a required fee with an application or a notice of appeal, including return of check unpaid or other failure of consideration, shall be a jurisdictional defect.
 - 2. All fees are non-refundable. Municipal corporations are exempt from the payment of permit fees. The Council may reduce or waive required fees upon a showing of just cause to do so.
- E. Permit Records. Maintained by the City of Westfir.

27.8.0 Administration, Enforcement and Inspection.

- A. Enforcement. It shall be the duty of the City to enforce this Chapter. The City Attorney, upon request of the City Recorder, shall institute any necessary legal proceedings to enforce this Chapter.
- B. Sign Inspection. Signs for which a permit is required shall be inspected by the Building Official. All signs may be inspected or re-inspected at the discretion of the officials responsible for enforcement or administration of this Chapter or their duly authorized representatives. Authorized officials may enter at a reasonable time and in a reasonable manner any building, structure or premises in the City for the purpose

of inspection of signs. No secured building or private dwelling shall be entered without the consent of the owner or occupant. If such entry is refused, the responsible official shall have recourse to every remedy provided by law to secure entry.

27.9.0 Construction, Maintenance and Removal.

A. Construction.

1. Residential Districts. All signs and their supports may be constructed of any material subject to the provisions of this Chapter.
2. Commercial and Industrial Districts. All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the U.B.C. Standards NO. 32-37, unless otherwise provided in this Chapter.
3. Non-Treated Signs. All wall, ground, marquee and projecting signs of 20 square feet or less may be constructed on non-treated wood.
4. Real Estate and Construction Signs. All signs may be constructed of compressed wood particle board or other material of similar fire resistance.
5. Directly Illuminated Signs. All signs illuminated from within may be faced with plastics approved by the Building Code.
6. Glass. All glass used in signs shall be shatter-resistant, or covered by a shatter-resistant material.
7. Wood. Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all heartwood cypress, or any species of wood which has been pressure-treated with an approved preservative. Trim and backing strips may be constructed of wood.

B. Construction Methods.

1. All signs shall be constructed of such materials or treated in such manner that normal weathering will not harm, deface or otherwise affect the sign.
2. All letters, figures, and similar message elements shall be safely and securely attached to the sign structure.
3. All signs shall be designed and constructed to resist the applicable wind loads set forth in the Building Code.

- C. Maintenance. All signs, together with all of their support, braces, guy-anchors and electrical equipment shall be kept fully operable, in good repair and maintained in safe condition and in a neat, clean and attractive condition.
- D. Removal of Signs.
1. Removal and Appeal Process. The Building Inspector shall order the removal of any sign erected or maintained in violation of this Chapter. The City shall give 10 days notice in writing to the owner of the sign or to the owner of the building, structure or premise on which the sign is located; if the owner of the sign cannot be notified, to remove the sign or bring it into compliance with this Chapter. An appeal from a decision by the City to order the removal or the compliance of a sign with this Chapter, shall follow the Appeal Process outlined in Section 27.9.0(A – D) of this Code. If the owner of the building, structure or premises upon which such sign is located fails to remove the sign or bring it into compliance within 10 days after receipt of written notice from the City Recorder, and fails to appeal the notice within the allotted time period, the City may remove such sign at cost to the owner of the building, structure or premises. If after the Appeal Process, the owner of the building, structure or premises upon which the sign is located fails to remove the sign or bring it into compliance within 10 days after the decision of the Planning Commission or City Council on the appeal, the City may remove such sign at cost to the owner of the building, structure or premises.
 2. Unsafe Signs. If the City finds that any sign or sign structure by reason of its condition presents an immediate and serious danger to the public, they may order its removal or repair, according to the Removal and Appeal Process described in Section 27.9.0.D.1 above.
 3. Abandoned Signs. Any person who owns or leases a sign shall remove such sign when either the business it advertises has discontinued business in the City; or the business it advertises is no longer conducted in or upon the premises upon which such sign is located. If the person who owns or leases such sign fails to remove it the City shall follow the Removal and Appeal Process described in Section 27.9.0.D.1 above. Signs that the successor to a person's business location or business agrees to maintain, as provided in this Chapter, need not be removed in accordance with this section.
 4. Existing Illegal Signs. All signs heretofore constructed or erected in violation of any Code of the City, in effect at the time such sign was constructed or erected, are hereby made subject to the provisions of this Chapter. Such signs shall be made to conform and comply with such requirements as soon as possible after the effective date of this Chapter. All signs and advertising structures which are not made to so conform and comply within a reasonable time shall be and they are hereby declared to be public nuisances and may be abated or removed by the City as described in Section 27.9.0.D.1 above.

- 27.10.0 Nonconforming Signs.** Signs which do not conform to provisions of this Chapter, but which were constructed in compliance with previous regulations, shall be regarded as nonconforming signs which may be continued; provided, however, that any nonconforming sign which is structurally altered, relocated or replaced shall immediately comply with all provisions of this Chapter.
- 27.11.0 Penalties.** Any person, whether as principle, agent, employee or otherwise, violating or causing the violation of any provision of this Chapter shall be punished, upon conviction, by a fine of not more than \$100.00 for each day of violation, where the offense is a continuing offense.
- 27.12.0 Severability and Conflict.**
- A. Severability. The provisions of this Chapter are severable. If a portion of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.
 - B. Conflict. If any portion of this Chapter is found to be in conflict with any other provision of any zoning, building, fire safety or health Code of the City, the provision that establishes the higher standard shall prevail.
- 27.13.0 Limitation of Liability.** The City shall not be held responsible for any damage to persons or property by reason of approval, disapproval, or the issuance of a sign permit authorized herein, or inspection or re-inspection of a sign as authorized by this chapter.

CHAPTER 28

DEVELOPMENT STANDARDS

Sections:

- 28.1.0 Purpose
- 28.2.0 Street Standards
- 28.3.0 Reserve Strips
- 28.4.0 Access Spacing/Driveway Approaches
- 28.5.0 Alleys
- 28.6.0 Lots and Block Specifications
- 28.7.0 Sidewalks
- 28.8.0 Bikeways
- 28.9.0 Easements
- 28.10.0 Utilities
- 28.11.0 Storm Drainage
- 28.12.0 Sanitary Sewers
- 28.13.0 Water Service
- 28.14.0 Fire Hydrants
- 28.15.0 Street Lights
- 28.16.0 Erosion Control
- 28.17.0 Railroads
- 28.18.0 Reimbursement Procedures
- 28.19.0 Improvement Assurances

28.1.0 **Purpose.** This chapter contains the city’s development standards that may apply to any development within the City of Westfir. Development Standards are in addition to standards and criteria set forth in the particular zoning district in which the development lies, in addition to applicable sections of Section 15, PUD Subzone, of this Code.

28.2.0 **Street Standards.**

28.2.1 **Dedication.** 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 developer 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 Code.

28.2.2 **Safety Requirements.** Where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public and resident of the subdivision area, the Planning Commission may require that local streets be so designed as to discourage their use by non-local traffic. Roadways shall be designed to efficiently and safely accommodate emergency service vehicles.

- 28.2.3 General Design.** Street design shall be responsive to topographic changes and scenic views and shall minimize impacts to natural features including wetlands, drainage ways, streams, riparian areas, and wildlife corridors.
- 28.2.4 Width.** Widths of street right-of-ways and paving design for streets shall be not less than those set forth in the Table 28.2.1 below. The table presents a range of street widths for each street type. 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.
- 28.2.5 Existing Adjacent Street.** The widths of street rights of way provided in Table 28.2.1 below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the development area. The developer shall dedicate additional right-of-way as determined by the Planning Commission in accordance with Table 28.2.1, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in this table.

**TABLE 28.2.1
STREET STANDARDS**

Type of Street	Right-of-Way Width	Paving Width*	Sidewalk Width**	Bike Lane Width
Arterials	60' – 120'	36' – 52'	6.5'	6'
Major and Minor Collector Streets	50' – 80'	34' – 46'	5.5'	6' (if required)
Local Streets	40' – 60'	20' – 36'	5.5'	Not required
Other Local Streets	40' – 60'	20' – 36'	5.5'	Not required
Cul-de-sacs	40' – 50'	28' – 36'	5.5'	Not required
Cul-de-sacs Bulb	92' ***	70' ***	5.5'	Not required
Hammerhead or "T" Stubs	30' "T" end	15' – 20'	5.5'	Not required

*Paving measured from inside of curb to inside of curb.

**Includes six (6) inch curb width.

***Measured by diameter of circle constituting circular end.

- 28.2.6 Modifications to Street Standards.** Modifications to street standards require approval by the Planning Commission and City Fire Chief.
- 28.2.7 Street Connectivity.** All streets, bicycle and pedestrian facilities shall connect to other existing and planned facilities outside the development.
- 28.2.8 Intersection Angles.** All streets within and abutting a development shall intersect one another at an angle as near to a right angle as is practicable unless necessitated by topography of the area and previous adjacent layout.

- 28.2.9** **Street Alignment.** As far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the center line thereof. In no case shall the staggering of streets making “T” intersections be designed where jogs of less than 125 feet are created, as measured from the center line of any intersection.
- 28.2.10** **Intersections.** Streets must be laid out so as to intersect as nearly as possible at right angles. Proposed intersection of two streets at an acute angle of less than 75 degrees is not allowed. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. No more than two streets shall intersect at any one point.
- 28.2.11** **Clear Vision Area.** A clear vision area must be maintained at each access to a public street and on each corner of property at intersections of two streets or a street and a railroad. All intersections shall be constructed with a vision clearance area as defined by the individual zoning district in which the street(s) are constructed.
- 28.2.12** **Stormwater.** Where appropriate, the street system and its infrastructure shall be utilized to convey and treat stormwater runoff.
- 28.2.13** **Transit.** Streets identified as future transit routes shall be designed to safely and efficiently accommodate transit vehicles and pedestrians. Developers shall coordinate with the transit department on curb return radius, lane width, and other transit needs.
- 28.2.14** **Truck Routes.** Future improvements or extensions on streets identified as truck routes shall take into consideration the heavy volume of trucks, special needs for traffic control, road geometry, access during construction, and possible traffic/pedestrian/bicycle conflicts.
- 28.2.15** **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 part. The Planning Commission may require that such continuation is necessary to provide for the orderly subdivision of such adjacent land, or the transportation and access needs of the community.
- 28.2.16** **Cul-de-sacs.** Cul-de-sacs and other dead-end streets (Hammerhead or T-end) shall be discouraged except where topography, natural features, or land development patterns preclude street connectivity. 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 Table 28.2.1, or if hillside conditions require, the Planning Commission may allow Hammerhead or “T” end cul-de-sacs as provided for in Table 28.2.1. If cul-de-sacs are installed, a multi-use path connecting the end of the cul-de-sac to other street or activity areas may be required.

28.2.17 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 and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the City of Westfir or its surrounding area.

28.2.18 Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of this code. The Planning Commission can approve a half street improvement when it finds that this improvement will be adequate to serve projected traffic demands and it will be practical to require the dedication of the other half when the adjoining tract is developed. Whenever a half street is adjacent to a tract to be developed, the other half of the street shall be planned within such tract. Reserve strips may be required to preserve the objectives of half streets.

Notwithstanding the above, the minimum total paved width of a half street shall not be less than twenty (20) feet. The first developer responsible for the construction of a new street or streets shall be responsible for the construction of a sidewalk on one side.

28.2.19 Private Streets. Unless the Planning Commission determines that public streets are needed to provide for circulation and/or access to neighboring properties, private streets are permitted within Planned Unit Developments, Manufactured Home Parks, and singularly owned developments of sufficient size to warrant interior circulation. Unless otherwise specifically authorized as part of a street plan, a private street shall comply with the same standards as a public street. A street held for private use shall be distinguished from public streets and any reservations or restrictions relating to the private street shall be described in the land division documents and the deed records. The Planning Commission may require legal assurances for the construction and maintenance of private streets.

28.2.20 Street Signs. The City shall install all street signs relative to traffic control and street names as specified for any development. The cost of sign and installation shall be included in the developer’s project costs.

28.2.21 Grades and Curves. Unless otherwise approved by the Planning Commission because topographical conditions will not reasonably permit, grades and centerline radii on curves shall be developed in accordance with in Table 28.2.2 below.

**TABLE 28.2.2
GRADES AND CURVES**

Designation	Grade (in percent)	Curves (centerline radii in feet)
Arterials	Not to exceed 6%	Not less than 300’
Collectors	Not to exceed 10%	Not less than 200’
All Other Streets	Not to exceed 12%	Not less than 100’

28.3.0 **Reserve Strips.** The Planning Commission may require the developer to create a reserve strip controlling the access to a street. The reserve strip will be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:

- A. 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.
- B. 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 this Code.
- C. To prevent access to land abutting a street of the development, but not within the tract or parcel of land being developed.
- D. To prevent access to land unsuitable for buildable development.
- E. To prevent access for a dual frontage lot to a street of higher classification when a lower classification street is available.

28.4.0 **Access Spacing/Driveway Approaches.** The location and improvement of an access point onto a public street shall be included in the review of a development proposal.

- A. Approaches and driveways to City streets and alleys must be paved and constructed in accordance with the Standard Construction Specifications.
- B. Properties which have frontage on more than one street may be restricted to access on streets of a lower classification. For example, a house on the corner of a collector and a local street shall gain access from the local street.
- C. All driveways must be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following as measured from the nearest curb return radius: Arterial, 40 feet, Collector, 20 feet, and Local street 10 feet.
- D. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to City standards.
- E. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.
- F. A common access point to a property line is encouraged and, in some instances, may be required in order to reduce the number of access points to streets.

1. Access to a designated state highway is subject to the provisions of this section in addition to requirements of the State Department of Transportation. Where regulations of the city and state conflict, the more restrictive requirements apply.
2. The location and width of access driveways onto public streets shall be subject to the design standards and criteria in Table 28.4.1.

**TABLE 28.4.1
ACCESS SPACING**

Roadway Type	Distance Between Access Points (in feet)
Arterial	150'
Major Collector	75'
Minor Collector	50'
Local Street	25'

**TABLE 28.4.2
DRIVEWAY WIDTHS**

Use	Minimum Width	Maximum Width
Single and two family dwellings	10'	24' *
All other residential	15'	32'
Commercial	24'	32'
Industrial	24'	48'

* For up to two (2) parking stalls. For each additional parking stall within a garage an additional 12 feet of width may be added.

28.5.0 Alleys

28.5.1 Dedication. The Planning Commission may require adequate and proper alleys to be dedicated to the public by the developer or such design and in such location as necessary to provide for the access needs of the development area in accordance with the purpose of this Code.

28.5.2 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 development area a lesser width may be allowed at the discretion of the Planning Commission where the developer presents a satisfactory plan whereby such alley will be expanded to the width otherwise required.

28.5.3 Corner Cut-offs. Where two (2) alleys intersect, 10-foot corner cut-offs shall be provided.

- 28.5.4** **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.
- 28.5.5** **Other Requirements.** All provisions and requirements with respect to streets in Section 28.2.7 – 28.2.12 and 28.2.15 of this Code 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.
- 28.6.0** **Lots and Block Specifications**
- 28.6.1** **Lot 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 side of not less than 65 feet.
- 28.6.2** **Lot 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 2 1/2 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.
- 28.6.3** **Lot Area.** Each lot shall comprise a minimum of 6,000 square feet. When lots are more than double the minimum area, those lots must be arranged so as to allow further subdivision and the opening of future streets, where it would be necessary to serve potential lots.
- 28.6.4** **Lot Frontage.** Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc. Flag lots shall have a minimum frontage of 20 feet.
- 28.6.5** **Lot Size and Frontage Exceptions.**
- A. Subdivision Area Developed As a Unit – Planned Unit Development (PUD). 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 proper maintenance of recreation and park area which:
1. Will be commonly available to the residents of the subdivision area.
 2. The Planning Commission determines the benefit to residents is equal to the benefits derived from observance of the lot size and frontage requirements.

3. Will be in accordance with the purpose of this Code.

B. Land Zoned for Commercial or Industrial Use. The Planning Commission may at its discretion authorize relaxation of the lot size and frontage requirements 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 Code.

28.6.6 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.

28.6.7 Lots Retained for Future Subdivision. The Planning Commission may at 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.

28.6.8 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.

28.6.9 Flag Lots. Flag lots are discouraged and allowed only when absolutely necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street cannot be provided. The minimum width for access to a flag lot is 20 feet, except where access is shared with an adjacent property and an acceptable easement with a maintenance agreement is established and recorded. In this case the minimum lot width is 12.5 feet with a combined access minimum of 25 feet. A driveway with a paved width of at least 18 feet must be constructed to provide access to both lots.

28.6.10 Cul-de-sac Lots. Cul-de-sac lots are limited to five (5) lots with access on a cul-de-sac bulb except that additional lots may be permitted where one (1) additional off street parking space is created for each unit which access on a cul-de-sac bulb. The minimum frontage of a lot on a cul-de-sac shall be 35 feet measured on the arc.

28.6.11 Lots Suitable 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 the lot, as determined by the Planning Commission in accordance with the purpose of this Code.

28.6.12 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 Code 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 Code.

28.6.13 **Block Length.** Block length shall not exceed 1200 feet.

28.6.14 **Partial Development.** Where the development area includes only part of the tract owned by the developer, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said tract.

28.6.15 **Unsuitable Area.** No areas dangerous to the health and safety of the public shall be developed. No land subject to slippage or inundation shall be developed.

28.7.0 **Sidewalks**

28.7.1 **Requirement.** All development for which a land use application is required must include sidewalks adjacent to public streets. This requirement also applies to new single family houses, manufactured homes, and duplexes.

28.7.2 **Standards.** Sidewalks shall be constructed to City standards specified in Table 28.2.1 and any additional requirements of the Americans with Disabilities Act. Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.

Where the Planning Commission determines the public interest is better served, multi-use paths which provide both bicycle and pedestrian circulation may be installed in lieu of separate bikeways and sidewalks.

28.7.3 **Timing of Construction.** Sidewalks shall be constructed to City standards prior to the issuance of an occupancy permit or within two years from the date of final plat approval, whichever comes first.

The subdivider or owner of the property within the final subdivision plat shall include in every deed or other document transferring any interest in a portion of the property subject to the final subdivision plat approval, a statement providing: "As a condition of approval of the proposed development and sale of this property, the owner of this property, and all subsequent owners, consent to pay the City of Westfir any charges reasonably related to Westfir's construction of sidewalks done pursuant to the provisions of Westfir's Land Development Code."

28.7.4 **Failure to Comply.** If the subdivider fails to install sidewalks on any portion of the subdivision within two years from the date of final plat approval as indicated in the conditions of approval, the City of Westfir may provide the owner of the property where sidewalks have not been installed, written notice of the City's determination that sidewalks must be installed within 60 days of the date of the written notice. If the owner

of the property receiving such notice fails to install sidewalks within 60 days, or fails to provide the City of Westfir adequate assurance of the owner's intent to install sidewalks within a reasonable period of time, the City of Westfir may install sidewalks to achieve compliance with the final subdivision plat. Installation of sidewalks may be done by the City of Westfir or by contract for the City, as determined by the City of Westfir. Charges for the cost of installation of sidewalks by the City of Westfir shall be paid by the owner of the property on which the sidewalks are installed. If the owner of the property fails to pay the charges in full, or to make satisfactory arrangements for their payment, within 60 days of the date of written notice of the charges, the charges for construction, plus all costs associated with collection of the amount owed, shall become a lien on the property where the sidewalk was installed, and may be filed and collected in the manner provided for other liens of the City of Westfir.

28.8.0 Bikeways.

28.8.1 Standards. Bicycle facilities shall be developed according to standards specified in Table 28.2.1. In addition, bicycle safety devices such as bicycle-proof drain grates, rubberized pads at railroad crossing, and appropriate signage shall be required throughout the bicycle system.

All arterials and collectors shall have bike lanes, unless an equally adequate alternative route is proposed and accepted by the Planning Commission. The Planning Commission may, based on need, require bikeways on other street classifications.

Bicycle facilities shall be designed for both internal circulation and to provide linkages to regional travel.

28.8.2 Provisions for Bikeways. Developments adjoining or containing proposed bikeways identified in the Transportation System Plan shall include provisions for the future extension of such bikeways. Bike lanes shall be built during the construction of new streets or the reconstruction of existing streets.

Where the Planning Commission determines the public interest is better served, multi-use paths which provide both bicycle and pedestrian circulation may be installed in lieu of separate bikeways and sidewalks. Bikeways shall be designed to meet the needs of pedestrians and cyclists in order to promote safe and convenient bicycle and pedestrian circulation in the community

28.9.0 Easements

28.9.1 Public Utility Easements. The developer shall make arrangements with the City of Westfir and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. All utility easements must be public easements.

Easements for sewers, drainage, water mains, public utility installations, and other like

public purposes shall be dedicated, reserved, or granted by the developer. The standard width for public utility easements adjacent to street right-of-ways is seven (7) feet. The minimum widths for other public utility easements shall be 28 feet for water and storm drainage and 15 feet for sanitary sewer, unless otherwise approved by the City Engineer. Where feasible, utility easements shall be centered on a lot line.

28.9.2 Pedestrian Easements. The Planning Commission may require the developer to dedicate to the public pedestrian ways up to 15 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks or other public areas, of such design and location as reasonably required to facilitate pedestrian travel.

28.9.3 Slope Easements. The Planning Commission may require a perpetual unobstructed easement adjacent to a public right-of-way where the slope of the land is such that earth movements might damage a public right-of-way and where the natural vegetation shall not be disturbed.

28.9.4 Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such width as the City Engineer determines will be adequate for conveyance and maintenance. Improvements to the drainageway, or streets, or parkways parallel to water courses may be required.

28.9.5 Access Easements. In general, the creation of access easements between property owners is discouraged. However, there are some instances where an access easement is the only viable method of providing access to a developable lot. The Planning Commission will approve an access easement where the applicant has demonstrated that all of the following criteria have been met:

- A. No more than two parcels or uses are to be served by the proposed access easement;
- B. There is insufficient room for a public right-of-way due to topography, lot configuration, or placement of existing buildings; and
- C. The City Engineer has determined that there is not a need for a public street in this location.

28.10.0 Utilities

28.10.1 Requirement for Underground Utilities. All utility lines, cables, or wires (including but not limited to those used for electricity, communication, street lighting, and cable television) constructed upon, adjacent to, or within land subdivided or prepared for development, after the date of this code, must be placed underground. The intent is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within such subdivision or development.

- 28.11.0** **Storm Drainage** The review body will approve a development request only where adequate provisions for storm runoff have been made as determined by the City Engineer. The storm drainage system must be separate and independent from the sanitary sewer system. Where possible, inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns, runoff calculations, and proposed storm drainage must be shown on every development proposal plan. All proposed storm drainage plans must be approved by the City Engineer as part of the preliminary plat or site review process.
- 28.11.1** **Drainage Management Practices**. Development must employ drainage management practices approved by the City Engineer which minimize the amount and rate of surface water runoff into receiving streams or drainage facilities or onto adjoining properties. Drainage management practices must include, but are not limited to detention, permanent storage, minimization of impervious surfaces, emphasis on natural drainageways, stabilization of natural drainageways, and other practices designed to transport stormwater and improve water quality.
- 28.11.2** **Design Requirements for New Development**. All new development must, where appropriate, make provisions for the continuation or appropriate projection of existing storm sewer lines or drainageways serving surrounding areas.
- 28.11.3** **NPDES Permit Required**. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb five (5) or more acres of land.
- 28.12.0** **Sanitary Sewers**. All new development must be served by the public sanitary sewer system of the City of Westfir. All proposed sanitary sewer plans must be approved by the City Engineer as part of the preliminary plat review process.
- 28.13.0** **Water Service**. All new development, including a single family residence must extend and connect to the public water system when service is available. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Chief. All proposed water plans must be approved by the City Engineer as part of the preliminary plat review process.
- 28.14.0** **Fire Hydrants**. If any portion of the development is more than 500' from an existing public fire hydrant, then the developer shall install fire hydrants at a maximum distance of 200 feet apart. Furthermore, if the existing fire hydrant lacks the capacity to serve the development, upgrades to the water and hydrants system shall be required. Fire Hydrant plans must be approved by the City Fire Chief.
- 28.15.0** **Street Lights**. Street lighting shall be provided in all developments within the City and shall be provided in accordance with the following standards:

- A. New Streets. Street lighting shall be installed at intersections and at a minimum distance of 220 feet apart at a height of 25 to 30 feet with the following exceptions:
- B. A cul-de-sac where the terminus is less than 150 feet from the nearest lighted intersection; otherwise, a street light shall be installed at the end of a cul-de-sac.
- C. For streets serving industrial areas, there shall be a minimum of one (1) street light at each intersection.
- D. Existing Streets. Development having 200 feet or more of frontage on an existing street shall install a minimum of one (1) street light for the first 200 feet, plus one (1) street light per 220 feet of additional frontage. A development with less than 200 feet of frontage on an existing street shall enter into a deferred improvement agreement for future light installation. Street lights shall be 25 to 30 feet in height.
- E. All street lighting shall be constructed to cast light downward and minimize light pollution.

28.16.0 Erosion Control For developments over five (5) acres in size and/or with a slope exceeding 10 percent, the applicant shall submit a grading and erosion control plan stamped by an engineer, architect, landscape architect, or other similar profession and receive approval from the City Engineer and the Planning Official. The plan shall address structural and non-structural erosion control measures prior to, during, and following construction activities. The plan shall include at a minimum the following information: a narrative and description of soils and existing land cover, a detailed construction schedule with projected dates of planned construction activities, a map and narrative description of planned erosion control practices, and a maintenance plan and schedule.

28.17.0 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 and the safety of the general public and in accordance with the purpose of this Code.
- B. Area Adjacent to Right-of-Way. Where a residential development 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 to the community, all streets shall be located at a sufficient distance from the right-of-way to allow for industrial use adjacent to the right-of-way.

28.18.0 Reimbursement Procedures.

- A. Whenever an original developer, as defined herein, shall provide, pay for and install, or cause to be installed, any curbs, gutters, sidewalks, pedestrian walkways, street

base course and wearing course, bicycle lanes, street lighting, storm drainage facilities, water service, or sanitary sewer service pursuant to this Code; and

B. The original developer is required to provide any of the aforesaid improvements along streets not within the proposed development, or adjacent to parcels or tracts not within the ownership of the original developer, the following provisions and procedures shall apply:

1. For purposes of this ordinance:

“Original developer” shall mean, the person, partnership, firm, corporation or other legal entity in whose name the land the development is applicable, or legal heirs, assigns or successors of said developer.

“Approved costs” shall mean the actual incurred costs of the original developer, as submitted by the original developer in itemized form and approved by the City.

2. The original developer shall be entitled hereunder to reimbursement of his approved costs of the installation any curbs, gutters, sidewalks, pedestrian walkways, street base course and wearing course, bicycle lanes, street lighting, storm drainage facilities, water service, or sanitary sewer service pursuant to this Code not within the proposed development or adjacent to parcels or tracts not within his ownership for a period of 10 years from the date the City gives final approval of the incurred costs of the subject improvements. Reimbursement shall only occur after the original developer provides the City with a verified statement of costs, showing the itemized cost for the installation of any subject improvements, and after the City has collected any equivalent assessments from other development, as set forth below.
3. At the time of development of any tract, parcel or lot not owned by the original developer and adjacent to any of the improvements described above, the City may assess, as part of the fees chargeable to such development, an amount of money equivalent to the benefit to said property of the previously made improvements. Such assessed charge shall be determined as in the same manner as in the case of a local improvement project for like improvements, and be based upon lineal front footage along the improvement, or other applicable assessment method.
4. Any assessments collected by the City hereunder shall be tendered to the original developer as said reimbursement, less the actual cost of the City in determining the assessment and administering the involved funds. Notwithstanding any provision in this section, in no event will any Urban Renewal Agency which may be established in the City be subject to any assessments or required to reimburse any monies or approved costs to an original developer.

28.19.0 Improvement Assurances. The purpose of improvement assurances is to provide the City with a guarantee that the improvements called for in this article will be made. The type of guarantee will be determined by the City. Before issuing or renewing a development approval when the applicant has an obligation to design and construct improvements shown on the development plan, the Planning Commission may require that the applicant acknowledge the obligation.

28.19.1 Form and Contents. The assurance shall contain the time within which the obligation is met. It may take the form of a surety or performance bond, cash, a negotiable security deposit, a mutual improvement agreement, a monetary contribution to a fund for future improvements if established by a separate city ordinance or other guarantees approved by the City Attorney sufficient to cover the cost of the work as estimated by the City. The bond shall be conditioned upon the developer's carrying out the obligation and fulfilling the other requirements that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the developer does not fulfill the requirements. The bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control.

28.19.2 Noncompliance with Provisions Under Obligation. If the Planning Commission finds that a developer is not fulfilling an obligation it shall, in written notice to the developer, specify the details of the noncompliance. Unless the Planning Commission allows more time for compliance because of circumstances beyond the developer's control, within 30 days after receiving the notice, the developer shall commence the compliance and proceed diligently to complete fulfillment of the obligation.

If the developer does not commence the compliance within 30 days or the additional time allowed by the Planning Commission, or has so commenced but fails diligently to complete the compliance, or the compliance is not otherwise completed within the time specified in granting the development approval, the City may take the following action:

- A. Enter upon the site of the development and carry out the obligation in accordance with the provisions under the acknowledgement.
- B. Notify the developer of the failure to perform as required by this Code.
- C. Demand payment from the developer for the unfulfilled obligation.
- D. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City, or if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.
- E. Void all approvals granted in reliance on the improvement assurance.

28.19.3 Other Provisions.

- A. If a bond or other security is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.
- B. The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer's failure to do the required obligation.
- C. The lien may be foreclosed in the manner by law for foreclosing other liens on real property.
- D. The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer with any item of a performance agreement shall entitle the city to pursue any civil remedy permitted by law.

CHAPTER 29

DEFINITIONS

As used in this Code, the following words and phrases shall have the following meanings:

1. ABUT: Contiguous to, adjacent, or adjoining. For example, two lots with a common property line are considered to be abutting.
2. ACCESS: The place, means or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property, use or parking space.
3. ACCESSWAY: An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a mobile home park and connects to a public street.
4. ACCESSORY BUILDING, STRUCTURE, OR USE: A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
5. ALLEY: A minor way for vehicular traffic that is used primarily for service access to the back or side of property abutting a street.
6. ALTER: Any change, addition, or modification or construction or occupancy of a building or structure.
7. AMENDMENT: A change in the wording, context or substance of this Code, or a change in the zone boundaries or area district boundaries upon the Zoning Map.
8. AMUSEMENT ESTABLISHMENT: Any place where entertainment or amusement is provided where the public on a commercial basis may observe or join in the activities.
9. APARTMENT HOUSE: See DWELLING, MULTIPLE.
10. AUTOMOBILE SALES: See MOTOR VEHICLE/TRAILER SALES AREA.
11. AUTO WRECKING YARDS: SEE WRECKING YARD.
12. AWNING: Any stationary structure, permanent or demountable, used in conjunction with a mobile home, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.
13. BASEMENT: A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

14. **BOARDING, LODGING OR ROOMING HOUSE**: A building or portion thereof where lodging, with or without meals, is provided for compensation of any kind to persons other than members of a family occupying such a dwelling, but shall not include homes for the aged, nursing home or group care homes.
15. **BUILDABLE AREA**: 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 Codes.
16. **BUILDING**: Any temporary or permanent structure built and maintained for the support, shelter or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The word "building" and "structure" shall be synonymous.
17. **BUILDING HEIGHT**: The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
18. **BUILDING-MAIN**: A building within which is conducted the principal use permitted on the lot, as provided by this Code.
19. **CAMPGROUNDS**: Any lot, tract or parcel of ground under the same ownership where two or more camp sites are located which provide facilities for living in any manner other than in a permanent building.
20. **CARPORT**: A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall and used for sheltering a motor vehicle.
21. **CEMETERY**: Land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
22. **CHURCH (TEMPLE)**: A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
23. **CITY**: The City of Westfir, Oregon.
24. **CITY COUNCIL**: The Common Council of the City of Westfir, Oregon, which is the governing body of said city.
25. **CLINIC**: Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists, and other members of the healing arts professions, including a dispensary in each building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

26. CLINIC, SMALL ANIMAL: A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with no overnight boarding allowed.
27. CLUB: Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, but shall not include any organization, group, or association, the chief activity of which is to render a service customarily carried on as a business.
28. COMPREHENSIVE PLAN: The officially adopted Comprehensive Plan of the City of Westfir, Oregon.
29. COURT: An open unoccupied space, other than a yard, on the same lot with a building.
30. COUNTY: The County of Lane, Oregon.
31. DEVELOPMENT: Any manmade change to improve unimproved real estate, including, but not limited to construction, installation or change of a building or other structure, establishment or termination of a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, excavation or clearing.
32. DEVELOPMENT SITE: A development site shall mean either:
- a. A lot of record existing on the effective date of this code, or
 - b. A tract of land either unsubdivided or consisting of two or more contiguous lots of record, located within a single block, which on the effective date of this code, was in a single ownership, or
 - c. A tract of land, located within a single block, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy) is designated by the owner or developer as a tract, all of which is to be used, developed or built upon as a unit under single ownership.
- A "development site," therefore, may or may not coincide with a lot shown on the official tax maps of the County or any recorded subdivision plat or deed.
- For the purposes of this definition, ownership of a "development site" is deemed to include a lease of not less than 50 years' duration, with an option to renew such lease so as to provide a total lease of not less than 75 years' duration.
33. DRIVE-IN: An establishment dispensing food and/or drink and catering to customers who remain in, or leave and return to their automobiles for consumption of said food or drink on the premises, and shall further include any business designed for serving customers at a "drive-up" window or while they are in their car.

34. DWELLING: A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families but excluding hotels, motels and tourist courts.
35. DWELLING, MULTIPLE: A building designed and used for occupancy by three or more families, all living independently of each other and having separate housekeeping facilities for each family.
36. DWELLING, SINGLE-FAMILY: A building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.
37. DWELLING, TWO-FAMILY (DUPLEX): A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.
38. ESEE ANALYSIS: An ESEE analysis is where the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use to a Statewide Planning Goal 5 resource are considered.
39. FAMILY: One or more persons, excluding servants, related by blood, marriage, legal adoption or legal guardianship, occupying a single nonprofit housekeeping unit and using common housekeeping facilities; a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit and using common housekeeping facilities.
40. FAMILY CHILD CARE HOMES: A home where child care is offered as defined within ORS 657A – Child Care.
41. FARMING: Growing and gathering of crops, trees, vegetables, flowers and other plants. Products resulting therefrom shall not be sold on the premises.
42. FENCE: 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.
43. FENCE, SIGHT-OBSCURING: 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.
44. FLOOD OR FLOODING: 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, (b) from impounded water, or (c) from mudslides caused or precipitated by the accumulation of water on or under the ground.
45. FLOOD PLAIN (Flood Potential Area): 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 floods, 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 surface.

46. **FLOODWAY**: as designated by the National Flood Insurance Act of 1968, the minimum areas of a riverline flood plain reasonably required for passage of flood water so the limits of the floodway vary according to conditions within the flood plain.
47. **FLOOD AREA**: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls or from the center line 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.
48. **FRONTAGE**: Property abutting on the street.
49. **GARAGE, PRIVATE PARKING**: A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by this code and are not open for use by the general public.
50. **GARAGE, PUBLIC PARKING**: A publicly or privately owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients as required by this code, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces.
51. **GARAGE, REPAIR**: A building used for the storage, parking, care and repair of motor vehicles, or such vehicles are kept for remuneration, hire, or sale, provided the selling of motor fuel and oil for motor vehicles shall not be conducted.
52. **GRADE (ADJOINING GROUND LEVEL)**: The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley, or public way.

53. GROSS AREA: The total useable 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.
54. GROUP CARE HOME: Any home or institution maintained and operated for the care, boarding, housing and training of one or more physically handicapped or mentally handicapped children under the age of 18 years by any person who is not the parent or guardian of, and who is not related by blood, marriage or legal adoption to such children.
55. GUEST HOUSE OR SERVANTS QUARTERS: An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests or by servants employed on the premises.
56. HALF STORY: That part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.
57. HOME FOR THE AGED: Any home or institution that maintains facilities for rendering board and domiciliary care for compensation to three or more persons who are of the age of 62 years or more, or persons of less than 62 years who, by reason of infirmity, require domiciliary care.
58. HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. Home occupations may be engaged in where permitted by this code provided it conforms with the following criteria:
- a. No employment of help other than the members of the resident family.
 - b. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
 - c. No storage of materials or supplies outdoors.
 - d. It shall not involve the use of signs and/or structures other than those permitted in the zone of which it is a part.
 - e. Not more than 20 percent of the living area in the dwelling unit shall be employed for home occupations.
 - f. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by color, materials or construction, lighting, signs, sounds or noises, or vibration).

- g. There shall be no use of water or sewer utilities or community facilities beyond that normal to the use of the property for residential purposes.
59. HOSPITALS: Any building or institutions devoted primarily to the rendering of healing, curing or nursing care, and which maintains and operates facilities for the diagnoses, treatment and care of two or more non-related individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding 24 hours.
 60. HOSPITAL, SMALL ANIMAL: A building together with animal runs in which veterinary services, clipping, bathing, boarding and other services which are rendered to dogs, cats and other small animals and domestic pets.
 61. HOTEL (MOTEL, MOTOR HOTEL, TOURIST COURT): Any building or group of buildings used for transient residential purposes containing four or more guest rooms without housekeeping facilities and which are intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests.
 62. JUNK YARD: Any property used for breaking up, dismantling, sorting, storing, distributing, buying or selling scrap, waste material or other junk.
 63. KENNEL: Any lot or premises on which three or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs or cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is one that has reached the age of six months.
 64. LANDSCAPE AND LANDSCAPING: To improve and ornament through design and placement of natural plant materials on a development site for aesthetic effect.
 65. LOADING SPACE: An off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
 66. LOT: SEE DEVELOPMENT SITE
 67. LOT AREA: The total area within the lot lines of a lot as measured on a horizontal plane.
 68. LOT COVERAGE: That portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building.
 69. LOT LINE:
 - a. Front: The lot line abutting a street; 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.

- b. Rear: A property line which is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- c. Side: Any property line that is not a front or rear lot line.

70. LOT MEASUREMENTS:

- a. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- b. Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines. The minimum lot width is an average and takes into account that the required minimum lot frontage is a less restrictive standard.

71. LOT/PARCEL WIDTH, AVERAGE: The average width of a lot or parcel determined by dividing the area of the lot or parcel by its depth.

Lot Types:

- a. Butt Lot: A lot, the lot side line of which abuts the lot rear line of two or more adjoining lots.
- b. Corner Lot: A lot two or more connecting sides of which abut a street.
- c. Double Frontage Lot: A lot two or more nonconnecting sides of which abut a street.
- d. Flag Lot (Panhandle): A flag lot is a buildable lot designated by the Planning Commission which takes access from a narrow strip of land fronting upon a dedicated street or right-of-way.
- e. Key Lot: A lot, the lot rear line of which abuts the lot side line of two or more adjoining lots.

72. MANUFACTURED HOME ON INDIVIDUAL LOT. A residential use containing a Manufactured Home that complies with all applicable design and placement standards, located on a lot created through defined legal process such as standard subdivision or partition, but not to include a lot or space in a Manufactured Home Park.

73. MOBILE HOME: See “Manufactured Home.”

74. MOTEL: See HOTEL
75. MOTOR VEHICLE/TRAILER SALES AREA: A lot used for display, sale or rental of new or used motor vehicles or trailers, where no repair work is done except minor, incidental repairs of motor vehicles or trailers to be displayed, sold or rented for use on the premises and where no petroleum products are sold.
76. NONCONFORMING STRUCTURE OR USE: A structure or use lawfully existing at the time this Code became applicable to the development by being in compliance with the standards applicable to it at the time it came into existence, but that would not be lawful except for its pre-existence.
77. NURSING HOME: Any home, place or institution which operates and maintains facilities providing convalescent or chronic care or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.
78. PARKING AREA, PRIVATE: Private or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees or owners of the property for which the parking area as required and not open for use by the general public.
79. PARKING AREA, PUBLIC: Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this code for retail customers, patrons and clients.
80. PARKING SPACE: A permanently maintained space not less than 8 feet wide and 18 feet long with proper access for one standard size automobile.
81. PERSON: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
82. PLANNING COMMISSION: The City Council of the City of Westfir, Oregon, until such time that the City Council creates a duly authorized Planning Commission as provided by ORS 227.020.
83. PLANNING OFFICE: The Westfir City Hall, Westfir, Oregon.
84. PUBLIC USE: 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.

85. RAMADA: A stationary structure having a roof extending over a mobile home, said structure may also extend over a patio or parking area for motor vehicles, and is used principally for protection from sun and rain.
86. RECREATIONAL VEHICLE: A self-propelled vehicle or structure equipped with wheels for highway or off-road use that is intended for human occupancy, is not being used for residential purposes, and is being used for vacation, travel or recreation purposes. This definition is to include snowmobiles, dune buggies, trail bikes, race cars and other forms of on and off-road self-propelled recreational vehicles.
87. RELOCATABLE HOUSING: Any form of permanent housing, a minimum of 12 feet wide, which meets the minimum requirements prescribed by the State of Oregon under the provisions of Oregon Revised Statutes 446.002 to 446.200, but which does not conform to the City building code, which is constructed at some place other than the site upon which it is to be placed, and thereafter used as a permanent family dwelling.
88. RESIDENTIAL HOME: A certified care facility for treatment or training of adults in foster care as defined in ORS 197.660.
89. RESIDENTIAL FACILITY: A certified care facility for treatment or training of adults as defined in ORS 197.660.
90. SERVICE STATION: A place or station selling petroleum products, motor fuel, and oil for motor vehicles, servicing batteries, furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping, and mechanical car washing and at which accessory sales or incidental services are conducted.
91. SIGN: Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter, or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise display. The term "sign" shall not include any display of official court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group, except such emblems shall conform to illumination standards set forth in this Code.
92. SIGN AREA: The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside and below the limits of such sign, and not forming an integral part of the display.
93. SOLAR ACCESS: 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.

94. SOLAR COLLECTOR: 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.
95. SOLAR ENERGY: Radiant energy (direct, diffuse and reflected) received from the sun.
96. STAND: That part of a mobile home space reserved for the placement of a mobile home.
97. STREET, LAND USE: A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement providing the primary roadway for ingress and egress from the property abutting thereon, to include the land between the right-of-way lines whether improved or unimproved.
98. STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or for the topmost story the ceiling above.
99. STRUCTURE: SEE BUILDING
100. TEMPORARY: A use allowed during the construction of a permitted use and subject to removal upon expiration of a valid building permit.
101. TRAILER: Either a mobile home or a travel trailer. The term "trailer" or "mobile home" does NOT apply to any prefabricated section of a factory built house to which wheels may be attached for the purpose of moving it to a permanent location where it becomes affixed to the real property and meets the structural, sanitation, plumbing and electrical requirements of the Building Department.
102. TRAVEL TRAILER: 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 recreation purposes.
103. TRAVEL TRAILER PARK: A parcel of land upon which two or more travel trailers occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation.
104. URBAN GROWTH BOUNDARY: That Urban Growth Boundary contained in the City of Westfir Comprehensive Plan, which defines those lands necessary to accommodate the urban growth land needs of that City, as provided for under LCDC Goal No. 14.
105. USE: The purpose for which land or a building is arranged, designed, or intended or for which either land or a building is or may be occupied or maintained.
106. VISION CLEARANCE: A triangular area at the street corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of

which are on the street lines or alley lines, an equal and specified distance from the corner and containing no planting, walls, structures, or temporary or permanent obstruction from two and one-half feet in height above the curb level to 8 feet above the curb level.

107. WRECKING YARD, MOTOR VEHICLES AND BUILDING MATERIALS: Any premises used for the storage, dismantling, or sale of either used motor vehicles, trailers, machinery, or building materials or parts thereof.
108. YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
109. YARD, FRONT: An area lying between side lot lines, the depth of which is a specified horizontal distance between the street right-of-way line and a line parallel thereto on the lot.
110. YARD, REAR: An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.
111. YARD, SIDE: An area adjacent to any side lot line the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line.
112. ZONING MAP: The Zoning Map incorporated as part of this Code which displays the location of the land use zones and Special Concern Districts of the City of Westfir, Oregon.

APPENDIX A

WESTFIR ZONING MAP