

CHAPTER 1

GENERAL ORDINANCE PROVISIONS

Section 1.101	TITLE
Section 1.102	PURPOSE AND SCOPE
1.102.1	Purpose
1.102.2	Conformance Required
1.102.3	Violations
1.102.4	Interpretation
1.102.5	Savings Clause
1.102.6	Conflicting Ordinances
Section 1.103	ESTABLISHMENT OF ZONING DISTRICTS
1.103.1	Districts
1.103.2	Boundaries
Section 1.200	DEFINITIONS
1.200.1	Grammatical Interpretation
1.200.2	Definitions

1.101 TITLE

This Ordinance shall be known and may be referred to as the City of Willamina Zoning and Development Ordinance and shall be referred to herein as this ordinance.

1.102 PURPOSE AND SCOPE

1.102.1 Purpose

This Ordinance is enacted to:

- A. Implement the goals and policies of the City of Willamina Comprehensive Land Use Plan;
- B. Provide methods of administering and enforcing the provisions of this Ordinance; and
- C. Promote the public health, safety, and general welfare of the community.

1.102.2 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of Willamina shall conform to the requirements of this Ordinance. The provisions of this Ordinance apply to any person developing, or using land or structure, and to the person's successor(s) in interest.

1.102.3 Violations

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw City utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Ordinance, or who resists the enforcement of such provisions, shall be subject to civil penalties of no more than \$300.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

The City may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or enjoin, abate, remove, or nullify the unlawful transfer, location, construction, maintenance, repair, alteration, or use.

1.102.4 Interpretation

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control.

When a certain provision of this Ordinance conflicts with another provision of this Ordinance or is unclear, the correct interpretation of the Ordinance shall be determined by the City recorder, after consultation with city engineer and planner. The City recorder, after consultation with city engineer and planner may, at his/her discretion, request that the City Council resolve the conflict or uncertainty.

1.102.5 Savings Clause

Should any section, clause, or provision of this ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

1.102.6 Conflicting Ordinances

City of Willamina Ordinance 540, and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

1.103 ESTABLISHMENT OF ZONING DISTRICTS

1.103.1 Districts

For the purposes of this ordinance, the incorporated area of the City of Willamina, Oregon, is hereby divided into the following zoning districts:

<u>Plan Designation</u>	<u>Zoning District Name</u>	<u>Section</u>
LDR	Low Density Residential Residential	2.101
MDR	Moderate Density Residential (R-2)	2.102
MR	Medium Density Residential (R-3)	2.103
C	General Commercial (C-1)	2.104
RC	Commercial Residential (C-2)	2.105
C	Mixed-Use Commercial (C-3)	2.106
C/I	Business District Overlay (BDO)	2.107
I	Industrial (M-1)	2.108
P	Public Open Space District (P)	2.110
PAI	Public Assembly/Institutional (PAI)	2.111
	Restricted Development Overlay (R-D)	2.115
	Limited Use Overlay Zone (LUO)	2.116

1.103.2 Boundaries

A. The zoning district boundaries are shown on the zoning map of the City of Willamina. This map is made a part of this Ordinance.

Any future changes to the zoning of land within the City of Willamina which are approved under the provisions of this Ordinance shall be appropriately depicted on the Willamina Zoning Map.

B. The Planning Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Willamina Zoning Map, the Planning Commission shall rely on the Willamina Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; property lines; lot lines; center lines of streets, alleys, streams, or railroads; City boundaries; notations on the Willamina Zoning Map; or other planning criteria determined appropriate by the Planning Commission. Any decision of the Planning Commission regarding the location of a zoning district boundary may be appealed to the City Council pursuant to the general procedures outlined for appeal requests in Section 3.205 of this Ordinance.

1.200 DEFINITIONS

1.200.1 Grammatical Interpretation.

Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings.

1.200.2 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning.

Access: The way or means by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to property.

Access Management: Measures regulating access to streets, roads and highways from public roads and private driveways.

Accessory Building (Structure): A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

Accessory Dwelling Unit (ADU): An interior, attached, or detached residential structure with kitchen, bathroom, and living areas that is used in connection with or that is accessory to a primary single-family dwelling.

Accessory Use: A use incidental, appropriate and subordinate to the main use of the parcel, lot or building.

Accessway: A walkway that provides pedestrian and/or bicycle passage either between streets or from a street to a building or other destination such as a school or park. They include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.

Adjoining: Contiguous or abutting. It shall include the terms adjacent, abutting, or contiguous. A public or private street shall not impact the determination that properties or zones are adjoining.

Administrative Review: A decision affecting land use within the City which is based on the application and/or enforcement of existing standards contained in this Ordinance.

Adult Entertainment: An establishment which is age-restricted due to exhibition of nudity, pornographic, or sexual content.

Alteration, Structural: Any change in the exterior dimensions of a building or a change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

Appeal: A request for a review of the decision authority's action on an application or interpretation.

Applicant: The owner of record or contract purchaser.

Automobile, Recreational Vehicle or Trailer Sales Areas: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile Service Station: A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

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

Bed and Breakfast Establishment: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis for use by three or more travelers or guests for a charge or fee paid for the rental or use of the facilities.

Bicycle Facilities: Facilities which provide for the needs of bicyclists, including bikeways and parking.

Bike Lane: A portion of a roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.

Block: A parcel of land bounded by three (3) or more streets, railroad rights-of-way, waterways or a combination thereof.

Boarding, Lodging, or Rooming House: A building where lodging with or without meals is provided for compensation for not more than five (5) persons in addition to members of the family occupying such building.

Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. A trailer coach, with or without wheels, shall not be considered a building.

Building Envelope: The three dimensional space on a parcel which may be occupied by a building.

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

Building Official: An individual empowered by the City Council to administer and enforce building regulations.

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

Cabana: A stationary structure which may be prefabricated or demountable, with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home.

Campground: A premises under one ownership where persons camp or live in any manner other than permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks.

Caretaker for property security: A privately and formally employed person who is either paid and/or compensated to protect property and assets.

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 covering a vehicle parking space.

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

Child Care: The care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, legal guardian or custodian, during a part of the 24 hours of the day, with or without compensation.

Child Care Facility: any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, daycare, or child development center.

1. Registered Family Home: A facility in the provider's own home in which up to 10 children receive child care. The provider's own children are included in the number of children in care.
2. Certified Family Child Care Home: A facility in a building constructed as a single family dwelling in which up to 16 children receive child care. The provider's own children are included in the number of children in care.
3. Child Care Center: A facility, usually located in a commercial building, in which children receive care. The number of children allowed depends on the physical size of the facility and the number of qualified staff members.

Church: See Place of Worship.

City: The City of Willamina, Oregon.

Clear-Vision Area: A triangular area on a lot at the intersection of two streets or a street and a railroad, alley, or driveway. The two sides of the triangle are lines measured from the corner intersection of the right-of-way lines, lot lines, or driveway, for a distance specified in this ordinance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

Clinic: A facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

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

Commercial Storage: See Warehouse.

Commission: The City Planning Commission of Willamina, Oregon.

Common Open Space: An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

Community Building: A publicly owned and operated facility used for meetings, recreation, or education.

Comprehensive Plan: The Comprehensive Plan of the City of Willamina, Oregon.

Conditional Use: A land use authorized through an approved conditional use permit, subject to the adopted review standards and procedures.

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

Conforming: In compliance with the regulations of the Code.

Council: The City Council of Willamina, Oregon.

Critical Feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Day Care Facility: See Child Care.

Density: The number of dwellings units, manufactured homes, or manufactured home spaces per gross acre.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

Dwelling – Single-Family, Detached: A detached building containing one dwelling unit designed exclusively for occupancy by one (1) family.

Dwelling – Single Family, Attached (Townhouse): A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. Units are attached by a shared common wall of enclosed spaces at least one story in height.

Dwelling-Two-Family (Duplex): A detached building containing two (2) dwelling units designed exclusively for occupancy by two (2) families living independently of each other, contained within the same lot or parcel.

Dwelling-Three Family (Triplex): A detached building containing three (3) dwelling units designed exclusively for occupancy by three families (3) living independently of each other.

Dwelling Multi-Family: A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other, contained within the same lot or parcel.

Dwelling Unit: A living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, and not for more than one family, or a congregate residence for ten (10) or less persons as allowed by the Uniform Building Code.

Easement: A grant of right to use an area of land for a specific purpose.

Family: (1) Two (2) or more persons related by blood, marriage, legal adoption, or guardianship and living together; or, (2) Except as may be modified by the Fair Housing Law as it relates to handicapped persons, a group of not more than five (6) persons who need not be related [as in (1)] living together in a dwelling unit.

Farming: The use of land for purposes defined in ORS Chapter 215.

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obstruct vision.

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

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces.

Garage, Private: A detached accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided.

Garage, Public: A building, other than a private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

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

Height of Building: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

Home Occupation: A lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling.

Homeowners Association: An incorporated non-profit organization operating under recorded bylaws and land agreements through which:

1. each lot owner is automatically a member; and
2. each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

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

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms.

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

Kennel: Any lot or premises on which four (4) or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training.

Land Division: Any partition or subdivision of a lot or parcel.

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

Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yard and other open spaces as herein required; such lots shall have frontage on a public street, and may consist of:

1. Single lot of record;
2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record.

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance.

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Yamhill County property records.

Lot, Corner: A lot abutting on two intersecting streets, other than an alley, where the angle of intersecting streets is no greater than 135 degrees.

Lot Coverage: The portion of a lot covered or occupied by buildings or other structures.

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.

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

Lot Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line.

Lot, Interior: A lot other than a corner lot.

Lot Line Adjustment: The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

Lot Line, Front: The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley. In the case of a flag lot, the property line parallel to the public or private street from which the flag pole takes access.

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line.

Lot Line, Side: Any property line which is not a front or rear lot line.

Lot, Through: An interior lot having frontage on two streets.

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement, of a building or structure.

Manufactured Home:

1. A residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
2. A mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
3. A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976.

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Master Plan: A sketch or other presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions.

Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with a residential land use for the storage of nonflammable or non explosive materials.

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC).

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

Multiple Family: Three or more dwellings on one unit of land.

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance.

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance or any amendments thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Nursery: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings;

grafting and budding one variety on another; and buying and selling the above plant stock at wholesale or retail.

Nursing Home: Any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but is not limited to, the procedures commonly employed in nursing and caring for the sick and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS.

Official Zoning Map: The map or maps upon which the zone locations in the City of Willamina are indicated.

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

Parking Area, Private: An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

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

Parking Space: An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. The following are not considered parking spaces for the purposes of OAR 660-12-045(5)(c): park and ride lots, handicapped parking, and parking for carpools and vanpools.

Parks: Recreational facilities that are either resource-based or activity-based. Resource-based facilities are centered around particular natural resources which may provide opportunities for picnicking, hiking, water sports, fishing, or enjoying nature. Activity-based facilities are developed for the enjoyment of particular activities such as basketball, baseball/softball, football, or other recreational programs. Park activities included both active and passive types of recreation. City parks include Garden Spot (Main Street), Hampton Park and Huddleston Pond (Yamhill Street), Lamson Park (Lamson Avenue), Oaken Hills Park (3rd Street), Tina Miller Memorial Park (1st Street), Triangle Park (South Main), and any other park as designated by the City of Willamina.

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units

of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Pedestrian Circulation System: Pedestrian connection(s) between entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties.

Pedestrian Connection: A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels intended for redevelopment, pedestrian connections may also include right-of-way or easements for future pedestrian improvements.

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions.

Pedestrian Plaza: A small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand, or rest. They are usually paved with concrete, paving stones or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways,

transit stops, and buildings. A plaza including 150-200 square feet would be considered "small".

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways.

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.

Personal Wireless Service: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.

Personal Wireless Service Facility: Facilities for the provision of personal wireless services.

Place of Public Assembly: Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

Place of Worship: A church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of including activities customarily associated with the practices of religious activity, including worship services, religion classes, weddings, funerals, child care, meal programs, limited housing, and childcare but not including private or parochial school education for prekindergarten through grade 12 or higher education.

Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations and other graphic information which is part of the City's Comprehensive Plan.

Planned Unit Development: A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance.

Planning Commission: The Planning Commission of Willamina, Oregon.

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

Preschool: A facility providing education for children between the ages of 2 and 4 and provides education before the commencement of statutory education.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared

hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches and 500 feet for other than utility runways.

Professional Office: An office occupied by an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

Quasi-Judicial Review: A decision affecting land use within the City which requires the interruption and/or amendment of existing standards or maps contained in this Ordinance. Quasi-judicial decisions are heard by the Planning Commission. The decision of the Planning Commission is final except when the decision would necessitate an amendment to this ordinance. In those cases the Planning Commission decision is forwarded as a recommendation to the City Council for a final decision. Quasi-judicial review is required for Variances, Conditional Use Permits, Subdivisions, Planned Unit Developments, Comprehensive Plan and Zone Changes, and Urban Growth Boundary Amendments.

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

Recreational Vehicle: As defined in ORS 446.003(33), a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and as further defined by rule, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: Any area operated and maintained for the purposes of picnicking or providing space for overnight use by recreational vehicles.

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

Residential Care Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides

residential care alone or in conjunction with treatment and training or a combination thereof of five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Retail Trade: The process of selling to the consumer for direct consumption and not for resale.

Retaining Walls: A structure or barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site. Such walls are not considered structures for the purposes of compliance with setback requirements.

1. Retaining walls over four (4) feet in height require a building permit.
2. Any part of a retaining wall that goes above grade will be considered a fence.
3. Fences or retaining walls are to be measured from grade level.

Right-of-Way: The full length and width of a public street or way, planned or constructed.

School, Elementary, Junior High or High School: An institution public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

School, Trade or Commercial: A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

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

Service Station: Any lot used primarily for the retail sales of motor vehicle fuels and lubricants for delivery on premises, and minor automobile repair and service.

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

Short Term Rental: The use of a dwelling unit by any person or group of persons entitled to occupy or rent for a period of less than 30 consecutive days. Short-term rentals also include vacation home rentals and owner-occupied short-term rentals, but does not include bed and breakfast inns, hotels and motels.

Sign: An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which

directs attention to a product, place, activity, person, institution or business, and which may be illuminated directly or indirectly.

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant.

Start of Construction: The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade as defined herein, such basement or cellar shall constitute a story.

Street (road, highway): The entire width between the boundary lines of every way of travel which provides for public or private use for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. A private way is excluded that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

1. Alley: A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.
2. Arterial: A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City.
3. Collector: A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties.
4. Cul-de-sac (dead-end): A short street with one end open to traffic and the other terminated by a vehicle turn-around.
5. Half Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
6. Frontage Road, Marginal Access Road: A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

7. Local Street: A street intended primarily for access to abutting properties, but protected from through traffic.

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivide: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.

Subdivision: All divisions of property which create four or more lots in a single calendar year.

Substantial Conformance: The comparison of the final plat or final development plan/building permit with the approved preliminary plat or plan to determine if the applicable standards are in compliance within 10 percent of the original approval.

Substantial Improvement: The cost of any repair, reconstruction or improvement of a structure equal to or greater than fifty percent (50%) of its market value before such alteration occurred.

Townhouse: See Dwelling – Single Family Attached.

Trailer (Travel or Vacation): See Recreational Vehicle.

Travel Trailer Parks: See Campground, or, Recreational Vehicle Park.

Unit: See Dwelling Unit.

Unstable Soil: Any soil type, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan, which has severe limitations for development due to potential flooding, erosion, structural instability or inadequate sewage waste disposal.

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Yamhill or Polk County.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vacation Home: See Short Term Rental.

Variance, Major: A variance request to change a quantifiable standard by more than twenty percent (20%).

Variance, Minor: A variance request to change a quantifiable standard by ten percent (10%) or less.

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

Warehouse: A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer.

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

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building.

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building.

CHAPTER 2

HOW LAND MAY BE USED AND DEVELOPED

2.100 ZONING DISTRICTS

Section 2.101 LOW DENSITY RESIDENTIAL (R-1)

- 2.101.1 Purpose
- 2.101.2 Permitted Uses
- 2.101.3 Conditional Uses
- 2.101.4 Dimensional Standards
- 2.101.5 Development Standards

Section 2.102 MODERATE DENSITY RESIDENTIAL (R-2)

- 2.102.1 Purpose
- 2.102.2 Permitted Uses
- 2.102.3 Conditional Uses
- 2.102.4 Dimensional Standards
- 2.102.5 Development Standards

Section 2.103 MEDIUM DENSITY RESIDENTIAL (R-3)

- 2.103.1 Purpose
- 2.103.2 Permitted Uses
- 2.103.3 Conditional Uses
- 2.103.4 Dimensional Standards
- 2.103.5 Development Standards

Section 2.104 GENERAL COMMERCIAL (C-1)

- 2.104.1 Purpose
- 2.104.2 Permitted Uses
- 2.104.3 Conditional Uses
- 2.104.4 Limitations on Use
- 2.104.5 Dimensional Standards
- 2.104.6 Development Standards

Section 2.105 COMMERCIAL RESIDENTIAL (C-2)

- 2.105.1 Purpose
- 2.105.2 Permitted Uses
- 2.105.3 Conditional Uses
- 2.105.4 Limitations on Use
- 2.105.5 Dimensional Standards
- 2.105.6 Development Standards

Section 2.106 COMMUNITY MIXED-USE (C-3)

- 2.106.1 Purpose
- 2.106.2 Permitted Uses
- 2.106.3 Conditional Uses

2.106.4	Limitations on Use
2.106.5	Dimensional Standards
2.106.6	Development Standards
Section 2.107	BUSINESS DISTRICT OVERLAY (BDO)
2.107.01	Purpose
2.107.02	Area of Application
2.107.02	Permitted Uses
2.107.03	Conditional Uses
2.107.04	Limitations on Use
2.107.05	Design Standards
2.107.06	Dimensional Standards
2.107.07	Development Standards
Section 2.108	INDUSTRIAL (M-1)
2.108.1	Purpose
2.108.2	Permitted Uses
2.108.3	Conditional Uses
2.108.4	Limitation of Use
2.108.5	Dimensional Standards
2.108.6	Development Standards
Section 2.109	RESERVED
Section 2.110	PUBLIC OPEN SPACE (P)
2.110.1	Purpose
2.110.2	Permitted Uses
2.110.3	Accessory Uses
2.110.4	Conditional Uses
2.110.5	Dimensional Standards
2.110.6	Development Standards
Section 2.111	PUBLIC ASSEMBLY/INSTITUTION (PAI)
2.111.1	Purpose
2.111.2	Permitted Uses
2.111.3	Conditional Uses
2.111.4	Reserved
2.111.5	Dimensional Standards
2.111.6	Development Standards
Section 2.112	RESERVED
Section 2.113	RESERVED
Section 2.114	RESERVED
Section 2.115	RESTRICTED DEVELOPMENT OVERLAY ZONE (RD)
2.115.1	Purpose
2.115.2	Area of Application
2.115.3	Standards for Soil Hazard and Steep Slope Areas

2.115.4	Standards for Areas of Special Flood Hazard
2.115.5	Standards for Stream Corridor Areas
Section 2.116	LIMITED USE OVERLAY ZONE
2.116.1	Purpose
2.116.2	Overlay Zone Requirements
2.116.3	Procedures and Criteria
2.116.4	Official Zoning Map
2.116.5	Site Plan Requirement
Section 2.117	RESERVED

2.101 LOW DENSITY RESIDENTIAL ZONE (R-1)

2.101.1 Purpose

The section is adopted to maintain areas of existing low density residential development, and to provide for the continued development of low density housing to meet the future needs of the citizens of the city. The R-1 zoning district is consistent with the Low Density Residential (LDR) Comprehensive Plan land use designation. The R-1 Zone allows for the development of detached single-family homes and other complementary uses listed in this section.

2.101.2 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses and their accessory uses are permitted in the R-1 zone:

Detached single family dwelling unit, including a single-family manufactured home subject to Section 2.303 of this Ordinance.

- A. Public park and recreation area.
- B. Home occupations subject to the provisions of Sections 2.306.
- C. Residential Care Home.
- D. Certified and Registered Child Care Homes, subject to State guidelines.
- E. Accessory dwelling unit (ADU) subject to the provisions in Section 2.313.
- F. Cottage Cluster Development subject to the provisions in Section 2.314.
- G. Short term rentals, vacation homes, subject to the provisions of Section 2.306 Home Occupations.

2.101.3 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Place of worship.
- B. Public or private school, including pre-school.
- C. Community building.
- D. Golf course except driving range, or miniature golf operated as a business.

- E. Cemetery, including crematorium.
- F. Utility facilities, including personal wireless service facility.
- G. Farming, excluding livestock.
- H. Bed and breakfast facility.
- I. Boarding house.
- J. Municipal and other public service facilities.
- K. Child Care Center.

2.101.4 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Dimensions

- 1. 6,000 square feet.
- 2. The minimum lot width at the front building line shall be 50 feet including lots located on a cul-de-sac. (For frontage requirements, see Section 2.308.)
- 3. The minimum average lot depth shall be 90 feet.
- 4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements

- 1. All principal and conditional use structures shall maintain the following minimum yard setbacks (see pages 129-130 for accessory structures):
 - a. Front Yard 15 feet
 - b. Rear Yard 20 feet
 - c. Side Yard (interior) Side Yard (adjacent to street) 5 feet 15 feet
 - d. Garages 20 feet

C. Maximum Structure Height 25 feet

2.101.5 Development Standards

All development in the R-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 3.106 - 3.107.
- C. Planned Unit Developments (PUDs) and Cottage Clusters. PUDs shall be reviewed in accordance with the provisions of Section 2.302. Cottage Clusters shall be reviewed in accordance with the provisions of Section 2.314.
- D. Site Plan Review. All new development and expansions of an existing structure shall be subject to the Site Development Review procedures of Section 3.105. Single family detached homes and duplexes are exempt from these procedures.
- E. Density. When R-1 land is subdivided, the minimum density shall be four (4) dwelling units per gross acre and the maximum density shall be six (6) units per acre.
- F. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum lot coverage:	30%
Maximum parking area coverage:	30
% Combined maximum lot and parking area coverage:	60
%	
- G. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- H. Signs. Signs shall conform to the requirements of Section 2.206.
- I. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling. Front yard shall not include driveway.

- J. Driveways shall be separated from an intersection by at least 20 feet.
 - K. Accessory structures. Accessory structures as provided for in Section 2.209.10.
 - L. No more than one (1) main building shall be located on a lot or parcel.
 - M. Garage/carport. A garage or carport of like material and color of the single-family/two-family dwelling is required. The garage or carport shall be a minimum of 240 square feet in size and shall meet building code requirements. Garage/carport dimensions shall meet minimum usable parking space dimensions of 9 feet by 18 feet.
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2.102 MODERATE DENSITY RESIDENTIAL ZONE (R-2)

2.102.1 Purpose

The purpose of the R-2 District is to provide areas for the development of a mixture of single-family, duplex, and triplex housing opportunities, and other complementary uses. The R-2 District is consistent with the Moderate Density Residential (MDR) Comprehensive Plan land use designation.

2.102.2 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses and their accessory uses are permitted in the R-2 zone:

- A. Detached single-family dwelling unit, including a single-family manufactured home subject to Section 2.303 of this Ordinance.
- B. Attached single-family dwelling unit, townhouse. Minimum of two (2), maximum of three (3) attached in a row.
- C. Two-family dwelling unit, duplex.
- D. Public park and recreation area.
- E. Home occupations subject to the provisions in Section 2.306.
- F. Residential Care Home.
- G. Certified and Registered Child Care Homes, subject to State guidelines.
- H. Accessory dwelling unit (ADU) subject to the provisions in Section 2.313.
- I. Cottage Cluster Development subject to the provisions in Section 2.314.
- J. Short term rentals, vacation homes, subject to the provisions of Section 2.306 Home Occupations.

2.102.3 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Place of worship.
- B. Public or private school, including pre-school.

- C. Community building
- D. Golf course except driving range, or miniature golf operated as a business.
- E. Cemetery, including crematorium.
- F. Utility facilities, including personal wireless service facilities.
- G. Bed and breakfast facility.
- H. Boarding House.
- I. Farming, excluding livestock.
- J. Triplex.
- K. Residential Care Facility.
- L. Child Care Center.

2.102.4 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-2 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling, including single-family manufactured homes: 5,000 s.f.
Single-family attached dwelling: 3,000 s.f. per dwelling unit
- 2. Duplex: 7,500 s.f.
- 3. Triplex: 9,000 s.f.
- 4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements

- 1. All principal and conditional use structures shall maintain the following minimum yard setbacks. (see pages 129-130 for accessory structures):
 - a. Front Yard 15 feet

b.	Rear Yard	15 feet
c.	Side Yard (interior)	5 feet
	Side Yard, (attached units, attached side)	0 feet 15 feet
	Side Yard (adjacent to street)	feet
d.	Garages	20 feet
C.	<u>Maximum Structure Height</u>	25 feet
D.	<u>Minimum Lot Width and Frontage</u>	50 feet
a.	Cul-de-sac/ frontage	40 feet
b.	Cul-de-sac/width at front building line	50 feet
E.	<u>Minimum Lot Depth</u>	90 feet

2.102.5 Development Standards

All development in the R-2 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Sections 3.106-3.107.
- C. Planned Unit Developments (PUDs) and Cottage Clusters. PUDs shall be reviewed in accordance with the provisions of Section 2.302. Cottage Clusters shall be reviewed in accordance with the provisions of Section 2.314.
- D. Site Plan Review. All new development and expansions of an existing structure shall be subject to the Site Development Review procedures of Section 3.105. Single family detached homes and duplexes are exempt from these procedures.
- E. Density. When R-2 land is subdivided, the minimum density shall be five (5) units per gross acre and the maximum density shall be seven (7) units per acre.
- F. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum lot coverage: 35%
Maximum parking area coverage: 30
% Combined maximum lot and parking area coverage:65%

- G. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- H. Signs. Signs shall conform to the requirements of Section 2.206.
- I. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling. Front yard shall not include driveway.
- J. Driveways shall be separated from a street intersection by at least 20 feet.
- K. Accessory structures. Accessory structures as provided for in Section 2.209.10.
- L. No more than one (1) main building shall be located on a lot or parcel
- M. Garage/carport. A garage or carport of like material and color of the single-family/two-family dwelling(s) is required. The garage or carport shall be of a minimum of 240 square feet in size, and shall meet building code requirements. Garage/carport dimensions shall meet minimum usable parking space dimensions of 9 feet by 18 feet.

2.103 MEDIUM DENSITY RESIDENTIAL ZONE (R-3)

2.103.1 Purpose

The purpose of the R-3 District is to provide opportunities for the development of a mixture of housing types, including single family, duplexes, multiple family, and other complementary uses. The R-3 District is consistent with the Medium Density Residential (MR) Comprehensive Plan land use designation.

2.103.2 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses and the accessory uses are permitted in the R-3 zone:

- A. Detached single-family dwelling unit, including a single-family manufactured home subject to Section 2.303 of this Ordinance.
- B. Attached single-family dwelling unit, townhouse. Minimum of two (2), maximum of three (3) attached in a row.
- C. Two-family dwelling unit, duplex.
- D. Multiple-family dwelling.
- E. Manufactured Home Park pursuant to Section 2.304.
- F. Public park and recreation area.
- G. Boarding, lodging, or rooming house.
- H. Home occupation, subject to the provisions of Section 2.306.
- I. Residential Home and Residential Facilities.
- J. Certified and Registered Child Care Homes, subject to State guidelines.
- K. Accessory dwelling unit (ADU) subject to the provisions in Section 2.313.
- L. Cottage Cluster Development subject to the provisions in Section 2.314.
- M. Short term rentals, vacation homes, subject to the provisions of Section 2.306 Home Occupations.

2.103.3 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Place of worship.
- B. Public or private school, including pre-school.
- C. Community building.
- D. Golf course except driving range, or miniature golf operated as a business.
- E. Bed and breakfast facility.
- F. Cemetery, including crematorium.
- G. Utility facilities, including personal wireless service facilities.
- H. Hospital or clinic.
- I. Convalescent or nursing home.
- J. Child Care Center.

2.103.4 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-3 District except for modifications permitted under Section 2.402, General Exceptions.

- A. Minimum Lot Area
 - 1. Single-family detached and all other uses not listed below total lot area shall not be less than 5,000 square feet
 - 2. Single-family attached dwelling: 3,000 s.f. per dwelling unit
 - 3. Duplex and multi-family lot area per dwelling shall not be less than 2,500 square feet
 - 4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.
- B. Minimum Yard Setback Requirements
 - 1. All principal and conditional use structures shall maintain the following minimum yard setbacks:

a.	Front Yard	15 feet
b.	Rear Yard	15 feet
c.	Side Yard	
	(single family, duplex, triplex, apartment)	5 feet
	(attached units, attached side)	0 feet
	(all units adjacent to street)	15 feet
d.	Garages	20 feet
C.	<u>Maximum Structure Height</u>	
	Dwellings	35 feet
D.	<u>Minimum Lot Width and Frontage</u>	50 feet
a.	Cul-de-sac/frontage	40 feet
b.	Cul-de-sac/width at front building line	50 feet
E.	<u>Minimum Lot Depth</u>	80 feet

2.103.5 Development Standards

All development in the R-3 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking facilities, which shall include a carport or enclosed garage, shall be provided at the ratio and dimensions specified in Section 2.203.
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 3.106 - 3.107.
- C. Planned Unit Developments (PUDs) and Cottage Clusters. PUDs shall be reviewed in accordance with the provisions of Section 2.302. Cottage Clusters shall be reviewed in accordance with the provisions of Section 2.314.
- D. Site Plan Review. All new development and expansions of an existing structure shall be subject to the Site Development Review procedures of Section 3.105. Single family detached homes and duplexes are exempt from these procedures.
- E. Density. Subdivisions and multi-family development within the R-3

zone shall comply with the following density requirements:

1. Subdivisions and manufactured home parks: The minimum density shall be six (6) units per acre and the maximum density shall be eight (8) units per acre.
2. Multi-family: The minimum density shall be eight (8) units per acre. The maximum density shall be 14 units per acre.

F. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required: Multi-family residential uses (three or more units) shall comply with the following standards:

1. Multi-family developments shall be subject to the Site Plan Review procedures in Section 3.105.
2. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 10 feet.
3. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.

Maximum building coverage:	45%
Maximum parking area coverage:	30%
Combined maximum building and parking area coverage:	75%

G. Landscaping. Multiple family dwelling developments shall provide a minimum landscaped area equal to 25 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.

H. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.

I. Signs. Signs shall conform to the requirements of Section 2.206.

J. Recreational vehicles, trailers, boats, and other similar vehicles shall not be parked in the front yard area of the dwelling. Front yard shall not include driveway.

K. Driveways shall be separated from an intersection by at least 20 feet.

L. Accessory structures. Accessory structures as provided for in Section 2.209.10

M. Garage/Carport. A garage or carport of like material and color of

the single-family/two-family dwelling(s) is required. The garage or carport shall be a minimum of 240 square feet in size, and shall meet building code requirements. Garage/carport dimensions shall meet minimum usable parking space dimensions of 9 feet by 18 feet.

2.104 GENERAL COMMERCIAL ZONE (C-1)

2.104.1 Purpose

To provide areas for a wide range of retail, wholesale, transportation, and service uses along Highway 18. To assure compatibility between these uses and adjacent residential and industrial uses, special design standards are specified.

2.104.2 Permitted Uses

The following uses and their accessory uses are permitted in the C-1 zone, subject to a Site Plan Review:

- A. Pre-school, nursery, kindergarten, child care facility, and adult day care facility.
- B. Non-profit member organization, such as business associations, labor unions, political organizations, and fraternal lodges.
- C. Public automobile parking lot.
- D. Public and semi-public buildings, structures, and uses, such as park, municipal office, library, police and fire station, and hospital.
- E. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, personal wireless service facility, and necessary right-of-way for identified public utilities.
- F. Business office including, but not limited to: insurance, real estate and title insurance; credit agency, brokerage, loan company, and investment company. Miscellaneous office such as detective agency, drafting service, or contractor's office.
- G. Professional office including, but not limited to: medical, dental, veterinary, engineering and legal service.
- H. Bank and other financial institution.
- I. Hotel, motels, and bed and breakfast.
- J. Mortuary.
- K. Greenhouse and garden supply.
- L. Retail sales outlet including, but not limited to: grocery store, pharmacy, furniture, hobby, photography, florist, liquor, hardware, antique and second-hand, appliance, electronic and IT equipment,, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.

- M. Restaurants, drive-ins, taverns, snack shops, bakery, and other types of eating and drinking establishments, including entertainment facility (excluding adult entertainment businesses) accessory to the establishment.
- N. Retail and service related store, including but not limited to: electronic and IT equipment sales and service, bicycle shop, gunsmith, and other similar activity where a service department is customarily a secondary activity to the retail use.
- O. Service related business, including but not limited to: barber shop, beauty shop, advertising agency, self-serve laundry, dry cleaning, printing and photocopying, or other similar service related business. =
- P. Fitness Center.
- Q. Amusement and recreation related facility such as an arcade, theater, auditorium, bowling alley, community center, and miniature golf course.
- R. Accessory structure and use customarily provided for primary commercial activity.
- S. Apartments or living quarters accessory to a commercial use, provided the living quarters is located in the same building as the commercial use and the floor area devoted to the living quarter is equal to or less than the floor area devoted to the commercial use.

2.104.3 Conditional Uses

The following uses are allowed subject to obtaining a conditional use permit and completing a Site Plan Review:

- A. Automobile service station, including towing service, vehicle washing and polishing facility, and services, and, subject to the development provisions in Section 2.308.
- B. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales, , subject to the development provisions in Section 2.308.
- C. Part and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, subject to the development provisions in Section 2.308.
- D. Retail tire sales and tire recapping, service and repair, paint and body shop, subject to the development provisions in Section 2.308.

- E. Lumber yard and contracting supplies for lumber, stone, masonry or metal (sales only).
- F. Special trade contracting facility, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work and painting.
- G. Welding shop and blacksmith where activities are conducted wholly within a building.
- H. Equipment rental.
- I. Upholstery shop.
- J. Cabinet shop where activities are conducted wholly within a building.
- K. Newspaper, periodical, publishing and printing.
- L. Tractor and farm equipment, and logging equipment sales and service, subject to the development provisions in Section 2.308.
- M. Kennel.
- N. Small scale manufacturing consistent with the requirements in Section 2.307.01.
- O. Recreational Vehicle park, in accordance with Section 2.309.
- P. Public swimming pool.
- Q. Craft coffee roaster, brewery, cidery, distillery, and similar small-scale manufacturing.

2.104.4 Limitations on Use

In the C-1 district, the following development limitations shall apply:

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 1. Off-street parking or loading.
 2. Drive-through windows or gas stations.
 3. Temporary display and sales of merchandise provided it is under cover of a projecting roof or awning, and does not interfere with

pedestrian, bicycle, or automobile circulation.

4. Business which, in all cases, require outdoor storage of merchandise, e.g., automobile or RV sales lots.
- B. Not more than 50 percent (50%) of the floor area of the building and not more than 25 percent (25%) of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products.

2.104.5 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the General Commercial District.

- A. Minimum lot area: No limitation
- B. Minimum yard setbacks:
1. Front Yard
 - Adjoining a non-residential district: None
 - Adjoining a residential district: 20 feet
 2. Rear Yard
 - Adjoining a non-residential district: None
 - Adjoining a residential district: 20 feet
 3. Side Yard
 - Adjoining a non-residential district: None
 - Adjoining a residential district: 20 feet
- C. Maximum structure height:
- Dwellings: 30 feet
 - Non-dwellings: 45 feet

2.104.6 Development Standards

All developments in the General Commercial District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.
- B. Signs. Signs in the General Commercial District shall be subject to the provisions of Section 2.206.

- C. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.106-3.107.
- D. Site Plan Review. All new development and expansion of an existing structure or use in the General Commercial District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Landscaping. All development in the General Commercial District shall provide a minimum landscaped area equal to 10 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Screening. Screening shall be required for the following:
 - 1. All outdoor storage areas, except for merchandise displays, shall be screened by a six-foot sight-obscuring fence or wall.
 - 2. Where a commercial use abuts a residential zone, a six-foot sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the clear-vision area.

2.105 COMMERCIAL RESIDENTIAL DISTRICT (C-2)

2.105.1 Purpose

The purpose of this district is to provide for a mixture of residential and limited commercial uses in areas adjacent to General Commercial districts. This district is compatible with the Residential Commercial designation in the Comprehensive Plan.

2.105.2 Permitted Uses

The following uses and their accessory uses are permitted outright in the C-2 zone, subject to the Site Plan Review, except where noted:

- A. Any use permitted in an R-2 zone.
- B. Business office, including but not limited to: insurance, real estate and title insurance; credit agency, brokerage, loan company, and investment company; and miscellaneous office such as detective agency, drafting service, and contractor's office.
- C. Professional offices including, but not limited to, medical, dental, veterinary, engineering and legal services. Veterinary clinics shall not provide on-site services for farm animals.
- D. Art gallery, artisan's or craftsman's studio, photographic studio, and picture framing.
- E. Banks and other financial institutions.
- F. Retail sales outlet including, but not limited to, food store, pharmacy, furniture, hobby or photography, florist, liquor, hardware, appliance, electronic, , pet shop, sporting goods, department store, jewelry, gift, and other types of retail activity.
- G. Restaurant, delicatessen, tavern, snack shop, and other types of eating and drinking establishments, including entertainment facility (excluding adult entertainment business) accessory to the establishment.

- H. Retail and service related store such as TV and radio sales and service, bicycle, gunsmith, equipment rental, upholstery, or other similar activity where a service department is customarily a secondary activity to the retail use.
- I. Service related business such as barber shop, beauty shop, advertising agency, child care facility, adult day care facility, printing and photocopying, dancing or music school, health and fitness club, and other similar service related business.
- J. Bed and breakfast, consistent with the provision of Section 2.306.
- K. Accessory structures and uses customarily provided for retail activities.
- L. Parking lot.

2.105.3 Conditional Uses

The following conditional uses are allowed in the Commercial Residential District subject to obtaining a conditional use permit and completing a Site Plan Review:

- A. Public building, public utility structure, including personal wireless service facility.
- B. Place of worship, club lodge, or fraternal organization.
- C. Theater, including indoor movie theater.
- D. Bakery, butcher shop, candy manufacturing, and similar craft small manufacturer, when retail sales are provided on premises.
- E. Bottling/distilling (limited by volume, degree of hazard) when retail sales are provided on the premises.

2.105.4 Limitations on Use

In the Commercial Residential District, the following development limitations shall apply:

- A. For expansion of existing buildings and for new construction, a development plan shall be submitted to the Planning Commission for their approval. Such plans shall show the locations of all existing and proposed buildings and structures, parking areas and access points, landscaping, lighting, size, and other data as may have a bearing on the adjacent properties.
- B. All business, service, processing, or merchandise displays shall be

conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading.
 2. Temporary display and sales of merchandise, for less than 24 hours, provided it is under cover of a projecting roof or awning and does not interfere with pedestrian or automobile circulating.
- C. No drive-thru service.

2.105.5 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Commercial Residential District.

- A. Minimum lot area: None
(All buildings must comply with required setbacks)
- B. Minimum yard setbacks:
1. Front Yard
Adjoining a non-residential district: None 15
Adjoining a residential district feet
Garage 20 feet
 2. Rear Yard
Adjoining a non-residential district: None
Adjoining a residential district: 15 feet
 3. Side Yard
Adjoining a non-residential district: None
Adjoining a residential district: 15 feet
- C. Maximum structure height:
- | | |
|--|---------|
| Dwelling | 30 feet |
| Non-dwelling
(other than accessory structures): | 45 feet |

2.105.6 Development Standards

All developments in the Commercial Residential District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.

- B. Signs. Signs in the Commercial Residential District shall be subject to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.106-3.107.
- D. Site Plan Review. All new development and expansion of an existing structure or use in the Commercial Residential District shall be subject to the Site Plan Review procedures of Section 3.105.
- E. Landscaping. All development in the Commercial Residential District shall provide a minimum landscaped area equal to 10 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Garage/Carport. A garage or carport of like material and color is required for single family homes and duplexes. The garage or carport shall be a minimum of 240 square feet in size, and shall meet building code requirements. Garage/carport dimensions shall meet minimum usable parking space dimensions of 9 feet by 18 feet.

2.106 MIXED-USE COMMERCIAL (C-3)

2.106.1 Purpose

The purpose of the C-3 district is to preserve the historic educational and recreational uses of a former school campus, while allowing for non-profit, semi-public, public, commercial, and limited residential uses, in a manner which is complementary to adjacent land use districts. This district is consistent with the Commercial designation in the Comprehensive Plan.

2.106.2 Permitted Uses

The following uses are permitted in the C-3 District, subject to Site Plan Review procedures, Section 3.105:

- A. Indoor and outdoor facilities for educational instruction of all ages, including but not limited to specialized, vocational, and hobby, schools, classes, trainings, workshops, clinics, day camps, preschools, and daycares.
- B. Art studios and galleries, artisan and crafts activities including but not limited to woodworking, ceramics, textiles, photography, painting, picture framing, music rehearsal studios, recording studios.
- C. Indoor and outdoor facilities for public events and entertainment including music performances and annual community events.
- D. Indoor and outdoor facilities for private event rentals including weddings, parties, reunions, baby showers, company events, funeral receptions, and other celebratory events.
- E. Indoor and outdoor facilities for recreational activities including parks, pools, sports fields and courts, playgrounds, trails, horse shoe pits, disc golf, pump tracks, skate parks, dance studios, and fitness health clubs.
- F. Theaters and cultural performance spaces.
- G. Meeting space for use by government, community, and private groups.
- H. Certified commercial kitchens for workshops, and for lease by businesses.
- I. Innovation centers and business incubators where the business activity is an approved permitted or conditionally permitted use.
- J. Community gardens.
- K. Commercial uses operating outside a permanent structure, including but not limited to farm stands, farmers markets, garage sales, flea markets, and

food carts, subject to City ordinance requirements for business license.

- L. Service-related businesses such as barber shops, beauty shops, groomers, advertising agencies, printing and photocopying, or other activities where the primary activity is the providing of a service to retail customers.
- M. Professional offices and business offices including, but not limited to insurance, real estate, investment companies, medical, dental, engineering, legal services.
- N. Small scale retail sales, including but not limited to market, pharmacy, furniture store, hobby store, florist, liquor store, hardware store, pet shop, sporting goods, clothing, jewelry, gift, and other types of retail activities.
- O. Restaurants, delicatessen, cafes, taverns, tasting rooms, snack shops, and other types of eating and drinking establishments.
- P. Bakery, coffee roasting, and other food and beverage production when retail sales are provided on the premises.
- Q. Public buildings, museums, libraries, community centers, public utility buildings and structures.
- R. Single-family detached dwelling, including a single-family manufactured home subject to Section 2.303 of this Ordinance.
- S. Single-family attached dwelling unit/townhouse. Minimum of two (2), maximum of three (3) attached in a row.
- T. Duplex dwelling on an individual lot.
- U. Cottage Cluster developments subject to Section 2.314.
- V. Residential uses in support of approved permitted and conditionally permitted uses, including artist residence, security and caretaker units.
- W. Living quarters unrelated to and accessory to a commercial use, when living quarters is located in the same building as a commercial use.
- X. Dormitory-style accommodations for camp and educational participants, limited to the duration of enrollment.
- Y. RV and tent camping accessory to community events only, limited to the duration of the permitted event.
- Z. Uses and structures clearly accessory and subordinate to the above, such as sheds, grandstands, parking.

The following uses may be permitted in the C-3 District when authorized under the procedures in Section 3.103:

- A. Commercial storage facilities and self-service ministorage, when fully enclosed within a permanent structure.
- B. Brewing, distilling, winery, cidery.
- C. Small scale light industrial manufacturing and processing, consistent with the requirements of 2.307.01.
- D. Hostel, vacation rental, and other overnight lodging.
- E. Church, club lodge, or fraternal organization buildings.
- F. Veterinary clinics which shall not provide on-site services for farm animals.
- G. Bowling alleys.
- H. Special trade contractor facilities. Permitted activities include the establishment of an office, storage of equipment and materials, in compliance with screening requirements.
- I. Personal wireless service facilities, radio antennas, repeaters.

2.106.2 Limitations on Use

- A. No drive-thru service.

2.106.3 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Community Mixed Use (C-3) Zone:

- A. Lot Size: None
- B. Setback Requirements:
 - 1. Front yard, 20 feet
 - 2. Garage 20 feet
 - 3. Side yard
 - Adjoining other than a residential zone None
 - Adjoining a residential zone 10 feet

- | | | |
|----|---|---------|
| 4. | Rear yard | |
| | Adjoining other than a residential zone | None |
| | Adjoining a residential zone | 10 feet |

C. Maximum Building Height:

Unless otherwise provided by this section or by a variance approval, no building or structure shall exceed 50 feet. Chimneys and antennas may exceed this height provided they do not exceed the height of the principal structure by more than 5 feet.

2.106.4 Development Standards

All new development in the C-3 Zone shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the C-3 Zone shall conform to the standards of Section 2.203.
- B. Signs. Signs in the C-3 Zone shall conform to the provisions of Section 2.206.
- C. Partitions and Subdivisions. All land divisions shall be reviewed in accordance with the provisions of Sections 3.106 or 3.107.
- D. Site Plan Review. All new development and expansion of existing structures in the C-3 Zone shall be subject to the Site Plan Review procedures of Section 3.105.
- E. Landscaping. All development in the C-3 Zone shall provide a minimum landscaped area equal to 10 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Screening. All outdoor storage areas, except for merchandise displays, shall be screened by a six-foot sight-obscuring fence or wall.
- G. Garage/Carport. A garage or carport of like material and color is required for single family homes and duplexes. The garage or carport shall be a minimum of 240 square feet in size, and shall meet building code requirements. Garage/carport dimensions shall meet minimum usable parking space dimensions of 9 feet by 18 feet.

2.107 BUSINESS DISTRICT OVERLAY (BDO)

2.107.1 Purpose

- A. The purpose of the Business District Overlay is to provide for an appropriate range of mixed-use retail and services, with basic design guidelines in support of an attractive commercial corridor. The important Main Street / Highway 18 corridor is a visual representation of the local economy and greater Willamina community. Adopted standards for this corridor are intended to support quality development.

2.107.2 Area of Application

- A. The boundary of the BDO shall be applied to current zone maps. It is described generally as all properties with frontage on Main Street / Highway 18 Business Route from the Y-intersection of West Main, South Main, and East Main on the west end of the overlay, extending to the Fire Station property on the east end of the overlay.
- B. Consistent with the Site Plan Review requirements of Section 3.105, all new development and significant remodeling within the Business District Overlay is subject to the Permitted Uses, Design Standards, Dimensional Standards, and Development Standards of this section 2.107.
- C. Nonconforming grandfathered. Uses and structures which were legally sited within the BDO prior to the adoption of the BDO shall be allowed to remain, and shall not be required to be brought into compliance until a land use review is required.
- D. Change of Use/Occupancy. A change of commercial or industrial tenants which requires a Change of Occupancy review by the County shall comply with the permitted and conditional uses of this section.
- E. All new exterior painting of properties within the BDO, beyond maintenance of existing paint, shall comply with the color palette described in this section.

2.107.3 Permitted Uses

- A. Pre-school, nursery, kindergarten, child care facility, and adult day care facility.
- B. Non-profit member organization, such as business associations, labor unions, political organizations, and fraternal lodges.
- C. Public automobile parking lot.
- D. Public and semi-public buildings, structures, and uses, such as park,

municipal office, library, police and fire station, and hospital.

- E. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, personal wireless service facility, and necessary right-of-way for identified public utilities.
- F. Business office including, but not limited to: insurance, real estate and title insurance; credit agency, brokerage, loan company, and investment company. Miscellaneous office such as detective agency, drafting service, or contractor's office.
- G. Professional office including, but not limited to: medical, dental, veterinary, engineering and legal service.
- H. Bank and other financial institution.
- I. Hotel, motel, and bed and breakfast.
- J. Mortuary.
- K. Greenhouse and garden supply.
- L. Retail sales outlet including, but not limited to: grocery store, pharmacy, furniture, hobby, photography, florist, liquor, hardware, antique and second-hand, appliance, electronic and IT equipment,, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- M. Restaurants, taverns, snack shops, bakery, and other types of eating and drinking establishments, including entertainment facility (excluding adult entertainment businesses) accessory to the establishment.
- N. Service- related business, including but not limited to: barber shop, beauty shop, advertising agency, self-serve laundry, dry cleaning, printing and photocopying, or other similar service related business. =
- O. Fitness Center.
- P. Accessory structure and use customarily provided for commercial activity, permitted only in the rear of a property.
- Q. Apartments or living quarters accessory to a commercial use, provided the living quarters is located in the same building as the commercial use and the floor area devoted to the living quarter is equal to or less than the floor area devoted to the commercial use.

2.107.4 Conditional Uses

- A. Part and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats, subject to the development provisions in Section 2.308.
- B. Lumber yard and contracting supplies for lumber, stone, masonry or metal (sales only).
- C. Special trade contracting facility, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work and painting.
- D. Welding shop and blacksmith where activities are conducted wholly within a building.
- E. Equipment rental.
- F. Upholstery shop.
- G. Cabinet shop where activities are conducted wholly within a building.
- H. Newspaper, periodical, publishing and printing.
- I. Small scale manufacturing consistent with the requirements in Section 2.307.01.
- J. Craft coffee roaster, brewery, cidery, distillery, and similar small-scale manufacturing.
- K. Retail and service-related store, including but not limited to: electronic and IT equipment sales and service, bicycle shop, gunsmith, and other similar activity where a service department is customarily a secondary activity to the retail use.
- L. Amusement and recreation related facility such as an arcade, theater, auditorium, bowling alley, community center, and miniature golf course.

2.107.5 Limitations on Uses

In the Business District Overlay, the following development limitations shall apply:

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading.
 2. Drive-through windows allowed with side or rear street access only.
 3. Temporary display and sales of merchandise provided it is under cover of a projecting roof or awning, and does not interfere with pedestrian, bicycle, or automobile circulation.
- B. Not more than 50 percent (50%) of the floor area of the building shall be used in the manufacturing, processing, or compounding of products.

2.107.6 Design Standards

- A. Types and sizes of Windows: All businesses shall install windows that:
1. Cover at least 50 percent of the building wall facing the Main Street Corridor, and
 2. Are translucent.
 3. Are outlined when facing Main Street.
- B. Buildings shall utilize at least three (3) of the following design features:
1. Awnings. All awnings, covered porches and eaves shall be attached to the main building and extend the full distance of the front wall parallel to Main Street.
 2. Covered porches. All awnings, covered porches and eaves shall be attached to the main building and extend the full distance of the front wall parallel to Main Street.
 3. Eaves. All awnings, covered porches and eaves shall be attached to the main building and extend the full distance of the front wall parallel to Main Street.
 4. Restricted building materials. Restricted building façade materials. All building walls facing streets shall be constructed of brick, stone, log, wood, wood-pattern siding, horizontal siding, or corrugated steel. Porch foundations, chimneys, and storefront bulkheads may be faced with stone; either quarry or river rock. Quonset hut designs, cinder block, and concrete slab walls are prohibited.
 5. Roof line off-sets. To preclude large expanses of uninterrupted building/roof surfaces, exterior elevations along the building front shall incorporate projections, dormers, gables, or other similar

elements. Each building shall have at least one off-set design, and additional off-set designs shall occur at a minimum of every 30 feet. Off-sets or breaks in roof elevation shall be three (3) or more feet in height.

6. Front building wall off-sets. To preclude long, unbroken building facades and simple box forms, exterior elevations along the building front wall shall incorporate off-set design features such as recesses, projections, extensions, or other similar elements. Each building shall have at least one off-set design, and additional off-set designs shall occur at a minimum of every 30 feet.

7. Siding. Siding shall be used on walls and/or building facades.

C. Color Palette. Buildings, trim, roofing, and architectural features shall be painted or coated in colors from an approved color palette which is described as traditional, classic, and historic, including: wood tones, tans, beige, browns, brick reds, muted greens, greys, rust, deep blues, and similar. Prohibited colors include bright, garish, or neon hues. Sample color palettes are on file with the City of Willamina for review.

1. Application Approval Required. No person shall paint or coat the exterior of any new or existing structure in the BDO without having first obtained approval from the City of their selected colors.

2. Proposed colors shall be submitted for City review with all new change of occupancy applications, remodel applications, and new developments in the BDO.

3. Where no changes to the structure or use are proposed beyond paint color, an application to paint or coat a structure in the BDO shall be made as a Type I review to City Staff.

4. Appeals of a City decision on paint colors shall be to the Planning Commission.

D. Fences or walls facing Main Street shall be no taller than three (3) feet and shall be constructed of brick, stone, log, wood, or wood-appearing materials. The use of chain link, cinder block, and concrete slab walls are prohibited.

2.107.7 Dimensional Standards

A. The adopted Dimensional Standards of the C-1 Zone shall apply.

2.107.8 Development Standards

- A. The adopted Development Standards of the C-1 Zone shall apply, except where specifically modified by the BDO Section standards.

2.108 INDUSTRIAL ZONE (M-1)

2.108.1 Purpose

To provide land for and to encourage the grouping together of warehousing, manufacturing, and other light industrial uses which, because of their normal characteristics, would be relatively unobjectionable, could be permitted to operate in close proximity to, and would not be detrimental to surrounding commercial or residential uses.

2.108.2 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses and their accessory uses are permitted in the Industrial District:

- A. Dwelling for a caretaker for property security as defined by the Code, including a manufactured home.
- B. Public utility and public service installation, including repair and storage facility and personal wireless service facility.
- C. Commercial activities:
 - 1. Lumber yard, building material supply.
 - 2. Special trade contractor facility for plumbing, roofing, sheet metal, electrical, heating and air-conditioning, tents and awnings, cabinet and carpentry, and similar construction and construction related activities. Permitted activities include the establishment of an office, storage of equipment and materials, and fabrication and repair.
 - 3. Automotive repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities; subject to the development provisions in Section 2.308.
 - 4. Repair and maintenance activities for other vehicles, such as motorcycles, aircraft, boats, recreational vehicles, and trucks; subject to the development provisions in Section 2.308.
 - 5. Tractor, farm equipment, heavy construction equipment, and logging equipment, rental, sales and service; subject to the development provisions in Section 2.308.

6. Welding and blacksmith shop.
7. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, and cold storage.
8. Personal storage such as mini-storage warehouse facilities.
9. Adult entertainment business, when located at least 1,000 feet from schools and parks.

D. Industrial uses:

1. Petroleum products storage and distribution, including wood fuel dealers.
2. Battery manufacture, sales and service.
3. Beverage bottling facility, including warehousing and distribution.
4. Feed and seed facilities, including grain elevators and storage.
5. Textile and leather products manufacture.
6. Dairy products manufacturing, such as butter, milk cheese, and ice cream.
7. Manufacture of wood products, including sawmills, paper and allied products, and secondary wood products.
8. Machine shop, and sales, service and repair of machinery.
9. Manufacture of metal products including metal plating.
10. Cement, glass, clay and stone products manufacturing.
11. Food processing, including canning, freezing, drying and similar food processing and preserving.

E. Uses clearly accessory and subordinate to the above.

2.108.3 Conditional Uses

The following uses may be permitted in the M-1 District when authorized by the Planning Commission pursuant to Section 3.103.

- A. Bulk storage of flammable liquids or gases.
- B. Outdoor storage of materials of an industrial character.

- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, paint product manufacturing.
- E. Auction yard.
- F. Airport, and heliport facilities.
- G. Wrecking, demolition, junk yards, including recycling firms.
- H. Marijuana-related use subject to Section 2.312.

2.108.4 Limitation of Use

The following special development limitations shall apply to all uses permitted in the M-1 district:

- A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence.
- B. In addition to the provisions of Section 2.209.09, the following fence requirements shall apply:
 - 1. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential or commercial district.
 - 2. The fence shall be of such material and design and must be maintained so as not to detract from the adjacent residences or commercial activities.
 - 3. The fence shall be free of advertising.
- C. Outside storage in a required yard shall not exceed 10 feet in height.

2.108.5 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Industrial (M-1) District.

- A. Lot Size: None
- B. Setback Requirements:
 - 1. Front yard: None

- 2. Side yard:
 - Adjoining other than a residential zone: None
 - Adjoining a residential zone: 20 feet
- 3. Rear yard
 - Adjoining other than a residential zone: None
 - Adjoining a residential zone: 20 feet

C. Maximum Building Height:

Dwellings	30 feet
Non-dwellings	45 feet

2.108.6 Development Standards

All development in the Industrial District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the in the Industrial District shall conform to the standards of Section 2.203.
- B. Signs. Signs in the Industrial District shall conform to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.106-3.107.
- D. Site Plan Review. All new development or expansion of existing structure or use in the Industrial District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Landscaping. All development in the Industrial District shall provide a minimum landscaped area equal to 6 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Access. Site access points shall be located to minimize traffic hazards.

2.109 RESERVED

2.110 PUBLIC OPEN SPACE ZONE (P)

2.110.1 Purpose

To preserve and manage the public open space areas inventoried by the City for the open space and recreational needs of the residents of Willamina. The P Zoning District is applied to those areas designated as Public Open Space on the Comprehensive Plan Map.

2.110.2 Permitted Uses

The following uses are permitted in the P Zone and subject to a Site Plan Review:

- A. Public and private outdoor recreation facilities, such as ball fields, swimming pools, play equipment, driving ranges, tennis courts, etc.
- B. Nature trails, bird sanctuaries, nature conservatories, etc.

2.110.3 Accessory Uses

The following uses may be established in conjunction with a primary use on the same property when such uses are customarily accessory and incidental to the primary use:

- A. Caretaker's residence;
- B. Restrooms;
- C. Information and interpretive centers; and,
- D. Maintenance buildings.

2.110.4 Conditional Uses

The following uses may be permitted in then P Zone when authorized under the procedures in Section 3.103:

- A. Gymnasiums, clubhouses, and community centers;
- B. Enclosed swimming pools and similar health and exercise facilities;
- C. Any other use customarily provided in public or private recreation areas, as determined by the Planning Commission.

2.110.5 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Public (P) Zone:

- A. Lot Size: None
- B. Structure Setback Requirements:
 - 1. Front yard None
 - 2. Side yard
 - Adjoining other than a residential zone None
 - Adjoining a residential zone 10 feet
 - 3. Rear yard
 - Adjoining other than a residential zone None
 - Adjoining a residential zone 10 feet

C. Maximum Building Height:

Unless otherwise provided by this section or by a variance approval, no building or structure shall exceed 70 feet.

2.110.6 Development Standards

All development in the P Zone shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the in the P Zone shall conform to the standards of Section 2.203.
- B. Signs. Signs in the P Zone shall conform to the provisions of Section 2.206.
- C. Partitions. All land divisions shall be reviewed in accordance with the provisions of Section 3.106.
- D. Site Plan Review. All new development or expansion of existing structure or use in the P Zone shall be subject to the Site Plan Review procedures of Section 3.105.
- E. Landscaping. All development in the Public Zone shall provide a minimum landscaped area equal to 6 percent of the gross site area.

Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.

2.111 PUBLIC ASSEMBLY/INSTITUTION (PAI)

2.111.1 Purpose

To provide for the location of public and semi-public lands, buildings, facilities and uses in a manner that will not unreasonably disrupt or alter areas of the community. The PAI Zone is applied to areas designated Public Assembly/Institution on the Comprehensive Plan map.

2.111.2 Permitted Uses

The following uses are permitted in the PAI District and subject to a Site Plan Review:

- A. Publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire stations and police stations.
- B. Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds.
- C. Public utility structures and buildings, such as pump stations, communication or transmission towers, personal wireless service facilities, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings.
- D. Cemetery.
- E. Uses clearly accessory and subordinate to the above.

2.111.3 Conditional Uses

The following uses may be permitted in then PAI District when authorized under the procedures in Section 3.103:

- A. Commercial recreational services with typical uses such as marinas, boating clubs, recreational vehicle or boat rentals, amusement parks, and race tracks.
- B. Fraternal and civic organizational facilities.
- C. Hospitals and overnight clinics.
- D. Private schools and branch educational facilities.
- E. Solid waste disposal, and recycling sites and facilities.

- F. Semi-public facilities such as places of worship, lodges, cemeteries, mortuaries, and private golf courses.
- G. Commercial airport.
- H. Communication and transmission towers and antennas exceeding 75 feet in height.

2.111.4 Reserved

2.111.5 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Public (P) Zone:

A. Lot Size: None

B. Setback Requirements:

- | | | |
|----|---|---------|
| 1. | Front yard | None |
| 2. | Side yard | |
| | Adjoining than a residential zone | None |
| | Adjoining a residential zone | 10 feet |
| 3. | Rear yard | |
| | Adjoining other than a residential zone | None |
| | Adjoining a residential zone | 10 feet |

C. Maximum Building Height:

Unless otherwise provided by this section or by a variance approval, no building or structure shall exceed 70 feet. Chimneys and antennas may exceed this height provided they do not exceed the height of the principal structure by more than 5 feet.

2.111.6 Development Standards

All development in the Public Zone shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

A. Off-street parking. Off-street parking in the in the PAI Zone shall conform to the standards of Section 2.203.

- B. Signs. Signs in the PAI Zone shall conform to the provisions of Section 2.206.
- C. Partitions. All land divisions shall be reviewed in accordance with the provisions of Section 3.106.
- D. Site Plan Review. All new development or expansion of existing structure or use in the PAI Zone shall be subject to the Site Plan Review procedures of Section 3.105.
- E. Landscaping. All development in the Public Zone shall provide a minimum landscaped area equal to 6 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.

- 2.112 RESERVED
- 2.113 RESERVED
- 2.114 RESERVED

2.115 RESTRICTED DEVELOPMENT OVERLAY ZONE (R-D)

2.115.1 Purpose

The purpose of the R-D Overlay Zone is to promote the public health, safety and general welfare, and to minimize public and private losses due to natural hazards resulting from geologic and/or flood conditions. Additionally, the R-D Overlay Zone is intended to preserve the wildlife habitat, open space, and scenic resources associated with the stream corridors of the South Yamhill River and Willamina Creek.

2.115.2 Area of Application

The R-D Overlay zone is applied to those areas within the City limits of Willamina which are:

- A. Areas identified on the Building Limitations Map in the Comprehensive Plan as having:
 - 1. Soils identified by the Soil Conservation Service as having "Severe" limitations for sites for residences due to: steep slopes; landslide hazard; poor drainage; erosion hazard; low stability; high water table; and/or high shrink-swell potential.
 - 2. Slopes in excess of twenty percent (20%) grade.
- B. "Special Flood Hazards Areas", as defined herein.
- C. Areas within fifty (50) feet of the high water line of the South Yamhill River and/or Willamina Creek.

2.115.3 Standards for Soil Hazard and Steep Slope Areas:

- A. No development shall occur within those areas identified in subsection 2.115.02 (A)-(C), above, except in accordance with the provisions of this subsection.
- B. Site Plan Review, pursuant to the provisions of Section 3.105 of this ordinance shall be required for all development proposals within soil hazard and/or steep slope areas. In the event of subdivision or Planned Unit Development proposals within soil hazard and/or steep slope, Site Design Review for compliance with this subsection shall be combined with the review process for the subdivision or Planned Unit Development. No separate Site Design Review application or base fee shall be required for such combined reviews.

- C. In addition to the submittal requirements of Site Design Review, the applicant shall submit a report prepared by a registered professional soils engineer or engineering geologist. This report shall describe:
 - 1. The nature, distribution and strength of soils within the subject area;
 - 2. Findings regarding the adequacy of the soils to support the intended types of structures or uses; and
 - 3. Recommendations, if necessary, of construction measures required to adequately mitigate the potential soil or slope hazard.

- D. If the Planning Commission receives a report from the City Engineer determining that the geology report adequately addresses concerns for public safety from the applicable slope or soil hazard, and that other applicable provisions of this Ordinance are satisfied, the application shall be approved. The Planning Commission may attach such conditions to the approval as are necessary to assure the public safety with respect to the hazard.

2.115.4 Standards for Special Flood Hazards Areas

A. Purpose

The purpose of the Flood Plain Overlay Zone is to:

- 1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- 2. Minimize expenditure of public money for flood control projects, and rescue and relief efforts in areas subject to flooding.
- 3. Minimize flood damage to new construction by elevating or flood-proofing all structures.
- 4. Control the alteration of natural flood plains, stream channels, and natural protective barriers which hold, accommodate or channel flood waters.
- 5. Control filling, grading, dredging and other development which may be subject to or increase flood damage.

6. Prevent or regulate the construction of flood barriers which may increase flood hazards in other areas.
7. Comply with the requirements of the Federal Insurance Administration to qualify the City of Willamina for participation in the National Flood Insurance Program.
8. Coordinating and supplementing the provisions of the State Building Code with local land use and development ordinances.
9. Minimize flood insurance premiums paid by the citizens of the City of Willamina by reducing potential hazards due to flood damage.
10. Implement the flood plain policies in the City of Willamina Comprehensive Plan.

B. Definitions

For purposes of this Section, the following terms shall mean:

1. Base Flood Level - The flood level having a one percent (1%) chance of being equaled or exceeded in any given year (100 year flood plain).
2. Below-Grade Crawl Space – Means an enclosed area below the based flood elevation in which the interior grade is not more than two (2) feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.
3. Conveyance - Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.
4. Critical Facility – means a facility for which even a slight chance of flooding might be too great. Critical facilities include but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.
5. Development - means any man-made change to improved or unimproved real estate, including but not limited to buildings or

other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

6. Encroachment - Any obstruction in the flood plain which affects flood flows.
7. Flood or Flooding - A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.
8. Flood Boundary Floodway Map (FBFM) - The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plan, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS).
9. Floodway Fringe - The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.
10. Flood Plain - Lands within the City that are subject to a one percent (1%) or greater chance of flooding in any given year as identified on the official zoning maps of the City of Willamina. FEMA documents also reference this 100-year flood plain as the Special Flood Hazard Area (SFHA).
11. Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Willamina.
12. Flood Insurance Study (FIS) - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Willamina.
13. Flood-proofing - A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

14. Floodway - The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
15. Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
16. Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, mobile homes as defined in subsection (18) of this Section, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
17. Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
18. Mean sea level - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
19. Mobile home - means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined in this definition section.
20. New Construction - means any structure(s) for which the start of construction commenced on or after the original effective date of this Ordinance.

21. Obstruction - means a physical object which hinders the passage of water.
22. Recreational Vehicle: As defined in ORS 446.003(33), a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and as further defined by rule, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
23. Special Flood Hazard Area (SFHA): See Flood Plain.
24. Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
25. State Building Code – means the combined specialty codes adopted by the State of Oregon.
26. Substantial Improvement - means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 20 percent (20%) of the assessed value of the structure:
 - a. Before the improvement or repair is started; or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or

not that alteration affects the external dimensions of the structures.

The term does not include:

- c. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions;
 - d. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.
27. Watercourse - A natural or artificial channel in which a flow of water occurs either continually or intermittently in an identified floodplain.

C. General Provisions

- 1. Applicability. The following regulations apply to all areas of special flood hazards within the jurisdiction of Willamina.
- 2. Basis For Establishing the Special Flood Hazard Area. The flood plain is those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Polk County, Oregon and Incorporated Areas," dated December 19, 2006, and "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," dated March 2, 2010. The report and maps are incorporated in the R-D zone by this reference and are on file at the City of Willamina.

D. Administration

- 1. Flood Plain Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 2.115.04(C) of this Section. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".
- 2. Application for Development Permit Application for a Flood Plain Development Permit shall be made and reviewed in accordance with the procedures set forth in Section 3.101.02. Application for a Development Permit shall be made on forms furnished by the

City recorder and shall include the following minimum information:

- a. Scaled plans showing the nature, location, dimensions and elevations of the area in question;
 - b. Location of existing structures, fill, storage areas, and drainage facilities;
 - c. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - d. Elevation, in relation to mean sea level, to which any structure has been flood-proofed;
 - e. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in subsection 2.115.04(J)(2); and
 - f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
3. Permit Review: Review of Flood Plain Development Permit applications shall be by the Planning Commission. Flood Plain Development Permit applications shall be reviewed against the following criteria:
- a. Review to ensure that the permit requirements and conditions of this subsection have been satisfied;
 - b. Review to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.115.04(K) are met.
 - d. Permitted, but not exempt, activities in the flood area shall be reviewed as a Type II action.

E. Uses

Within a Special Flood Hazard Area no uses, structures, vehicles, and premises shall be used or established except as provided in the applicable underlying zone

and the provisions of this overlay zone. Except as provided herein all uses and floodplain development shall be subject to issuance of a Flood Plain Development Permit.

The following uses are exempt from the regulations of this overlay zone:

1. Signs, markers, aids, etc., placed by a public agency to serve the public.
2. Driveways, parking lots and other open space use areas where no alteration of topography will occur.
3. Minor repairs or alterations to existing structures provided the alterations do not increase the size or intensify the use of the structure, and do not constitute "substantial improvement" as defined in Section 2.115.04(B)(23).
4. Customary dredging associated with channel maintenance consistent with applicable State or Federal law.
5. Placement of utility facilities necessary to serve established and permitted uses within flood plain areas, such as telephone poles. This exemption does not apply to buildings, substations, or other types of flood plain development.

F. Uses Permitted

If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, and other structures that involve a building permit may be allowed subject to approval of a Flood Plain Development Permit provided the following requirements are met:

1. The structure is not located within a floodway.
2. The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study.
3. The structures will be located on natural grade or compacted fill.
4. The lowest floor will be elevated to at least one (1) foot above the level of the base flood elevation and the anchoring requirements in Section 2.115.04(H)(1).
5. The Building Official has determined that any construction and substantial improvements below base flood level meet the requirements of this Section.

6. The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section 2.115.04(G)(3), prior to occupancy.
7. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor including basement, is at or above the specific minimum is submitted to the City recorder prior to use of the structure.
8. No alteration of topography beyond the perimeter of the structure is proposed.

G. Use of Other Base Flood Data

1. When base flood elevation data and floodway data have not been provided in accordance with Section 2.115.04(C)(2), the applicant, with the assistance of the City recorder, after consultation with city engineer and planner, or designee, shall obtain any base flood elevation data or evidence available from a Federal, State or other source in order to determine compliance with the flood protection standards. If data is insufficient, the City recorder, after consultation with city engineer and planner, or designee, may require that the applicant provide data derived by standard engineering methods.
2. In areas where regulatory floodway has been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

H. Information to be Obtained and Maintained

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 2.115.04(F), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement and below-grade crawl space) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed structures:
 - a. verify and record the actual elevation (in relation to mean sea level) and
 - b. maintain the flood-proofing certifications required in section 2.115.04(E)(7).

3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

Prior to occupancy the applicant shall provide a certificate signed by a licensed surveyor or civil engineer certifying that the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved manufactured homes and structures meets the requirements of Sections 2.115.04(H).

I. Flood Protection Standards

In all areas of identified flood plain, the following requirements apply:

1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Construction Materials and Methods
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding and consistent with the Oregon Department of Environmental Quality requirements.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source [Section 2.115.04(G)]. Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor level at least two feet above grade in these zones may result in higher insurance rates.

J. Specific Standards

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation.

- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Manufactured Homes

- a. All manufactured homes to be placed or substantially improved on sites:
 - i. Outside a manufactured home park or subdivision,
 - ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufacture home park or subdivision, or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation that the finished floor of the manufactured home is elevated a minimum of 18 inches (46cm) above the base flood elevation and be securely anchored to an adequate anchored foundation system to resist flotation, collapse, and lateral movement.
- (b) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of 3 (a) above, shall be elevated so that either:
 - i. The finished floor of the manufactured home is 18 inches (46 cm) above the base flood elevation, or

- ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 3. Recreational Vehicles. See Yard and Lot Standards (Section 2.209.11) for recreational vehicles on individual lots and Recreational Vehicles (RV) Parks (Section 2.309) for park vehicles.
- 4. Non-Residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to one (1) foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
- d. Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 2.115.04(K)(1).
- e. Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as one (1) foot below that level).

5. Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above based flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

6. Below-grade crawl spaces

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section b. below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

- d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- e. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- h. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

K. Floodways

Located within special flood hazard areas established in Section 2.115.04(C)(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2. If Section 2.115.04(K)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction

provisions of Section 2.115.04(I), FLOOD PROTECTION STANDARDS.

3. Projects for stream habitat restoration may be permitted in the floodway provided:
 - a. The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023); and,
 - b. A professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,
 - c. No structures would be impacted by a potential rise in flood elevation; and
 - d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

4. New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Speciality Code). Manufactured dwellings may only be located in floodways according to one of the following conditions.
 - a. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
 - b. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted as the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:
 - i. As required by **44 CFR Chapter 1, Subpart 60.3(d)(3)**, it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in

any increase in flood levels during the occurrence of the base flood discharge;

- ii. The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;
- iii. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
- iv. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
- v. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
- vi. Any other requirements deemed necessary by the authority having jurisdiction.

L. Variances

1. A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the criteria in Section 2.115.04(C).
2. A community shall notify the applicant in writing over the signature of a community official that:
 - a. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage; and
 - b. such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection C.

3. A community shall:
 - a. maintain a record of all variance actions, including justification for their issuance; and,
 - b. report such variances issued in its annual report submitted to the Administrator.

M. Variance Criteria

The following criteria shall be used to review variance applications.

1. Variances shall only be issued upon a showing that:
 - a. There is a good and sufficient cause;
 - b. That failure to grant the variance would result in exceptional hardship to the applicant;
 - c. 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 existing local laws;
 - d. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - e. The variance will be consistent with the intent and purpose of the provision being varied;
 - f. There has not been a previous land use action approved on the basis that variances would not be allowed; and
 - g. The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in base flood discharge will result.

N. Appeals of Planning Commission Action

Planning Commission actions on Flood Plain Development Permits, and/or exceptions pursuant to Section 2.115.04(M), above, may be appealed to the City Council in accordance with the appeal procedures set forth in Section 3.205 of this Ordinance.

O. Warning and Disclaimer of Liability

The degree of flood protection required by this overlay zone is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This zone 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 zone will not create liability on the part of the City of Willamina, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any decision lawfully made thereunder.

2.115.5 Standards for Stream Corridor Areas

- A. Applicability. The provisions of this subsection shall apply to areas within fifty (50) feet of the high water line of the South Yamhill River and/or Willamina Creek.
- B. No development shall occur within stream corridor areas. Development of properties adjoining stream corridors shall preserve the stream corridor area through one of the following means:
 - 1. Dedication to the City for park purposes, if acceptable to the Planning Commission and City Council.
 - 2. Creation of a tract of land to be owned in common by the owners of lots within the development. A non-profit home owners association shall be created, in a manner acceptable to the City Attorney, for the ownership and maintenance of such tracts. The tract shall be preserved in perpetuity as open space through the use of conservation easements, deed restrictions, or by appropriate notation on the face of a subdivision plat.
 - 3. Creation of a conservation easement within the stream corridor area serving to prohibit development and the removal of riparian vegetation.
- C. Removal of riparian vegetation within a stream corridor area shall be prohibited.

2.116 LIMITED USE OVERLAY ZONE (LUO)

2.116.1 Purpose

The purpose of the Limited Use Overlay Zone is to reduce the list of permitted uses in a zone to those that are suitable for a particular location. Zones permit a number of uses without notification or opportunity for a hearing. These uses are included in the zone because they are considered basically equivalent in terms of the type and intensity of activity. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than reject an otherwise acceptable zone change request because the proposed zone would permit an objectionable use, the Limited Use Overlay can be used to identify the appropriate uses and require a conditional use permit for other uses normally permitted in the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited.

2.116.2 Overlay Zone Requirements

When the Limited Use Overlay zone is applied, the uses permitted in the underlying zone shall be limited to those permitted uses specifically referenced in the order or ordinance adopting the Limited Use Overlay zone. Until the Overlay zone has been removed or amended, the only permitted uses in the zone shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted may only be allowed if a conditional use permit is approved.

2.116.3 Procedures and Criteria

The Limited Use Overlay zone is applied at the time the underlying zone is being changed. It shall not be necessary to mention in the hearing notice of a rezoning application that this overlay zone may be applied. The order or ordinance adopting the overlay zone shall include findings to the following:

- A. No zone has a list of permitted uses where all uses would be appropriate.
- B. The proposed zone is the best suited to accommodate the desired uses.
- C. It is necessary to limit the uses permitted in the proposed zone.
- D. The maximum number of acceptable uses in the zone have been identified and will be permitted.

The order or ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses. A permitted use description may be segmented to require a conditional use for distinct uses that may not be compatible.

2.116.4 Official Zoning Map

The official zoning map shall be amended to show an (LUO) suffix on any parcel where the Limited Use Overlay zone has been applied.

2.116.5 Site Plan Requirement

In addition to limiting the uses in the zone, it may be necessary to require City approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compatibility of the permitted uses with the area. This requirement may be added by specific reference in the adopting order or ordinance. The document shall indicate any special concerns or locational requirements that must be addressed in the site plan and approved by the City.

SECTION 2.200	GENERAL DEVELOPMENT STANDARDS
Section 2.201	GENERAL PROVISIONS
2.201.1	Purpose
2.201.2	Application of Standards
2.201.3	Application of Public Facility Standards
Section 2.202	STREET STANDARDS
2.202.1	Purpose
2.202.2	Scope
2.202.3	General Provisions
2.202.4	General Right-of-Way and Improvement Widths
2.202.5	Modification of Right-of-Way and Improvement Widths
2.202.6	Design Standards
2.202.7	Construction Specifications
2.202.8	Private Streets
2.202.9	Partition Access Easements
Section 2.203	OFF-STREET PARKING AND LOADING
2.203.1	Purpose
2.203.2	Scope
2.203.3	Location
2.203.4	Joint Use
2.203.5	Off-Street Automobile Parking Requirements
2.203.6	Standards for Disabled Person Parking Spaces
2.203.7	Off-Street Loading Requirements
2.203.8	Parking and Loading Area Development Requirements
2.203.9	General Provision Off-Street Parking and Loading
2.203.10	Parking Lot Landscaping and Screening Standards
Section 2.204	STORM DRAINAGE
2.204.1	Purpose
2.204.2	Scope
2.204.3	Plan for Storm Drainage and Erosion Control
2.204.4	General Standards
Section 2.205	UTILITY LINES AND FACILITIES
2.205.1	Purpose
2.205.2	Standards

Section 2.206	SIGNS
2.206.1	Purpose
2.206.2	Definitions
2.206.3	Review Procedures
2.206.4	Nonconforming Signs
2.206.5	Signs Generally Permitted
2.206.6	Prohibited Signs
2.206.7	Signs in Non-commercial Zones
2.206.8	Signs in Commercial and Industrial Zones
2.206.9	Conditional Use Permits - Signs
2.206.10	Variances - Signs
Section 2.207	SITE AND LANDSCAPING DESIGN
2.207.1	Purpose
2.207.2	Scope
2.207.3	Approval Process
2.207.4	Installation and Security to Complete Landscaping
2.207.5	Minimum Area Requirements
2.207.6	General Provisions
2.207.7	Screening and Buffering
2.207.8	Planting and Maintenance
Section 2.208	DEVELOPMENT STANDARDS FOR LAND DIVISIONS
2.208.1	Purpose
2.208.2	Scope
2.208.3	Standards for Lots or Parcels
2.208.4	Standards for Blocks
2.208.5	Improvement Requirements
2.208.6	Improvement Procedures
Section 2.209	YARD AND LOT STANDARDS
2.209.1	New Buildings Shall be on a Lot
2.209.2	Yards Apply Only to One Building
2.209.3	No Parking in Front Yard, Yards Adjacent to Streets
2.209.4	Zero Side Yard Setback
2.209.5	Front Yard Projections
2.209.6	Side Yard Projections
2.209.7	Rear Yard Projections
2.209.8	Clear-Vision Area
2.209.9	Fences, Walls and Hedges
2.209.10	Accessory Structures

2.201 GENERAL PROVISIONS

2.201.1 Purpose

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan with respect to development standards and policies.
- B. Ensure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction.
- C. Promote energy conservation and efficiency in development through site planning and landscaping.
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods.

2.201.2 Application of Standards

- A. The standards set forth in Section 2.200 shall apply to partitions; subdivisions; planned unit developments; commercial and industrial projects; the construction of new single-family dwellings, duplexes, and multi-family dwellings.
- B. The application of these standards to a particular development shall be modified as follows:
 - 1. Development standards which are unique to a particular use, or special use, shall be set forth within the district or in Section 2.300.
 - 2. Those development standards which are unique to a particular district shall be set forth in the Section governing that district.

2.201.3 Application of Public Facility Standards

Adopted Public Works Construction and Design Standards for the provision and utilization of public facilities or services available within the City of Willamina shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 2.208.06. Where Standards have not been adopted, or are found by the City Engineer to be outdated, the City of Willamina refers to the City of Salem Public Works Design Standards.

Public Facilities Improvement Requirements Table

	Fire Hydrant	Street Improv.	Water Hookup	Sewer Hookup	Storm Drain	Street Lights
Single Family Dwelling & Duplex	No	X-2	Yes	Yes	Yes	No
Multifamily Dwelling	Yes	Yes	Yes	Yes	Yes	Yes
New Commercial Building	Yes	Yes	Yes	Yes	Yes	Yes
Commercial Expansion	X-1	X-3	Yes	Yes	Yes	Yes
New Industrial Building	Yes	Yes	Yes	Yes	Yes	Yes
Industrial Expansion	X-1	X-3	Yes	Yes	Yes	Yes
Partition, Subdivisions, PUD, and Manufactured Home Park	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required Yes = Required

X = Conditional, as noted:

X-1. Fire Hydrants for Commercial or Industrial Expansions. One or more fire hydrants are required when the total floor area of a new or expanded building exceeds 2,500 square feet, or the proposed use is classified as Hazardous (H) in the Uniform Building Code or Uniform Fire Code.

X-2. Street Improvements for Single-Family Dwellings. New single-family dwellings which require a street extension must provide street improvements to City street standards.

For new single-family homes on unimproved rights-of-way, an appropriate width half street of paving shall be required. The paving shall comply with City Public Works standards and begin at the end of the existing street improvement and extend to the farthest point on the property fronting the right-of-way.

Sidewalks shall be required along a minimum of one frontage prior to the final occupancy of new single-family homes and duplexes, unless future provision is assured in accordance with Subsection 2.208.06.

X-3. Street Improvements for Commercial or Industrial Expansions. Lots fronting on County roads or State Highways must obtain access permits from the appropriate agency.

The City will require improvement to full City standards when the use meets any of the following criteria:

a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or

b. The use includes daily shipping and delivery trips by vehicles over 20,000

pounds gross vehicle weight.

2.202 STREET STANDARDS

2.202.1 Purpose

- A. To provide for safe, efficient, convenient multi-modal movement in the City of Willamina.
- B. To provide adequate access to all proposed and anticipated developments in the City of Willamina.
- C. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way.

For purposes of this section "adequate access" means direct routes of travel between destinations, such as between residential neighborhoods and parks or commercial development; and, "adequate area" means space sufficient to provide all required public services to standards defined in this code, such as sidewalks, bikeways, or storm sewers.

2.202.2 Scope

The provisions of this Section shall be applicable to:

- A. The creation, dedication, or construction of all new public or private streets, pedestrian facilities, and bikeways in all subdivisions, partitions, or other developments in the City of Willamina.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.
- C. The construction or modification of any utilities, sidewalks or bikeways in public rights-of-way or private street easements.
- D. The planting of street trees or other landscape materials in public rights-of-way.
- E. Exceptions. Provisions of this Section do not apply in existing developed areas of the City. Improvements in these areas shall be based on standards adopted by the City Council.

2.202.3 General Provisions

The following provisions shall apply to the dedication, construction, improvement, or other development of all public streets in the City of Willamina, and are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance with the specific requirements of the appropriate jurisdiction's most current Public Works standards.

- A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- B. Development proposals shall provide for the continuation of, and connection to, all streets, bikeways and pedestrian facilities within the development and to existing streets, bikeways and pedestrian facilities within the development.
- C. Alignment: All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerline thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical be avoided. However, when not practical, the "T" intersection shall, leave a minimum distance of 200 feet between the center lines of streets running in approximately the same direction.
- D. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets, bike and/or pedestrian accessways shall be extended to the boundary of a tract being developed and the resulting dead-end for any street must have a turn-around meeting uniform fire code . Reserve strips and street plugs may be required to preserve the objectives of street extensions. Reserve strips shall be a minimum of one (1) foot in width and shall extend the full width of the right-of-way.
- E. Intersection angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than sixty (60) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty (50) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius

sufficient to allow for a roadway radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.

F. Existing Streets: Full street improvements to all existing streets adjacent to, within, or necessary to serve the development shall be required at the time of partitioning or development unless the developer demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet all City standards and are in satisfactory condition to handle projected traffic loads. The City Council may allow the developer to record an approved *Waiver of Rights to Remonstrance for Streets and Public Utility Improvements* with the property deed(s) in lieu of full street improvements where the following criteria are met:

1. The contiguous length of the existing street to be improved (including the portion of the existing streets necessary to serve the development which are contiguous to the existing streets adjacent to or within the development) is less than 250 feet;
2. The existing roadway condition and sections are adequate to handle existing and projected traffic loads; and,
3. Existing public utilities (water, sanitary sewer, and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

G. 3/4-Street Improvements: 3/4 streets may be approved in lieu of full street improvements where essential to the reasonable development of an area and when the City finds it to be practical to require the completion of the other 1/4 street improvement when the adjoining property is developed. 3/4 street improvements shall not be allowed unless the following criteria are met:

1. The adjoining land abutting the opposite side of the street is undeveloped;
2. The adjoining land abutting the opposite side of the street is within the City limits and the Urban Growth Boundary; and,
3. The proposed street improvement will encompass the entire paved surface of the existing street.

Reserve strips and street plugs may be required to preserve the objectives of 3/4 streets.

- H. Cul-de-sacs: Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 18 dwelling units. All cul-de-sacs shall terminate with circular turn-a-rounds.
- I. Street Names: Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City. Street names shall be required for all new publicly dedicated streets, private streets, and, private access easements serving more than two dwelling units.
- J. Grades and Curves: Grades shall not exceed 8 percent on arterials, 10 percent on collectors, or 12 percent on any other public or private street. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even ten (10) feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.
- K. Marginal Access Streets: If a development abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. All streets must be constructed with at least 7 inches of crushed rock and material with topping of at least two inches of asphalt or cement with curbing and catch basins connected to storm sewers. Extruded curbing will not be allowed it must be of poured type.
- M. Gated Streets: Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions.

2.202.4 General Right-of-Way and Improvement Widths

The general criteria for public streets, bikeways and sidewalks in the City of Willamina are found in the most current adopted version of the Public Works Construction and Design Standards. These standards shall be the minimum requirements for all streets, except those in ODOT and County jurisdiction. **Where no such current standards are adopted, or are determined by the City Engineer to be outdated, the City may refer to the City of Salem Public**

Works Design Standards. Modifications are permitted under Subsection 2.202.05.

2.202.5 Modification of Right-of-Way and Improvement Width

The City, pursuant to the review procedures of Section 3.203, may allow modification to the public street standards of Subsection 2.202.04, when both of the following criteria are satisfied:

- A. The modification is necessary to provide design flexibility in instances where:
 - 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.202.04; or
 - 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 - 4. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- B. Modification of the standards of Section 2.202.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. In no case shall right-of-way widths less than 50 feet or curb-to-curb widths less than 32 feet be allowed.

2.202.6 Design Standards

The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements

for which City approval is required, shall comply with the requirements of the most recently adopted Public Improvements Design Standards of the City of Willamina. Construction specifications for all public street, sidewalks, and other public utilities shall comply with the minimum requirements of the most recently adopted Public Works Construction and Design Standards of the City of Willamina. **Where no such current standards are adopted, or are determined to be outdated, the City may refer to the City of Salem Public Works Design Standards.**

2.202.7 Construction Specifications

Construction specifications for all public streets and sidewalks shall comply with the criteria of the most recently adopted public works/street standards of the City of Willamina. **Where no such current standards are adopted, or are determined by the City Engineer to be outdated, the City may refer to the City of Salem Public Works Design Standards.**

2.202.8 Private Streets

Streets and other rights-of-way serving a subdivision or planned unit development that are not dedicated for public use shall comply with the following:

- A. Private streets shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. Private streets shall have a minimum easement width of twenty-five (25) feet and a minimum paved width of twenty (20) feet.
- B. All private streets serving more than two dwelling units shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a joint access and maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.
- C. A turn-around shall be required for any private residential street which has only one outlet and which is in excess of 150 feet long or which serves more than two residences. Non-residential private streets serving more than one ownership shall provide a turn-around if in excess of 200 feet long and having only one outlet. Turn-arounds for private streets shall be constructed to meet emergency access standards adopted by the Fire Department, as detailed in the adopted Public Works Design Standards, or as otherwise approved by the City Engineer.
- D. The City may require provision for the dedication and future extension of a public street.

2.202.9 Partition Access Easements

A private access easement created as the result of an approved partitioning shall conform to the following:

- A. Partition access easements shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. The easement shall comply with the following standards:

1. Minimum width: 25 feet
2. Minimum paved width: 20 feet
3. Maximum length: 250 feet
4. No more than 4 dwelling units shall have direct access to the easement

- B. All access easements serving more than two dwelling units shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a joint access and maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.
- C. A turn-around shall be required for any access easement which has only one outlet and which is in excess of 150 feet long or which serves more than two residences. Turn-arounds for access easements shall be constructed to meet emergency access standards adopted by the Fire Department, as detailed in the adopted Public Works Design Standards, or as otherwise approved by the City Engineer.
- D. All private access easements serving more than two (2) residences shall be designated as fire lanes and signed for no parking.

2.203 OFF-STREET PARKING AND LOADING

2.203.1 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Willamina.

2.203.2 Scope

Development of off-street parking and loading areas for commercial, industrial, or multi-family development shall be subject to the Site Development procedures of Section 2.200 and shall be reviewed pursuant to Section 3.105.

The provisions of this Section shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of this Ordinance.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section.
- D. As a condition of approval in a land use decision.

2.203.3 Location

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- A. In any residential zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;
- B. In any non-residential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.

2.203.4 Joint Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City approval for commercial and industrial uses where hours of operation or use are staggered

such that peak demand periods do not occur simultaneously. The requirements of Subsection 2.203.05 may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

2.203.5 Off-Street Automobile Parking Requirements

Off-street parking shall be provided as required by Section 2.203.08 and approved by the City in the amount not less than listed below.

Residential

- | | |
|---|--|
| A. 1 and 2 family dwellings, including manufactured homes | 2 spaces per dwelling, includes garage/carport |
| B. Multi-family dwellings | 2 spaces per dwelling |
| C. Boarding house, lodging house, or rooming house | 1 space per 2 guest accommodations |

Public Land Use

- | | |
|--|---|
| D. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged | 1 space per 2 beds |
| E. Hospital | 3 spaces per 2 beds |
| F. Library, reading room | 1 space per 300 square feet |
| G. Preschool nursery, kindergarten | 2 spaces per classroom |
| H. Elementary or Junior High School | 2 spaces per classroom |
| I. High School | 5 spaces per classroom |
| J. Other places of public assembly, including places of worship | 1 space per 4 seats or 8 feet of bench length |

Commercial Land Use

- | | |
|--|---|
| K. Movie Theater, Theater | 1 space per 4 seats or 8 feet of bench length |
| L. Amusement and Recreational Services | 1 space per 250 s.f. of floor area |

M. Retail Store	1 space per 300 s.f. of gross floor area
N. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	
O. Banks and other Financial Institutions	1 space per 900 s.f. of floor area 1 space per 300 s.f. floor area
P. Offices and Services	1 space per 300 s.f. of floor area
Q. Medical or Dental Office	1 space per 300 s.f. of floor area
R. Mortuary	6 spaces for each room
S. Motel or hotel	1 space per guest room
T. Restaurant	1 space per 250 s.f. of floor area
<u>Industrial Land Use</u>	1 space per 0.75 employees plus 1 space per 2,500 gross floor area
U. Manufacturing Establishment	

- V. Wholesale Establishment, warehouse, rail or truck freight terminal 1 space per 2,000 s.f. floor or storage area
- W. Medical Marijuana Facility 1 space per 300 s.f. of gross floor area

2.203.6 Requirements for Accessible Parking Spaces constructed to ADA Standards.

The number of spaces shall comply with the following:

<u>Total in Parking Lot</u>	<u>Required Minimum Number of Accessible Spaces</u> 1
to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

Striping and signing of the handicap space(s) shall conform with the Oregon Transportation Commission's standards. If a conflict is found between the City Accessible Parking Space ratios above and the applicable building code, the City defers to the most current building code language.

2.203.7 Off-Street Loading Requirements

Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

- A. The following standards shall be used in establishing the minimum number of berths required:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
Up to 10,000 s.f.	1
10,000 s.f. and over	2

Note: For buildings or structures up to 6,000 s.f., regular off-street

parking areas may be used to meet the off-street loading requirements.

- B. A loading berth shall contain a space a minimum of 12 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

2.203.8 Parking and Loading Area Development Requirements

All parking and loading areas shall be developed and maintained as follows:

- A. Surfacing: All driveways, parking, and loading areas shall have a durable, hard surface. In residential areas, either a minimum of 2 1/2 inches of asphalt over a 6 inch aggregate base or 4 inches of Portland cement concrete over a 2 inch aggregate base shall be provided. In commercial and industrial areas either a minimum of 3 inches of asphalt over an 8 inch aggregate base or 6 inches of Portland cement concrete over 2 inches of aggregate base shall be provided.

- B. Parking Spaces: Parking spaces shall be a minimum 9 feet wide and 18 feet in length.

- C. Driveway Dimensions: The following driveway dimensions shall apply:

1.	Without adjacent parking:	<u>Driveway Width</u>
	a. Single family residence:	12 feet
	b. One-way:	12 feet
	c. Two-way:	20 feet

- 2. With adjacent parking:

<u>Parking Angle</u>	<u>Driveway Width</u>
0 to 40	12 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

- D. Driveway Grade: The maximum grade for a driveway shall be ten percent (10%).

- E. Screening: When any commercial, industrial, or public development's parking or loading area is within a residential zone or abutting a residential use, such parking or loading area shall be screened from all residential properties and uses with an ornamental fence, wall, or hedge a minimum of six (6) feet in height. Along alleys, the fence, wall, or hedge

shall be a minimum of four (4) feet in height.

- F. Lighting: Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- G. Surfacing: Areas used for parking and maneuvering of vehicles shall be maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks or onto abutting properties.
- H. Minimize Disturbances: Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- I. Maneuvering within right-of-way: Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- J. Service Drives: Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- K. Vision Clearance: Service drive exits shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.
- L. Safety: Off street parking access shall be designed to allow flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic.
- M. Parking at Boundary: Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

2.203.9 General Provisions Off-Street Parking and Loading

- A. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show an area that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to

which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.

- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City recorder, after consultation with city engineer and planner, based upon the requirements of comparable uses listed and expectations of parking and loading need.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.203.04 above.
- D. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

2.203.10 Parking Lot Landscaping and Screening Standards

- A. All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:
 - 1. Screening Abutting Property Lines: Parking abutting a property line should be screened by a three (3) foot landscaped strip. Where a buffer between zones is required, the screening should be incorporated into the required buffer strip, and will not be additional requirement.
 - 2. Screening at Required Yards: Parking abutting a required landscaped front or exterior yard should incorporate a sight obscuring hedge screen into the required landscaped yard. The screen should grow to be at least 36 inches higher than the finished grade of the parking areas, except for required vision clearance areas, the screen height may be achieved by a combination of earth mounding and plant materials. Elevated parking lots shall screen both the parking and the retaining wall.
 - 3. Landscape Standards: Parking lot landscaping shall consist of a minimum of six percent (6%) of the total parking area plus a ratio of one (1) tree per ten (10) parking spaces to create a canopy effect. Trees and landscaping should be installed as follows:
 - a. The tree species shall be an appropriate large canopied shade tree and should be selected from the street tree list to

avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.

- b. The tree should be planted in a landscaped area such that the tree bole is at least two (2) feet from any curb or paved area.
 - c. The landscaped area should be planted with shrubs and/or living ground cover to assure eighty percent (80%) coverage within two (2) years.
 - d. Landscaped areas should be evenly distributed throughout the parking area and parking perimeter at the required ratio.
 - e. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping but only for those stalls abutting landscaping as long as the tree species, living plant material coverage and placement distribution criteria are also met.
4. Residential Screening: Parking areas adjacent to residential dwelling should be set back at least eight (8) feet from the building, and should provide a continuous hedge screen at least three (3) feet in width.
5. Wheel Guards: Parking lot landscaping should be protected from damage by a secured wheel guards to prevent vehicles entering into landscaped areas.
6. Hedge Screening: The required hedge screen should be installed as follows:
- a. Evergreen shrubs should be planted so that fifty percent (50%) of the desired screening is achieved within two (2) years, full screening (100%) within four (4) years.
 - b. Living ground cover in the screen strip such that full (100%) coverage is achieved within two (2) years.
7. Other Screening: Other screening and buffering should be provided as follows:
- a. Refuse Container Screen. Refuse containers or disposal areas should be screened from view by placement of a solid wood fence or masonry wall from five to six (5 – 6) feet in height. All refuse materials should be contained within the refuse area.

- b. Service Corridor Screen. When adjacent to residential uses, commercial service corridors should be screened. Siting and design of such service areas should reduce the adverse effects of noise, odor and visual clutter upon adjacent residential uses.
- c. Light and Glare Screen. Artificial lighting should be so arranged and constructed as to not produce direct glare on adjacent residential properties or streets.
- d. Parking Lot Surface. In all areas where motor vehicles are parked or operated, surfaces shall have concrete or asphaltic paving materials.

2.203.11 Bicycle Parking

- A. **Bicycle Parking Required.** Bicycle Parking shall be required in all new multi-family residential (four (4) or more units), new public and semi-public, commercial, and industrial development as well as park-and-ride lots. Bicycle parking shall also be required for expansions and other remodeling that increases the required level of automobile parking. Bicycle parking shall be provided in the following amounts:

LAND USE ACTIVITY	BICYCLE SPACES	HOW MEASURED
Multi-family (4 or more units)	1	per one dwelling unit
Hotel, motel	1	Per 20 guest rooms
Hospital, nursing home, convalescent home	1	Per 20 beds
Place of worship, auditorium, stadium, theater	2	Per 20 vehicle parking spaces
Elementary school	8	Per classroom
Middle school	8	Per classroom
High school	1	Per classroom
Bowling alley, skating rink, community center	1	Per 2- vehicle parking spaces
Retail store	1	Per 10 vehicle parking spaces
Service repair center; retail store handling bulky merchandise (e.g. furniture)	1	Per 30 vehicle parking spaces
Bank, offices, medical clinic	1	Per 10 vehicle parking spaces
Eating and drinking establishment	2	Per 10 vehicle parking spaces
Wholesale establishment	1	Per 30 vehicle parking spaces

Government offices	3	Per 10 vehicle parking spaces
Industrial manufacturing, processing (0-25,000 sf)	3	Per 30 vehicle parking spaces
Industrial manufacturing, processing (25,000-49,999 sf)	3	Per 30 vehicle parking spaces
Industrial manufacturing, processing (50,000-79,999 sf)	4	Per 30 vehicle parking spaces
Industrial manufacturing, processing (80,000-199,999 sf)	7	Per 30 vehicle parking spaces
Industrial manufacturing, processing (200,000 sf and over)	14	Per 30 vehicle parking spaces
Warehousing and storage terminals (0-49,999 sf)	6	Per 30 vehicle parking spaces
Warehousing and storage terminals (50,000 sf and over)	15	Per 30 vehicle parking spaces
Medical Marijuana Facility	1	Per 10 vehicle parking spaces

Note: In the interest of economy and the expected use of bicycles, the City does not require covered parking for its bicycle parking spaces.

B. Bicycle Parking Development Requirements

1. Space Size. Each bicycle parking space should be a minimum of six (6) feet long and two (2) feet wide and be accessible by a minimum five (5) foot aisle. Where a standard bicycle rack does not permit these measurements, each wheel space is considered a parking space.
2. Location. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area. A connection point for an owner to secure or lock the bicycle shall be provided.
3. Cover. Covered bicycle parking is encouraged.

2.204 STORM DRAINAGE

2.204.1 Purpose

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

2.204.2 Scope

The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.

2.204.3 Plan for Storm Drainage and Erosion Control

- A. No construction of any facilities in a development included in Subsection 2.204.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the City Engineer. This plan shall contain at a minimum:
 - 1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
 - 2. Plans for the construction of storm sewers, open drainage channels, and other facilities which depict line sizes, profiles, construction specifications, and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
 - 3. Calculations used by the engineer in sizing storm drainage facilities.

2.204.4 General Standards

- A. All development shall be planned, designed, constructed and maintained to:
 - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
 - 2. Meet the storm drainage and erosion control requirements resulting from a 25 year storm event;

3. Protect development from flood hazards;
 4. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
 5. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading;
 6. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
 7. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems;
 8. Avoid placement of surface detention or retention facilities in road rights-of-way.
- B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the City may require the water course to be bridged or spanned.
- C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.
- D. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.
- E. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be borne by the developer.

2.205 UTILITY LINES AND FACILITIES

2.205.1 Purpose

To provide adequate services and facilities appropriate to the scale and type of development.

2.205.2 Standards

- A. The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted Public Works Design Standards of the City of Willamina. Construction specifications for all public utilities shall comply with the minimum requirements of the most recently adopted Public Works Construction and Design Standards of the City of Willamina. Where no adopted standards exist, or are determined by the City Engineer to be outdated, the City refers to the City of Salem Public Works Design Standards.
- B. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.
- C. All development which has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.
- D. All development which has a need for electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
- E. All development which has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.
- F. All land divisions or other development requiring sub-surface sanitary sewer disposal systems shall be prohibited.
- G. All properties shall be provided with gravity service to the City sanitary sewer system except for parcels which have unique topographic or other natural features which make gravity sewer extension impractical as determined by the City Engineer.

- H. Street lights shall be required for all developments inside the City. Installation of street lights shall be pursuant to the requirements of the city and the company serving the development. Installation of street lights shall be the financial responsibility of the developer.
- I. Easements for public and private utilities shall be provided as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as follows:

<u>Easement Type</u>	<u>Minimum Width</u>	<u>Location</u>
Water	20 feet	(1)(2)
Sewer	20 feet	(1)(2)
Storm (piped)	20 feet	(1)(2)
Storm (other)	(5)	(5)
Private Utility	10 feet	(3)(4)

- (1) Centered on utility line
- (2) Centered on property line, where possible
- (3) All property lines fronting existing or proposed street rights-of-way
- (4) Measured from edge of right-of-way
- (5) Determined on a case-by-case basis

2.206 SIGNS

2.206.1 Purpose

The purpose of these sign regulations is to help implement the Willamina Comprehensive Plan, to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

2.206.2 Definitions

For the purposes of this Chapter, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one (1) sign, except for multi-faced signs on a single sign structure, which shall be counted as one (1) sign per structure. The area of multi-faced signs shall be calculated by including only one-half (1/2) the total area of all sign faces.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Building Face: The single wall surface of a building facing a given direction.

Building Frontage: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

Canopy Sign: A sign hanging from a canopy or eave, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade.

Construct: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.

Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

Feather Flag Sign: Also referred to as a teardrop flag or banner. A portable fabric sign, attached to a flexible pole installed into the ground or attached to a movable base, designed to flutter and attract attention.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership.

Internal Illumination. A source of illumination from within a sign.

Joint Use Sign: When two (2) or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business.

Message Sign: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

Multi-faced Sign: A sign which has two (2) or more identical sign faces, contained in a single sign structure.

Mural: A public artwork illustration (with or without words or numbers) which is painted or otherwise applied to an outside wall of a structure.

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than twelve (12) inches from a structure.

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Sign Height: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign.

Street Frontage: That portion of a property which abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way.

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Willamina.

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than twelve (12) inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within three and a half (3.5) feet of the wall shall also be considered a wall sign.

2.206.3 General Provisions

- A. **Conflicting Standards:** Signs shall be allowed subject to the provisions of this subsection, except when these provisions conflict with the specific standards for signs in the subject district.
- B. **Signs Subject to State approval:** All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the State of Oregon Highway Division of the Department of Transportation.
- C. **Uniform Sign Code:** All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code, except as otherwise provided in this section.
- D. **Sign Clearances:** A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under free standing or wall mounted signs.

2.206.4 Permit Review Procedures

- A. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit. Sign permits shall be required for all property in the C-1, C-2 C-3, and M-1 zones.
- B. Permit Fees. Permit fees shall be established from time to time by City Council resolution.
- C. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The City recorder, after consultation with city engineer and planner shall issue a permit for a sign if the proposal complies with the provisions of subsection D of this Section and the sign is not in violation of the provisions of these regulations or other provisions of the Willamina Zoning Ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of the Willamina Zoning Ordinance are void. The City recorder, after consultation with city engineer and planner may revoke a sign permit if he/she finds that there was a material and misleading false statement of fact in the application for the permit.

- D. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - 1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 - 2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

3. All signs shall be maintained in a good structural condition and readable at all times.
4. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

2.206.5 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. Alteration or replacement of nonconforming signs are subject to the provisions of Section 3.109 of this Ordinance.
- B. Abandoned Signs. All signs for a business shall be removed within thirty days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within twelve (12) months of such cessation of operation.

2.206.6 Signs Generally Permitted

The following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

- A. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations.
- B. Temporary signs and portable signs (excluding trailer reader board signs) that do not exceed sixteen (16) square feet in area.
 1. No lot may display temporary signs for more than ninety (90) days in any 365 day period.
 2. Only one (1) temporary or portable sign may be displayed at a time on each property frontage.
 3. Portable signs shall not be placed on the public sidewalk to cause less than a five (5) foot accessible width for pedestrian use, in consideration of other nearby sidewalk obstructions including sign posts, planters, hydrants, newspaper boxes, etc.
 4. Portable signs exempt from the time and quantity restrictions include those approved by the City for not-for-profit community and civic functions, including library, museum, etc.
 5. Temporary event signage shall be removed following the conclusion of the advertised event.

6. Feather flags / teardrop banners shall only be posted in conjunction with temporary event signage, and shall not to be used on a permanent basis.
- C. Real estate signs not exceeding 32 square feet which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two (2) years without a permit.
 - D. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
 - E. One (1) sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to the development, outside of the public right-of-way.
 - F. Incidental signs that do not exceed six (6) square feet.
 - G. Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
 - H. Signs within a building.
 - I. In a C-1, C-2, C-3, M-1 and PAI zones, signs painted or hung on the inside of windows.
 - J. Murals applied to the outside of buildings as non-commercial artwork shall be approved by the City of Willamina through a standard sign permit review.
 1. The purpose of the city’s mural provision is to encourage public art which contributes to a vibrant community aesthetic by celebrating unique attributes of a place. A mural with more than 5% of it’s face dedicated to business names, branding, logos, or product names is considered a “business sign,” does not fall within this Section, and must be reviewed under section 2.206.08 or 2.206.09.
 2. Murals shall be encouraged to generally display themes celebrating the history, landscapes, cultures, traditions, events, and activities of the Willamina community and greater region defined as the West Valley, Coastal Range, state of Oregon, and the Pacific Northwest.
 3. Murals shall be encouraged to generally use colors and materials which are complementary to adjacent development.
 4. Murals shall be permitted on side and rear building facades. On

corner lots, murals may face a public right-of-way when placed on a non-front facing facade.

5. Murals shall be maintained in good condition by the property owner. Murals which have fallen into disrepair will be found in violation of this Development Code, and shall be subject to adopted enforcement actions.
6. City Sign Permit decisions on mural applications may be appealed to the Planning Commission.

2.206.7 Prohibited Signs

The following signs are prohibited:

- A. Balloons or similar types of tethered objects.
- B. Trailer reader board signs.
- C. Roof signs.
- D. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- E. Signs that use or employ side guy lines of any type.
- F. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- G. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- H. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property 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 basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- I. Rotating/revolving signs, except by conditional use permit, and except as allowed in Section 2.206.09
- J. Flashing signs, except by conditional use permit, and except as allowed in Section 2.206.09.

- K. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
- L. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
- M. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way. Temporary signs may be posted in the public right-of-way if reviewed and approved in advance by the City, limited to the time period of a community event, and removed upon the conclusion of the event.
- N. Message Signs, except by conditional use permit.
- O. Any sign on unimproved property, unless allowed as a temporary sign.

2.206.8 Signs in Non-Commercial Zones

The following regulations apply to signs in the R-1, R-2, R-3, and P zones:

- A. Sign types. The following sign types are allowed:
 - 1. Wall, canopy and window signs subject to the limitations in 2.206.06.
 - 2. Free-standing signs subject to the limitations in 2.206.03.
 - 3. Temporary displays consisting of any sign type for a period not to exceed twenty-one (21) days in any 365 day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance.
- B. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.206.06.
- C. Maximum total sign area for property on which the building or buildings are located:
 - 1. Single-family and two-family (duplex) dwelling - 1.5 square feet except as allowed by Section 2.206.06.
 - 2. Multiple family dwelling - 32 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 24 square feet.

3. Public and semi-public - 64 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 48 square feet.
4. The sign area for a free-standing sign may be increased up to the maximum total sign area permitted in sections (1), (2), and (3) above, with a conditional use permit consistent with the decision criteria in Section 2.206.10.

D. Maximum sign height:

1. Wall, canopy or window sign – eight (8) feet.
2. Free-standing sign - six (6) feet.

E. Location:

1. Wall, canopy or window sign - shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet.
2. Free-standing sign - where fences are allowed.

- F. Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare.

2.206.9 Signs in Commercial and Industrial Zones

The following regulations apply to signs in the C-1, C-2 C-3, and M-1 zones.

A. Signs for businesses not in integrated business centers:

1. Total allowed area. One and one-half (1.5) square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet. Free standing signs are permitted only as set forth below and in Section 2.206.06.
2. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign per street frontage, and a total of no more than two (2) wall or canopy signs. Regardless of

total allowed area, each free-standing sign shall be limited to a maximum of 100 square feet in area.

3. Maximum sign height:
 - a. Wall and canopy signs - shall not project above the parapet or roof eaves.
 - b. Free-standing signs - maximum total height of twenty (20) feet.
4. Location:
 - a. Wall or canopy signs - may project up to three (3) feet into the public right-of-way provided there is a vertical clearance of at least eight (8) feet above a sidewalk.
 - b. Free-standing sign - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas, standard zoning setbacks and special street setbacks.

B. Signs for integrated business centers:

1. Total allowed area: For wall and canopy signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.206.06.
2. In addition to this allowed area, for each integrated business center, one (1) free-standing sign per street frontage not exceeding 100 square feet in area.
3. Maximum sign height:
 - a. Wall and canopy signs - shall not project above the parapet or roof eaves.
 - b. Free-standing signs - maximum total height of twenty (20) feet.

4. Location:
 - a. Wall signs - may project up to three (3) feet from the building.
 - b. Free-standing sign - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas, standard zoning setbacks and special street setbacks.

C. Additional signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs:

1. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed ten (10) square feet in area for the wall where the entrance is not the primary entrance.
2. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to six (6) square feet in area and two (2) per driveway. Free standing directional signs shall be limited to a height of six (6) feet.
3. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-thru restaurant are allowed as follows: One (1) per business limited to forty (40) square feet in area and a maximum height of eight (8) feet. Any order sign greater than ten (10) square feet in area and/or six (6) feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge.

D. Signs for temporary businesses. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within ten (10) feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

2.206.10 Conditional Use Permits - Signs

Applications for conditional use permits for residential free standing signs, flashing signs, rotating/revolving signs, or message signs shall be processed according to the procedure set forth in Section 3.100 of the this Ordinance. The

criteria to be reviewed and applied in conditional use permit proceedings are set forth in this Section.

- A. The following criteria shall be used to review and decide conditional use permit applications for flashing, rotating/revolving, and message signs:
1. The proposed sign is located in a C-1, C-2, or C-3 zone.
 2. The proposed sign, as conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
 4. The proposed sign will not present a traffic or safety hazard.
 5. If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed.
 6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five (5) revolutions per minute.
 7. The total allowed sign area for a business shall be reduced by twenty-five percent (25%) if the business has a flashing, rotating/revolving, or message sign.
 8. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.
- B. The following criteria shall be used to review and decide conditional use permit applications for residential freestanding signs:
1. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
 2. The proposed sign will not present a traffic or safety hazard.
 3. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

4. The proposed sign is incidental to the permitted or valid non-conforming use of the property.

2.206.11 Variances - Signs

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to this Section will be processed according to the procedures in Section 3.104. However, the criteria in Section 3.104 shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- A. There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- B. The requested variance is consistent with the purpose of the chapter as stated in Section 2.206.01; and
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.
- D. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- E. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.
- F. The variance request shall not be the result of a self-imposed condition or hardship.

2.207 SITE AND LANDSCAPING DESIGN

2.207.1 Purpose

The purpose of this section is to establish standards to encourage quality landscaping which will contribute to the appearance and aesthetic appeal of the City of Willamina.

2.207.2 Scope

All subdivision approvals, construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this Section.

2.207.3 Approval Process

A. Landscaping plans shall be submitted as required by the Site Development Review procedures of section 2.207 and reviewed by the City, subject to Type I-B review procedures set forth in Subsection 3.201.02.

B. Submittal Requirements

The applicant shall submit a landscape plan for approval which includes:

1. The percentage of the gross area to be landscaped.
2. The location, type, size, and species of existing and proposed plant materials.
3. All existing and proposed site features including walkways, graveled areas, mailboxes, street lamps, patios, terraces, courts, fences, decks, foundations, potted trees and potted plants, and other open spaces.
4. The location and height of fences, buffers, and screening.
5. The location of underground irrigation system sprinkler heads where applicable.
6. A narrative which addresses soil conditions and erosion control measures that will be used.

2.207.4 Installation and Security to Complete Landscaping

All landscaping required by this ordinance and approved by the Planning Commission or Planning Staff shall be installed prior to issuance of an occupancy

permit, unless security equal to 110% of the cost of the landscaping is filed with the city assuring such installation within six (6) months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the City prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified checks, time certificates of deposit, assignment of a savings account or other such assurance of completion as shall meet with the approval of the City Attorney.

The final landscape inspection shall be made by the City Staff prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed within the six month time period or within an extension of time authorized by the City, the security may be used by the City to complete the installation. Any portion of the security which remains after installation of the landscaping shall be returned to the applicant.

2.207.5 Minimum Area Requirements

Landscaped areas may include landscaping: around buildings, in open spaces and outdoor recreation areas, in islands and perimeter planting areas in parking and loading areas, and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance.

For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development.

The minimum area requirements are as follows:

- A. C-1, C-2, and C-3 Zones. A minimum of ten percent (10%) of the gross lot area shall be landscaped. In this zone courts, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the required landscaping percentage if they are designed in conjunction with planting of street trees and potted plants and, upon design review, these features are found consistent with the purpose and intent set forth in this ordinance.

The amount of landscaping required may be reduced below ten percent (10%) in the C zone if there is a showing by the applicant that the intent and purpose for this ordinance are being met.

- B. Multi-Family Developments: A minimum of twenty-five percent (25%) of the gross land area shall be devoted to landscaping in multi-family

developments. Interior courtyards, atriums, solar greenhouses, and roof gardens may be included with general landscaped areas in the calculation of this percentage.

- C. M-1 Zone. A minimum of six percent (6%) of the gross lot area shall be landscaped. Within the M zone, the required landscaping can be in conjunction with the parking lot landscaping requirements.

2.207.6 General Provisions

- A. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.
- B. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:
 - 1. Type, variety, scale and number of plants used;
 - 2. Placement and spacing of plants;
 - 3. Size and location of landscaped areas;
 - 4. Contouring, shaping and preparation of landscaped areas;
 - 5. Use and placement of non-plant elements within the landscaping.
- C. The City may grant the applicant credit for landscaping to be done in the public right-of-way provided the elements set forth for the granting of a variance are met by the applicant. It shall not be necessary to hold a public hearing to grant this credit. The City shall consider the need for future use of the right-of-way for street purposes when granting approval for credit under this section.
- D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

2.207.7 Screening and Buffering

Where required by Code, or where placed as a condition of approval, screening and buffering shall meet the following minimum requirements:

- A. Screening shall be used to eliminate or reduce the visual impacts of the following uses:

1. Commercial and industrial uses when abutting residential uses.
 2. Industrial uses when abutting commercial uses.
 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
 4. Outdoor storage areas.
 5. Parking areas for twenty (20) or more vehicles for multi-family developments, or thirty (30) or more vehicles for commercial or industrial uses.
 6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
 7. Any other area or use as required by this Ordinance.
- B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques.
- C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
1. Planting Area: Width not less than fifteen (15) feet, planted with the following materials:
 - a. At least one row of deciduous or evergreen trees staggered and spaced not more than fifteen (15) feet apart, and.
 - b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting, and
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
 2. Berm Plus Planting Area: Width not less than ten (10) feet, developed in accordance with the following standards:
 - a. Berm form should not slope more than forty (40) percent (2.5H:1V) on the side away from the area screened from

view (the slope for the other side (screened area) may vary), and

- b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use, and
 - c. Combined total height of the berm plus the hedge shall be at least five (5) feet within one (1) year of planting.
3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:
- a. A masonry wall or fence not less than five (5) feet in height, and
 - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

2.207.8 Planting and Maintenance

All landscaping shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement, in a substantially similar manner as was approved by the City. In addition, the following shall apply:

- A. No sight-obscuring plantings exceeding thirty (30) inches in height shall be located within any required clear-vision area as defined in section 1.200 of this Ordinance.
- B. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths, and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground.
- D. Landscape plant material shall be installed to current nursery industry standards.
- E. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

- F. All landscape material shall be guaranteed by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the City by the developer.
- G. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas which will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, free from defects, diseases, and infections.
- H. Deciduous trees should be fully branched, have a minimum caliper of one and one-quarter (1.25) inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs shall be supplied in minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) to fifteen (15) inches.
- K. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or equivalent if planted eighteen (18) inches on center.
- L. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 s.f. of total landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1,000 s.f. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. Sprinkler heads shall not cause any hazard to the public.
- M. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.
- N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.208.1 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Willamina.

2.208.2 Scope

The provisions of this Section shall apply to all subdivisions and partitions within the City of Willamina.

2.208.3 Standards for Lots or Parcels

- A. Minimum lot area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.
- B. Lot width and depth: The depth of a lot or parcel shall not be more than two and a half (2.5) times the width of the parcel, with the following exceptions:
 - 1. Individual lots for attached dwelling units shall not be less than twenty (20) feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.
 - 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than three (3) times lot width.
 - 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.
- C. Access: All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply:
 - 1. Residential lots or parcels, excluding townhouse developments and Planned Unit Developments, may be accessed via a private street or partition access easement developed in accordance with the provisions of Section 2.202 when the City finds that public street access is:
 - a. Infeasible due to parcel shape, terrain, or location of existing structures; and

- b. Not necessary to provide for the future development of adjoining property.
 - 2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards:
 - a. Internal local streets or drives may be private and shall be subject to the provisions of Section 2.202.
 - b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.202.
 - c. Local streets which are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202.
 - 3. Commercial or Industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Subsection 2.202.08.
 - 4. Flag lots, as permitted in Subsection 2.208.03(D).
 - 5. Lots fronting on a cul-de-sac shall maintain a minimum frontage dimension of forty (40) feet as measured along the curve.
- D. Flag Lots: With the exception of lots meeting both criteria set forth below, all lots shall maintain the lot frontage (width) required in the applicable zoning district. It is not the intention of this Section to allow the creation of "flag-lots" by increasing the required building set-back line. Flag-lots shall only be approved in conjunction with a partition application. However, this requirement is not intended to encourage the subdivision of a parcel through a number of subsequent partition applications. If the City recorder, after consultation with City engineer and planner, determines that this is being done, the applicant shall be required to submit a street and lot plan which covers land under contiguous ownership of the applicant. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep (200 feet or greater in depth) or having an unusual configuration may be accessed.

If a flag-lot is permitted, the following standards shall be met:

1. The access strip shall not be less than twenty (20) feet wide. The access strip shall be improved with a minimum twelve (12) foot wide paved driveway and paved encroachment which meet applicable City standards. If said access strip is over 200 feet in length, the driveway shall terminate in a turn-around capable of accommodating emergency fire vehicles and approved by the Fire Chief.
 2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
- E. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the City during the review of the land division request.
- F. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.
- G. Lot Grading: The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.
- H. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Subsection 2.205.02(I) of this Code.

2.208.4 Standards for Blocks

- A. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.
- B. Sizes: Blocks shall not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

2.208.5 Improvement Requirements

- A. Partitions: During the review of partition proposals, the City may require,

as a condition of approval, the following improvements:

1. Private driveways serving flag lots, or private streets, shall be surfaced per the requirements of this Ordinance.
2. If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Willamina. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.
3. If the street frontage of the subject property exceeds 250 feet, the applicant shall improve the following:
 - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.
 - b. Sidewalks, meeting City standards, along public street frontage.
 - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.

All improvements required as a condition of approval shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition.

B. Subdivisions: The following improvements shall be required for all subdivisions in the City of Willamina:

1. Frontage Improvements: Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.202 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the

frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, streetlights, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

2. Project Streets: All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.202.
3. Monuments: Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.
4. Bench Marks: Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.
5. Surface Drainage and Storm Sewer System: Drainage facilities shall be provided within the subdivision in accordance with Section 2.204 of this Code and shall connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be in accordance with Section 2.204 of this Ordinance and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
6. Sanitary Sewers: Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction.

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project

with such arrangement with the subdivider as is desirable to assure his share of the construction.

7. Water System: Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed.
8. Sidewalks: Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks or sidewalks fronting public property shall not be deferred.
9. Other:
 - a. Driveway installations, excluding common drives, are not required of the subdivider but, if installed, shall be according to the City standards.
 - b. Street tree planting is not required of the subdivider but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip.
10. Street Lights. The installation of street lights is required at locations and of a type required by City standards.
11. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards.
12. Traffic Circulation. The proposed subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, transit neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe, convenient and direct traffic circulation. At a minimum, "nearby" is interpreted to mean uses within one quarter (1/4) mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably expected to be used by bicyclist.
13. Connectivity. To achieve the objective in 12B above, the City may require the following:

- a. Stub Streets: Where the potential exists for additional residential development on adjacent property.
 - b. Pedestrian/Bicycle Accessways: Public accessways to provide a safe, efficient and direct connection to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas.
14. Collector and Arterial Connections. Pedestrian/bicycle accessway connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other pedestrian/bicycle accessway. If natural features (e.g., adverse topography, streams, wetlands) exist, the provisions of accessways may be limited. Additionally, if buildings or other existing developments on adjacent lands may physically preclude a connection now or in the future considering the potential for redevelopment.
15. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards:
- a. Minimum dedicated width: 20 feet
 - b. Minimum improved width: 10 feet
 - c. Maximum length: 250 feet.
A clear line of vision for the entire length of the accessway shall be required.
 - d. Pedestrian scale lighting fixtures shall be provided along the walkway and lighted to a level where the system can be used at night.
 - e. The accessway shall be designed to prohibit vehicle traffic.

All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

16. Parks & Recreation Facilities for Residential Subdivisions. All residential subdivisions shall meet the following requirements for provision of parks and recreational facilities.
- a. Areas Required: Except as modified in Section 16.b, below, an area of land, the size of which shall be ten (10) percent of the gross area of the subdivision shall be set aside and dedicated by the subdivider to the public for parks and recreation purposes
 - b. Payment in Lieu of Park Land: If the subdivision developer requests to pay a fee in lieu of dedicating park land, and the Planning Commission determines that there is no park facility identified in the adopted Parks Master Plan for the subject property,, then the subdivider shall be approved to pay to the City a sum of money equal to the market value of the land that would have been required in Section 16.a, above.
 - 1. Market value shall be established by a professional land appraiser who is a candidate or member of the American Institute of Real Estate Appraisers, or who has been certified by the State of Oregon as a certified appraiser. A date which is within sixty (60) days of the submission of the tentative plan shall be used for the purposes of fixing the value (except that appraised value shall always be determined after the parcel's annexation to the City). The City shall be responsible for securing the services of the professional appraiser and submitting those appraisal figures for the Planning Commission's consideration. The developer shall be responsible for reimbursing the City for the appraisal fees.
 - 2. The sum of money established by this procedure shall be paid to the City prior to the signing of the final plat by the Planning Commission chairperson.
 - c. Expenditure of Funds: Funds contributed in lieu of park land dedicated by a subdivision may be expended by the City for the purposes of acquiring, developing, upgrading, or maintaining public park properties, and other recreational facilities and programs which benefit the residents of the Willamina community. Acquisition of new park properties shall be consistent with the adopted Parks Master Plan, or as otherwise approved by the Commission and Councils suitable and adaptable for such purposes.

2.208.6 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
- E. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one (1) set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City by the Developer's engineer.

2.209 YARD AND LOT STANDARDS

2.209.1 New Buildings Shall be on a lot.

Every building erected shall be located on a lot as herein defined.

2.209.2 Yards Apply Only to One Building

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

2.209.3 No Parking in Front Yard, Yards Adjacent to a Street

- A. Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this or any City Ordinance.
- B. The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles.

When property owners of existing dwellings choose to replace a dwelling or to add/replace uncovered or covered parking, the construction of a garage is required according to the zone district development standards specific to size and design. (This requirement also applies to manufactured homes.)

2.209.4 Zero Side Yard Setback

Unless otherwise provided for the Uniform Building Code, zero side yard dwelling units shall meet the following use and development standards:

- A. Yards adjacent to a street. The requirements of this Ordinance for yard setbacks adjacent to a street are not relieved by this Section.
- B. Maintenance easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the City Attorney and shall be recorded with the County Recorder prior to issuance of the permit.

2.209.5 Front Yard Projections

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than twenty-four (24) inches, from main buildings, uncovered porches, and covered but unenclosed porches when not more than one (1) story high and which do not extend more than ten (10) feet beyond the front walls of the building, are exempt from the front yard setback provisions and need not be included when determining the setback.

2.209.6 Side Yard Projections

- A. Cornices, eaves, gutters, air conditioners, and fire escapes, when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third (1/3) of the width of the side yard, and shall be set back at least three (3) feet from any property line.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than one (1) foot into a required side yard, provided, however, chimneys and flues shall not exceed six (6) feet in width, and shall be set back at least three (3) feet from any property line.
- C. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three (3) feet or less in height from ground level.

2.209.7 Rear Yard Projections

- A. Chimneys, air conditioners, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than one (1) foot into a required rear yard, provided, however, chimneys and flues shall not exceed six (6) feet in width.

- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than five (5) feet into a required rear yard and shall be set back at least six (6) feet from any property line.
- C. Planter boxes, steps, and covered but unenclosed porches, including covered patios when not more than one story high and not more than four (4) feet above grade measured directly from the outside decking surface, shall have a ten (10) foot rear yard setback.
- D. Uncovered decks and patios attached to the main building when measured directly from the decking surface at the outside edge of the deck or patio, shall be allowed a zero lot line setback when they are three (3) feet or less from ground level.
- E. No permitted projection into a required rear yard shall extend within ten (10) feet of the center line of an alley, or of a rear lot line if no alley exists, except as provided for in Section 2.209.07, C and D.

2.209.8 Clear Vision

- A. A clear vision area shall be maintained on the corner of all property at the intersection of two (2) streets or a street and a railroad, alley or driveway. A clear vision area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height (30 inches), measured from the ground. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the ground.
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines along the intersecting streets, and the third side of which is a straight line connecting points on the lot lines at a distance specified below from the intersection of these lot lines. Where the lot lines have rounded corners, the lot lines shall be extended to their point of intersection in order to measure this distance. The distance used to establish the clear vision triangle shall be as follows:
 - 1. In a residential zone thirty (30) feet, or at intersections including an alley or a private driveway, ten (10) feet.
 - 2. In all other zones, where front and side yards are required, the minimum distance shall be fifteen (15) feet, or at intersections including an alley or a private driveway, ten (10) feet.

2.209.9 Fences, Walls and Hedges

- A. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area as defined in 2.209.08. A fence, wall, or hedge may not exceed eight (8) feet in height without approval of a variance. Fences exceeding seven (7) feet in height shall require a building permit, or as otherwise required by building code updates. Fences and walls shall not exceed a height of four (4) feet when located between the front of a building and the front property line.
- B. Construction material: Fences or walls constructed of unsafe materials, including, but not limited to barbed wire, electric fencing, broken glass, and spikes shall generally be prohibited. All fences shall exhibit good workmanship and be constructed of materials commonly used in the fence building industry.
- C. Swimming pool and water feature requirements: All swimming pools, wading pools, ponds and similar water features shall comply with building code requirements for the installation of fences. A dwelling or other permanent structure may be used to meet part of the enclosure requirement.
- D. Fence Permit Required: No person shall begin construction of a fence or wall without first applying for and obtaining an approved fence construction permit from the City. Consultation with city engineer or city planner may be required. An approved fence permit shall be displayed on the construction site. There will be no fee for a fence permit.

An applicant for a fence permit shall file with the City Planning Clerk or designee a plan showing the following:

1. Location of the proposed fence or wall on the property in relation to the property lines, streets, driveways, intersections, alleyways;
2. Property boundaries. Accurate property boundary locations are the responsibility of the fence permit applicant. The City takes no responsibility for determining or verifying accurate locations of property boundaries, fences, or walls.
3. Clear vision areas, as defined in 2.209.08.
4. Proposed fence or wall dimensions of each section;

5. Construction materials to be used; and,
6. Such other information as the City shall find reasonably necessary.

2.209.10 Accessory Structures

Non-residential accessory structures shall comply with the following requirements. Accessory Dwelling Units (ADUs) are regulated by Section 2.313, and are not subject to the following requirements.

A. Within the R-3, Commercial and Industrial zones:

1. Location and Number. Accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures.
2. Height. Accessory structures shall comply with the heights in the underlying zone for the primary structure.
3. Setbacks. Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.
4. Building size. There is no limitation, provided the building complies with the setback and height limitations of the underlying zone.
5. Lot coverage. Permanent accessory structures shall contribute to the total lot coverage permitted in the underlying zone.
6. Permits. Permitting may be required prior to construction of accessory structure, contingent upon structure size and type. Property owner is responsible for contacting the County permitting authority to determine applicability.

B. Within the R-1 and R-2 zones:

1. Location and Number. Accessory structures shall be located within the rear or interior side yard. A maximum of two (2) are permitted.
2. Height. The maximum allowable height is twenty (20) feet, except that no accessory structure shall exceed the height of the primary structure.
3. Property Setbacks. For structures over 100 square feet and ten (10) feet or less in height there shall be a minimum five (5) foot setback along the side and rear property lines. For buildings over

100 square feet and greater than ten (10) feet in height there shall be a setback of five (5) feet along each side property line and ten (10) feet along the rear property line.

4. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of five (5) feet, or as otherwise required by applicable building code.
5. Building Size. The accessory structure(s) shall be limited to the greater of the following: twenty percent (20%) of the floor area of the primary structure (excluding garage) , or 480 square feet. In no case shall the accessory structure occupy more than twenty percent (20%) of the rear yard. The building size limitation shall be considered the total maximum allowable area permitted for all accessory structures.
6. Exterior Finish. The accessory structure shall have an exterior finish that is residential in character.
7. Lot coverage. Permanent accessory structures shall contribute to the total lot coverage permitted in the underlying zone.
8. Permits. Permitting may be required prior to construction of accessory structure, contingent upon structure size and type. Property owner is responsible for contacting County permitting authority to determine applicability.

2.209.11 Recreational Vehicles

For properties located within the floodplain, individuals who own recreational vehicles may store the RV on their property in compliance with all City regulations and in compliance with the following:

- A. The recreational vehicles shall be fully licensed and ready for highway use, on its wheels or jacking system, and have no permanently attached additions.

2.300 SUPPLEMENTAL STANDARDS FOR SPECIAL USES

Section 2.301	GENERAL PROVISIONS
2.301.1	Applicability of Special Use Standards
2.301.2	Process
Section 2.302	PLANNED UNIT DEVELOPMENT (PUD)
2.302.1	Purpose
2.302.2	Area of Application
2.302.3	Applicant for Planned Unit Development Projects
2.302.4	Uses Permitted
2.302.5	Development Requirements
2.302.6	Process
2.302.7	Modification of an Approved PUD
Section 2.303	MANUFACTURED HOMES ON INDIVIDUAL LOTS
2.303.1	Scope
2.303.2	General Standards
2.303.3	Process
Section 2.304	MANUFACTURED HOME PARKS
2.304.1	Scope
2.304.2	General Standards
2.304.3	Process
Section 2.305	RESERVED
Section 2.306	HOME OCCUPATIONS
2.306.1	Standards
2.306.2	Process
2.306.3	Non-Compliance
Section 2.307	SMALL-SCALE MANUFACTURING IN THE GENERAL COMMERCIAL ZONE
2.307.1	Standards
2.307.2	Process
Section 2.308	MANUFACTURED HOME, TRAILER, AND VEHICULAR SALES, SERVICE AND RELATED USES
2.308.1	Scope
2.308.2	Standards
2.308.3	Process
Section 2.309	RECREATIONAL VEHICLE (RV) PARKS
2.309.1	Purpose
2.309.2	Size and Density Standards

2.309.3	Design Standards
2.309.4	Maximum Occupancy Period
2.309.5	Process
Section 2.310	RESERVED
Section 2.311	MAIN STREET BUSINESS DISTRICT PARKING AND LANDSCAPING REQUIREMENTS
2.311.1	Purpose
2.311.2	Scope/Description of District
2.311.3	Required Parking Plan
2.311.4	Location
2.311.5	Parking Spaces Required
2.311.6	Parking Area Improvements
2.311.7	Process
Section 2.312	MARIJUANA-RELATED USES
2.312.1	Definitions
2.312.2	Standards
2.312.3	Non-Compliance
Section 2.313	ACCESSORY DWELLING UNITS (ADU)
2.313.01	Purpose
2.313.02	Process
2.313.03	Standards
Section 2.314	COTTAGE CLUSTERS
2.314.01	Purpose
2.314.02	Process
2.314.03	Uses Permitted
2.314.04	Standards
2.314.05	Modification of Standards

2.301 GENERAL PROVISIONS

2.301.1 Applicability of Special Use Standards

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.301.2 Process

The status of a special use as a permitted or conditional use is set forth in the underlying Zoning District.

Conditional uses shall be processed in accordance with the criteria and procedures specified in Section 3.103. Permitted uses shall be reviewed for compliance with the standards of Section 2.200 in the manner specified in the particular special use section.

A. Conditional Uses: Special uses which are conditional uses in the underlying Zoning District shall be reviewed for compliance with the standards of Section 2.200 during the review of the Conditional Use Permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:

1. A description of the proposed use and specific reason for the request.
2. A vicinity map indicating the relationship of the proposed use to the surrounding area.
3. A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
4. A building profile of proposed new or remodeled structures, as applicable.
5. Information addressing the criteria set forth under Section 3.103.

2.302 PLANNED UNIT DEVELOPMENT (PUD)

2.302.1 Purpose

- A. To implement the Comprehensive Plan by providing a means for planning larger developments as an alternative to piecemeal subdivision development.
- B. To support efficient development of land and infrastructure.
- C. To encourage innovative planning that results in expanded housing choices for Willamina residents, as a part of the city's housing strategy to promote a variety of housing and attainable home ownership options to meet the needs of a population diverse in age, income, household composition, and individual needs.
- D. To promote the preservation of unique landscape features and natural resources, and to better integrate such features into site design.
- E. To allow flexibility in development standards, consistent with the above purposes.

2.302.2 Area of Application

- A. Planned Unit Developments may be established in residential districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Section.

2.302.3 Application for Planned Unit Development Projects

- A. Planned Unit Development projects may be applied for:
 - 1. By the owner of all the property involved, if under one (1) ownership, or:
 - 2. Jointly by all owners of the property in the area proposed for the Planned Unit Development project, if there is more than one (1) owner.
- B. Planned Unit Development applications may be submitted concurrent with land division applications.
- C. Site Development Review applications may be required for commercial developments within the PUD where sufficient details are not provided in the initial PUD application.

- D. The development standards of the Willamina Development Code may be modified through the PUD process without the need for variance if the City finds that the proposal, on balance, exceeds the City's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements, as reflected in the purpose statements of this PUD code.

2.302.4 Uses Permitted

- A. In a Planned Unit Development only the following uses are permitted:
 - 1. All residential uses.
 - 2. Recreational facilities including, but not limited to, picnic shelters, sports courts and fields, swimming pools, playgrounds, and fitness facilities.
 - 3. Open space uses, parks, and trails.
 - 4. Public and community buildings such as schools, libraries, and community centers.
 - 5. Uses otherwise allowed in the underlying zone, including places of worship, child care facilities, and care homes.
 - 6. Offices, buildings, and facilities required for the operation, administration, and maintenance of any Planned Unit Development Home Owners Association and related recreation facilities..
 - 7. Convenience establishments of a commercial and service nature, including convenience stores, coffee shops, cafes, restaurants, neighborhood-scale retail shops, laundry and dry-cleaning establishments, beauty and barber shops, etc. Prohibited commercial uses in a PUD include gas stations and auto repair garages. All commercial uses are subject to the following standards:
 - a. Areas proposed for commercial use were designated in the original approved Planned Unit Development plan, or subsequent amendment application.
 - b. Commercial developments are subject to the dimensional standards of the underlying zone, unless otherwise approved in the Planned Unit Development.
 - c. Such commercial establishments and their parking areas will not collectively occupy an area greater than a ratio of

one (1) acre per one hundred (100) dwelling units. There is no minimum or maximum commercial area.

- d. Such convenience establishments will be located, designed, and operated to efficiently serve the needs of persons residing in the Planned Unit Development, and shall be available to residents of the greater community
- e. Such convenience establishments will not, by reason of their location, construction, or operation, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

2.302.5 Development Requirements

Planned Unit Developments shall comply with the applicable development standards of Section 2.200.

- A. Site Adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.

- B. Density of Development: Permitted density of development in all PUDs shall be determined in accordance with the underlying zone(s).
1. Density is defined as dwelling units per gross acre of the total Planned Unit Development site.
 2. The permitted density of PUD sites which are split-zoned shall be the total sum of: the density permitted in the underlying zones multiplied by the gross area of each.
 3. The total density of dwelling units may be redistributed across the PUD site to accommodate unique, challenging, historic, or undevelopable natural features, including steep slopes, flood plains, water features, mature tree stands, historic structures, open space, recreational facilities, etc.
 4. To accommodate total density of the development, minimum lot size standards may be reduced if requested and approved in the Planned Unit Development.
 5. Total density includes all dwelling unit types with the exception of ADUs.
- C. Amount of Open Space: Open space and recreational facilities are permitted. No minimum open space area is required to satisfy PUD standards. All open space and recreational features shall be maintained by a Homeowners Association.
- D. Fee in Lieu of Park Space in Subdivisions: Subdivisions shall be subject to the provisions of the Willamina Development Code Section 2.208.05, Parks & Recreation Facilities for Residential Subdivisions.
- E. Structure Setback Provisions: Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zoning district. Detached structures shall maintain a minimum side yard setback from interior space lines of three (3) feet or meet the Uniform Building Code requirement for fire walls. A minimum front yard setback of twenty (20) feet shall be required for any garage structure which takes access from a public or private street. Otherwise the minimum setbacks of the underlying zone may be revised or waived through PUD approval procedures.
- F. Circulation:
1. Streets within a PUD shall comply with the applicable standards of Section 2.202, unless otherwise approved by the City

Engineer and City Planning Commission through the PUD approval procedures.

2. Roads and pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway.
 3. Pedestrian paths and bikeways shall be clearly signed and have adequate crossing facilities where warranted.
 4. Gates are prohibited within or across public rights-of-way. Gates are prohibited across private streets that serve single-family residential development of four or more lots or parcels, multi-family housing complexes, manufactured home parks, or commercial or industrial subdivisions.
- G. Off-Street Parking: Off-street parking requirements shall be as specified in Section 2.203. Parking may be provided on each lot or in clustered parking areas. Additional off-street parking for guests and recreational vehicles may be required by the City if warranted by reduced lot sizes, type of street, and/or traffic volumes.
- H. Utilities: In addition to other requirements set forth herein, the following shall apply:
1. All sewer and water provisions shall be approved by the City before construction of such improvements.
 2. All utility services shall be placed underground.
 3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants, and free emergency access for fire fighting equipment around buildings.
 4. Provision shall be made for control of site storm water drainage, as required by Section 2.204.
- I. Homeowners Association: A non-profit incorporated homeowners association, or an alternative acceptable to the City Attorney, shall be required for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the City Attorney.
1. A homeowners association shall be set up before approval of the

final plat, or any portion thereof.

2. Membership shall be mandatory for each home owner and any successive buyer.
3. The open space restrictions shall be in perpetuity.
4. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities, unless otherwise dedicated and accepted by the City.
5. Home owners shall pay their pro-rated share of the cost or the assessment levied by the association shall become a lien on the property.
6. The association shall be able to adjust the assessment to meet changes needed.
7. No change in open space use or dissolution of homeowners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

2.302.6 Process

Planned Unit Developments shall be processed in accordance with the submittal requirements and procedures established in Section 3.107 Subdivisions and Planned Unit Developments. Approval shall only be granted if the requirements of this Section and all other applicable requirements of this Ordinance are met.

2.302.7 Modification of an Approved PUD

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

- A. Increase or decrease of ten percent (10%) or more in the number of dwelling units.
- B. Increase or decrease of ten percent (10%) or more in the area devoted to open space or recreational space.

2.303 MANUFACTURED HOMES ON INDIVIDUAL LOTS

2.303.1 Scope

The following general standards are applicable to all manufactured homes sited on individual lots within the City of Willamina.

2.303.2 General Standards

- A. The manufactured home shall be multi-sectional and shall enclose a space of no less than 1,000 square feet.
- B. 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 twelve (12) inches above grade. The lowest floor shall be at least twelve (12) inches above the base flood elevation. The foundation must be constructed of concrete or concrete block.
- C. The manufactured home shall have a roof with a nominal pitch of no less than 3/12.
- D. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.
- E. The exterior siding must be standard wood siding, T-111, or a siding of equivalent appearance.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting current performance standards specified by state law for single-family dwellings.
- G. The manufactured home shall have a garage or carport constructed of like materials, be a minimum of 240 square feet in size, and meet the usable minimum dimensions of .9 feet wide by 18 feet long.
- H. Transportation mechanisms, including wheels, axles, and hitch must be removed prior to occupancy.
- I. The manufactured home shall be provided with gutters and downspouts to direct storm water away from the placement site.
- J. All utilities shall be connected to the manufactured home in compliance with City and State requirements prior to occupancy.
- K. At the time of installation, the manufactured home shall be in good repair and free of structural, electrical, mechanical, and plumbing defects.

- L. The manufactured home and any manufactured home accessory buildings shall be constructed and maintained in conformance with the state and federal safety construction standards, applicable at the time of placing the manufactured home. The home shall bear the Oregon "Insignia of Compliance".
- M. Except for a structure which conforms to the state definition of a manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage constructed to the standards of the Oregon State Structural Specialty Code. (See Letter G. above.) No attached extension shall exceed a height of fourteen (14) feet, or the roof line of the manufactured home, whichever is greater.
- N. The applicant must obtain an installation/set-up permit for the manufactured home from the County.
- O. A manufactured home shall not be placed within an acknowledged historical district nor adjacent to a historic landmark.

2.303.3 Process

Compliance with the standards of this Section shall be reviewed administratively by the City during the review of applicable building permits and set-up permits.

2.304 MANUFACTURED HOME PARKS

2.304.1 Scope

The following standards shall apply to the design and development of all manufactured home parks in the City of Willamina.

2.304.2 General Standards

- A. Any lot or site used for a manufactured home park and any modifications to a manufactured home park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Manufactured Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Manufactured Home Parks, Sections 28.010 to 18.170, inclusive.
- B. All parks shall require a minimum of one (1) acre.
- C. Density. The maximum density of a manufactured home park shall not exceed eight (8) units per gross acre.
- D. Minimum area. The minimum area to be contained on a manufactured home space by a manufactured home and its accessory structures shall be 3,000 square feet.
- E. Setbacks. The following setback standards shall apply:
 - 1. General park development: Setbacks for structures other than a manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone.
 - 2. Manufactured homes:
 - a. Front: five (5) feet minimum to the sidewalk; eight (8) feet minimum to the curb
 - b. Side and rear: ten (10) feet minimum to any adjacent manufactured home; six (6) feet minimum to any adjacent non-residential structure
 - c. Manufactured homes on the periphery of a manufactured home park shall maintain the following setbacks:
 - i. Adjacent to a public street: the same setback as required for the front yard in the underlying zone.

- ii. Side and rear yards: the same setback as required for the rear yard in the underlying zone.
- 3. Accessory structures:
 - a. Front: five (5) feet minimum to the sidewalk; eight (8) feet minimum to the curb
 - b. Side and rear: six (6) feet minimum to any adjacent manufactured home, or, adjacent non-residential structure
- 4. Carports or garages:
 - a. Front: twenty (20) feet minimum to the sidewalk
 - b. Side and rear: Carports or garages shall be required and shall be attached to, or within three (3) feet of, the manufactured home and shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply.
- F. Minimum width. No manufactured home space shall be less than forty (40) feet in width at its driveway frontage.
- G. Boundaries of space. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or by permanent markers.
- H. Driveways. All driveways shall be paved with an asphaltic material or concrete and shall be a minimum of twenty (20) feet in width. In addition, if parking is to be permitted along the driveway, a minimum width of thirty (30) feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
- I. Parking. A minimum of two (2) off-street parking spaces shall be provided for each manufactured home space. Spaces shall meet the minimum dimensions of 9 feet wide by 18 feet long.
- J. Walks. Provisions shall be made for a walk from each manufactured home to each driveway. All walks must be hard surfaced, well drained and not less than thirty-six (36) inches in width. All walks adjacent to driveways and thoroughfares shall be curb line walks.
- K. Patio. Each manufactured home space shall have a slab or patio or concrete, asphalt or flagstone or similar substance not less than twenty (20) feet in length and ten (10) feet in width adjacent to each manufactured home parking site.

- L. Storage area. A storage space in a building having a gross floor area of at least sixty (60) square feet shall be constructed and completed prior to occupancy of the manufactured home for storing the outdoor equipment and accessories necessary to residential living.
- M. Accessory buildings. Accessory buildings shall not be placed closer than five (5) feet to any property line. Accessory buildings which are placed on a manufactured home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.
- N. Manufactured home space coverage. Not more than forty-five percent (45%) of a manufactured home space may be occupied by a manufactured home and its accessory structures, whether or not it is attached to the manufactured home.
- O. Signs. All signs shall be in accordance with Section 2.206 of this ordinance.
- P. Lighting. Common driveways and walkways must be adequately lighted.
- Q. Skirting. All manufactured homes shall have skirting around the exterior of the manufactured home or they may be situated upon a continuous foundation meeting the approval of the city building code.
- R. Open space. A minimum of at least 5,000 square feet per twenty-five (25) manufactured home spaces or portion thereof shall be provided for a recreational play area group or community activities. No approved open space area shall contain less than 5,000 square feet. The floor area of indoor facilities, such as a community building, may be included in calculating the open space requirement.
- S. Utilities. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water and sewer lines shall be maintained by the park owners to city standards.
- T. Water, sewer and surface drainage. Adequate provisions shall be made for an ample supply of safe and potable water and adequate provisions shall be made for sewage disposal and surface drainage and plans for such must have prior approval of the health department and the city engineer before a manufactured home park is approved. All manufactured home spaces shall have individual water meters. All meters, sewer and water lines shall be inspected while being installed and the installation shall meet normal city standards.

- U. Additions to manufactured homes. Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a manufactured home space and are attached to the manufactured home, shall conform to the requirements of the city building code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes, as if such additions and structures were a part of such manufactured home.
- V. No part of any manufactured home park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding two (2) tons.
- W. A caretaker, owner or manager shall be responsible for keeping the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition.
- X. Landscaped buffer areas shall be developed around the perimeter of all manufactured home parks. Buffering shall comply with the standards of Section 2.207.
- Y. All units placed within a manufactured home park after the effective date of this ordinance shall be "manufactured homes" as defined in Section 1.200 of this Ordinance.

2.304.03 Process

Manufactured home parks shall be subject to the Site Development Review procedures of Section 3.105. Submittal requirements and review procedures shall be as specified in that Section. Approval shall not be granted unless all provisions of this Section and other applicable requirements of this Ordinance are met.

2.305 RESERVED

2.306 HOME OCCUPATIONS

2.306.1 Standards

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. Participation: No more than two (2) full or part-time persons shall be employed, other than a member of the family residing on the premises. Home-based child care facilities are exempt from this standard.
- B. Character: The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- C. Traffic: A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one (1) day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips is equivalent to ten (10) round trips. Home-based child care facilities are exempt from this standard.
- D. Noise: A home occupation shall not create noise of a type, duration or intensity which, measured at the property line, exceeds sixty (60) DBA between the hours of 7:00 a.m. and 6:00 p.m. No noise shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception, off the premises of the home occupation.
- E. Equipment and Process Restrictions: No home occupation conducted within a single-family detached residence or an accessory structure shall create vibration, glare, fumes, odors, or electrical interference detectable to the normal sensory perception, off the property. No home occupation conducted in a residence other than a single family detached residence shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
- F. Hazards: No equipment, process or material shall be used which will change the fire rating or structure separation, fire wall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a

home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.

- G. Signs: Signing shall be as provided in Section 2.206.
- H. On-Premise Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.
- I. Prohibited businesses: The repair or maintenance of vehicles shall be prohibited. This includes the repair and/or maintenance of automobiles, trucks, recreational vehicles, trailers, motorcycles, farm equipment, boats, and, lawn mowers and other small engine equipment.
- J. Deliveries and Large Vehicle Storage: Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one (1) ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.
- K. Parking: Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than two (2) home occupation-related vehicles shall be located on the property at one time. If access to the property is from an arterial or collector street, adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front-end first.
- L. Storage and Use of Yard Areas: Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a baby sitter, as defined in Section 1.200, may use yard areas for playground equipment.

2.306.2 Process

Home occupations are allowed as an accessory use to any residential use in the City of Willamina, subject to the Type I-A approval process listed in Subsection 3.201.01. The standards of this Section shall govern all home occupations.

2.306.3 Non-Compliance

Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the penalties and remedies of Subsection 1.102.03.

2.307 SMALL-SCALE MANUFACTURING IN COMMERCIAL ZONES

2.307.1 Standards

A small-scale manufacturing operation may be permitted in the General Commercial (C-1) Zone and Mixed-Use Commercial (C-3) Zone as a conditional use provided that:

- A. The area involved in the manufacturing of the product does not involve more than 4,000 square feet of floor area, and all storage of materials is enclosed.
- B. The building and site plan are not incompatible with the character of the commercial area nor will serious interfere with adjacent land uses.
- C. All sign requirements of Section 2.206 are met.
- D. All height requirements of the zone are met.
- E. Off-street parking shall be provided consistent with the provisions of Section 2.203.
- F. The use shall not be objectionable in relationship to surrounding residential or commercial uses because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

2.307.2 Process

- A. Small-scale manufacturing uses in the C-1 and C-3 Zones shall be reviewed in accordance with the Conditional Use Permit criteria and procedures as specified in Section 3.103; and
- B. Small-scale manufacturing uses in the C-1 and C-3 Zones shall be subject to the criteria and procedures of Site Development Review process as set forth in Section 3.105.

The above reviews shall include consideration of the standards of this Section. Approval shall not be granted unless all standards of this Section and other applicable provisions of this Ordinance are met.

2.308 MANUFACTURED HOME, TRAILER, AND VEHICULAR SALES,
SERVICE AND RELATED USES

2.308.1 Scope

The provisions of this Section shall apply to the following uses:

- A. Automobile service stations;
- B. Automobile, truck, manufactured home, recreation vehicle or trailer sales;
- C. Boat and marine accessory sales;
- D. Motorcycle sales;
- E. Retail tire shop, sales, service and repair;
- F. Towing service.

2.308.2 Standards

In addition to other development standards established elsewhere in this Ordinance, the following standards shall apply to the development of the uses listed in Subsection 2.308.01, above.

- A. All parking areas, loading areas or areas used for storage of boats, automobiles, manufactured homes, recreational vehicles, trucks, trailers, motorcycles or other vehicles shall be paved with a concrete or asphalt surface.
- B. The lot shall be screened from adjoining residentially zoned properties in accordance with the provisions of Section 2.207.
- C. When not displayed for public sale, all merchandise and supplies, other than vehicles, manufactured homes and trailers, shall be stored within a building.
- D. All applicable permits from the state and federal must be obtained prior to development.

2.308.3 Process

The uses listed in this subsection shall be reviewed for compliance with the standards of this subsection pursuant to the Site Plan Review process set forth in Section 3.105.

2.309 RECREATIONAL VEHICLE (RV) PARKS

2.309.1 Purpose

To provide opportunities for the development of RV parks within the Commercial district.

2.309.2 Size and Density Standards

- A. Minimum Size. RV parks shall be at least three (3) acres in size.
- B. Density. The maximum density shall not exceed eighteen (18) RV spaces per acre.
- C. Space Size. Each RV space shall be at least 1,500 square feet in size.

2.309.3 Design Standards

- A. Required Separation. RV parking pads shall be separated from each other and from park structures by at least ten (10) feet.
- B. Setbacks. No RV parking space or park structure shall be located within twenty-five (25) feet of a public right-of-way or within twenty (20) feet of a property line.
- C. Roadways. Roadways shall be paved with asphalt or concrete and shall be designed to permit easy access to each RV space. Roadway widths shall be as follows:
 - 1. A one-way road shall be a minimum of fifteen (15) feet in width, plus eight (8) feet for each lane of parallel parking which is provided.
 - 2. A two-way road shall be a minimum of thirty (30) feet in width plus seven (7) feet for each lane of parallel parking which is provided.
- D. Parking. At least 1 (one) RV parking pad (14 feet by 50 feet minimum) shall be provided at each RV space. Parking pad(s) shall be surfaced with asphalt or concrete over a gravel or crushed rock base. Thickness of surface and base shall be capable of withstanding use by RVs.
- E. Space Landscaping. At least forty percent (40%) of the RV space shall be landscaped with lawn. The minimum dimension of the lawn area shall be no less than fifteen (15) feet.

- F. Clear Vision Area. A clear vision area shall be maintained at the entrance and exit to the RV park.
- G. Common Use Recreation Areas. A minimum of eight percent (8%) of the gross site area for the park shall be developed as common use areas for recreational facilities or recreational open space.
- H. Common Facilities. For each fifteen (15) RV spaces or fraction thereof the park shall provide toilets, lavatories, and showers for each gender in the following ratios: one (1) toilet, one (1) urinal, one (1) lavatory, and one (1) shower for men; and three (3) toilets, one (1) lavatory, and one (1) shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms.

Building spaces shall be lighted at all times, shall be ventilated, and shall be provided with heating facilities which maintain a comfortable room temperature when the park is occupied. Buildings shall have floors of waterproof material, sanitary ceiling, floor, and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.

- I. Perimeter Treatment. Except as required for vision clearance, the perimeter of the park shall be improved with:
 - 1. A sight-obscuring fence or wall not less than six (6) feet nor more than seven (7) feet in height; or
 - 2. Maintained evergreen landscaping that will mature within three (3) years and will reach a height of at least six (6) feet at maturity; or
 - 3. A combination of (a) and (b), above.
- J. Drainage. Park roadways and spaces shall be designed to facilitate water run-off. A Drainage Plan shall be submitted and approved in accordance with Section 2.204.
- K. Utilities. Each RV space shall be provided with electrical service. Utilities shall be located underground except where required to be overhead by the City or utility purveyor.
- L. Refuse Disposal. Durable, water-tight, easily cleanable refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) RV spaces. Refuse containers shall be located in such a manner that at least one (1) readily accessible refuse container is within 150 feet of any RV space.

M. Water Supply.

1. Each RV space shall be provided with piped, potable water. The water supply shall meet the requirements of the State of Oregon Health Division and shall be connected to the City water system.
2. A water filling station for filling RV storage tanks shall be provided.

N. Sewage Disposal.

1. Each RV space shall be provided with a sanitary sewer hook-up. The sewage disposal system shall meet the requirements of the State of Oregon Health Division and shall be connected to the City sanitary sewer system.
2. If a sanitary waste pump station is provided, it shall meet the standards of the State of Oregon Health Division and shall be screened from RV spaces and adjacent property. Screening shall be achieved with:
 - a. A sight-obscuring fence or wall not less than six (6) feet nor more than seven (7) feet in height; or
 - b. Maintained evergreen landscaping which will mature within five (5) years and reach a height of at least six (6) feet at maturity; or
 - c. A combination of (a) and (b), above.

O. Floodplain.

1. All recreational vehicles shall be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, or
2. The chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2.309.4 Maximum Occupancy Period

No RV shall remain in the park for more than thirty (30) days in any sixty (60) day period. No habitable vehicle which is not an RV shall be allowed in the park for any period.

2.309.5 Process

RV parks shall be reviewed for compliance with the standards of this section and other applicable sections of this Ordinance pursuant to the Site Development Review process set forth in Section 3.105.

2.310 RESERVED

2.311 MAIN STREET BUSINESS DISTRICT PARKING AND LANDSCAPING REQUIREMENTS

2.311.1 Purpose

The purpose of this Section is to provide for the continued viability of the built out commercial sections of Main Street/State Highway 18, and to preserve the existing fabric of the historic commercial area of the City of Willamina.

2.311.2 Scope/Description of District.

For the purposes of this section, the Main Street Business District (MSBD) will cover the Commercial zoned and Historical designated properties contiguous with the Economic Improvement District. A map is included at the end of this section.

2.311.3 Required Parking Plan

Every building within the MSBD hereafter erected, or altered to increase its gross square footage, shall present detailed parking and landscaping plans as part of the required Site Plan Review process described in Section 3.105 of this code.

2.311.4 Location

All required off-street parking spaces associated with a commercial use must be provided within 500 feet of the building for which the parking is required. The 500 foot distance shall be measured from the door or entrance way of the building for which the parking is required to the farthest off-site parking space to be provided.

2.311.5 Parking Spaces Required

New uses in existing buildings are not required to provide off-street parking except as specifically conditioned by the Willamina Planning Commission in the Site Design Review process. The Planning Commission will base its decision to require additional on-site parking on the maximum number of customers or users projected to be served at any one time, and the on-street parking available to the business or use. In any review of required parking spaces, on-street parking along the frontage of a subject property will be counted towards the provision of customer parking spaces at the rate of one (1) parking space for every twenty (20) feet of frontage, not to include any frontage designated as “no parking” by signage, curb marking, ordinance, code or other regulation.

Newly constructed buildings shall provide the number of parking spaces as required in Section 2.203.08 of this code, with the exception that on-street parking along the frontage of a subject property will be counted towards the provision of customer parking spaces at the rate of one (1) parking space for every twenty (20)

feet of frontage, not to include any frontage designated as “no parking”: by signage, curb marking, ordinance, code or other regulation.

2.311.6 Parking Area Improvements

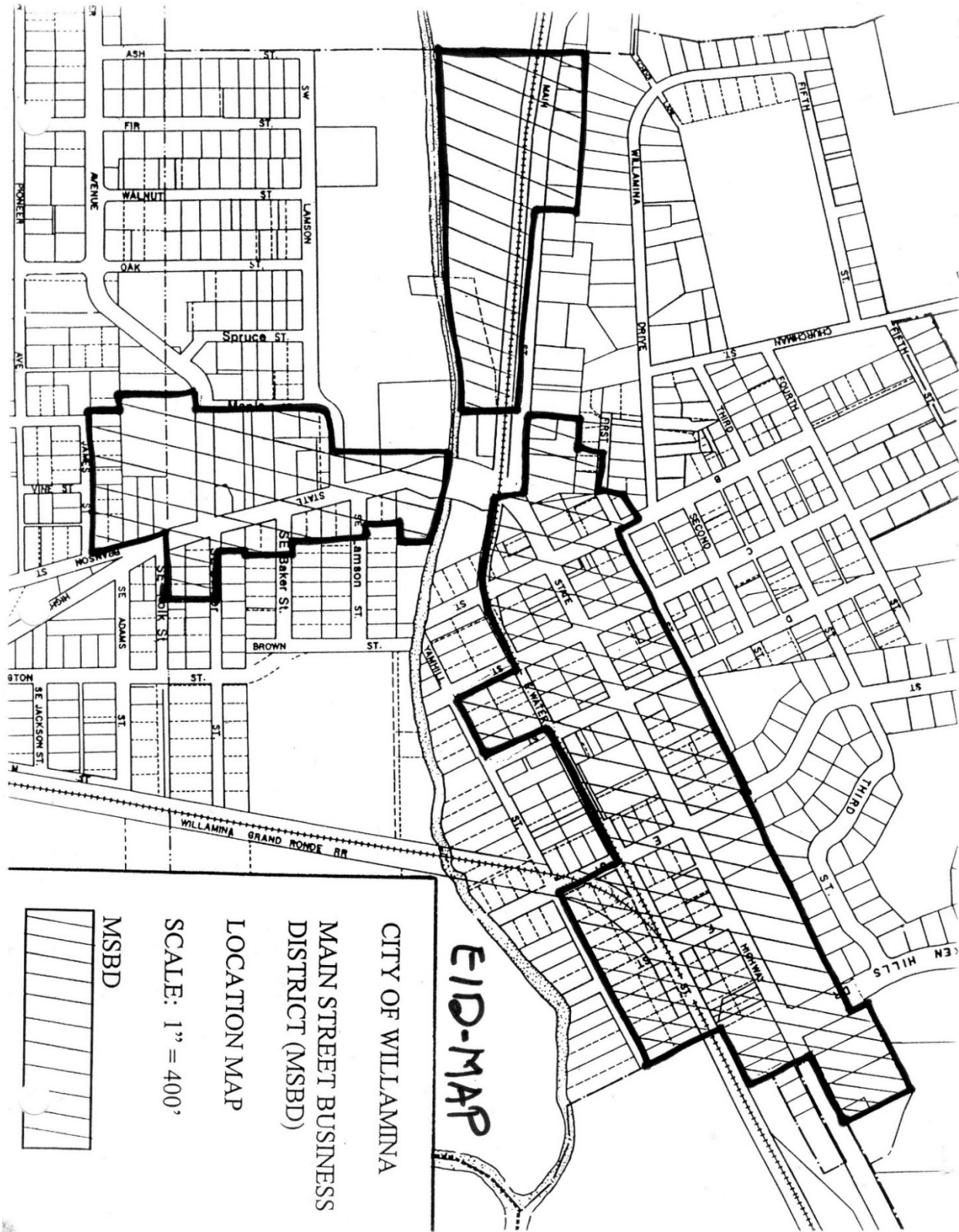
All public and private parking areas shall be improved according to Section 2.203.08 of this code, except as allowed for in the following paragraph.

Temporary use of gravel surfacing for a parking lot to serve an existing building may be allowed as a conditional use for a time period not to exceed three (3) years, to be reviewed annually. Gravel surfacing must meet the specifications of the City Engineer including a minimum gravel depth of ten (10) inches of one (1) inch minus rock, and a twenty (20) foot by twenty-four (24) foot paved approach. At the expiration of the temporary gravel parking conditional use permit, parking areas shall be improved according to Section 2.203.08 of this code.

2.311.7 Process

New developments and major remodeling of existing developments shall be processed in accordance with the submittal requirements and procedures established in Section 3.105. Approval shall only be granted if the requirements of this section and all other applicable requirements of this Ordinance are met.

MAIN STREET BUSINESS DISTRICT MAP



2.312 MARIJUANA-RELATED USES

2.312.1 Definitions

- A. Marijuana-Related Use(s): Marijuana Processor, Marijuana Producer, Marijuana Retailer, Marijuana Testing Laboratory, and Marijuana Wholesaler.
1. Marijuana Processor: Facility for processing, compounding, or converting marijuana into products, concentrates, or extracts that is registered by the Oregon Health Authority or licensed by the Oregon Liquor Control Commission.
 2. Marijuana Producer: Facility for planting, cultivating, growing, trimming, harvesting, or drying of marijuana provided that the marijuana producer is registered by the Oregon Health Authority to produce marijuana for use by a registry identification cardholder or licensed by the Oregon Liquor Control Commission.
 3. Marijuana Testing Laboratory: Facility for testing of marijuana items that is licensed by the Oregon Liquor Control Commission.
 4. Marijuana Retailer: Facility for sale of marijuana items to a consumer that is licensed by the Oregon Liquor Control Commission. Also, location of a medical marijuana dispensary that is registered by the Oregon Health Authority.
 5. Marijuana Wholesaler: Facility for resale of marijuana items to a person other than a consumer that is licensed by the Oregon Liquor Control Commission.
 6. Industrial Hemp: Activities related to extraction or processing of industrial hemp, as permitted and regulated by the Oregon Department of Agriculture (ODA) are excluded from this definition, consistent with the Oregon Revised Statutes. Industrial hemp is an agricultural product.

2.312.2 Standards

Marijuana-related facilities may be allowed, subject to the following standards and restrictions:

- A. Marijuana-related uses shall at all times be licensed in good standing with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

- B. Provide the City a copy of all current OLCC and OHA permits.
- C. Compliance with the City's development requirements and design standards including all of the following:
 - 1. Marijuana-related uses shall only be located on properties within an Industrial Zone District;
 - 2. Conflicting Use Buffer: No marijuana retailer shall be permitted within 1,000 feet of a lot containing any of the following uses:
 - a. Public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - b. Private or parochial elementary or secondary school, teaching children as described ORS; or
 - c. City park, with the exception of Lamson Park, where the distance from Lamson Park is required to be 1,000 from the south, east, and west boundaries of the park. For the distance that Willamina Creek abuts the park, the distance requirement is waived; or
 - d. Other marijuana retail.
 - e. The 1,000-foot buffer shall be measured by a straight line extending in every direction from any point on the boundary line of the lot comprising the conflicting uses listed above.
 - f. If a conflicting use is established within 1,000 feet of a legally established marijuana-related use, the marijuana-related use may remain at its legally established location.
 - 3. Marijuana-related uses shall be located in a permanent building and shall not include drive-through facilities.
 - 4. Outdoor storage of marijuana or marijuana-derived products is prohibited.
 - 5. All conditions of approval resulting from the marijuana-related use facility's conditional use permit application and review process as outlined in Section 3.103.
 - 6. Public Access Prohibited. Access to marijuana producer, marijuana processor, marijuana testing laboratory, and marijuana wholesaler facilities shall be limited to employees, personnel, and guests over the age of 21, authorized by the

facility operator.

1. Hours of Operation. A marijuana retailer shall operate only between the hours of 10:00am and 8:00pm.

D. Exemptions. The cultivation of marijuana for personal use, as permitted by State law, is exempt from the provisions of this section.

2.312.2 Non-Compliance

Any marijuana-related facility which does not comply with the requirements of this Section and the provisions of the underlying district shall be in violation of this Ordinance and shall be subject to the penalties and remedies of Subsection 1.102.03.

2.313 ACCESSORY DWELLING UNITS (ADU)

2.313.1 Purpose

The purpose of this section is to guide the limited development of accessory dwelling units (ADUs) as an option available to owners of detached single-family dwellings. ADUs provide a method of expanding housing options in developed neighborhoods where infrastructure capacity exists, to serve residents in a variety of life stages and circumstances.

2.313.2 Process

Consistent with Section 3.105 Site Plan Review Applicability Provisions, no land use review shall be required for the development of an ADU. ADUs shall be designed in compliance with the current building code, structural permitting review and inspections, and the following standards.

2.313.3 Standards

- A. Number. A maximum of one ADU is permitted per primary detached single-family dwelling on the same lot or parcel.
- B. Type. The ADU may be interior, attached, or detached.
- C. Lot size. There shall be no minimum lot size for interior or attached ADUs. The minimum lot size for a detached ADU shall be the minimum lot size of a duplex lot the underlying zone district.
- D. Location. ADUs shall be located within the side yard or rear yard of the primary dwelling.
- E. Front Setback. Attached and detached ADUs shall be set back six (6) feet from the front building line of the primary dwelling unit.
- F. Building construction. An ADU shall comply with the Oregon Residential Specialty Code, and shall be subject to a structural permit review. A storage or shipping container is not an allowed structure type for an ADU.
- G. Height. The maximum allowable height of an ADU is 20 feet or the height of the primary dwelling unit, whichever is less.
- H. Property Setbacks. ADUs shall meet all setbacks required of the primary single-family dwelling unit in the underlying zone. An ADU shall only be located above an existing detached garage if all setbacks of the underlying zone are met by the structure.

- I. Building Separation. Detached ADUs shall be separated from the primary dwelling by a minimum of six (6) feet, or greater if required by building code.
- J. Size. ADUs shall be limited to the following: 50% of the gross floor area of the primary dwelling unit or six hundred (600) square feet, whichever is less.
- K. Parking. An ADU shall provide two (2) off-street parking spaces for resident vehicles, in addition to the off-street parking spaces required for the primary dwelling. Parking spaces shall meet the minimum dimensions of 9 feet in width by 18 feet in length.
- L. Garages and Carports. An ADU shall not be required to provide a garage or carport. In no case shall a garage be converted to an ADU if it results in the primary dwelling becoming non-compliant with the garage requirement for all detached single family dwellings.
- M. Driveway. The ADU parking shall be accessed by either a shared driveway or a new driveway, provided that the new driveway is constructed in accordance with the provisions of the adopted Access Control Standards and Off-Street Parking Standards.
- N. Occupants. Either the primary dwelling or the ADU shall be occupied by the owner of the property, as the property owner's permanent place of residence. Prior to final occupancy of the ADU, a restrictive covenant shall be recorded with the County Recorder setting forth these requirements. Said covenant shall remain binding on the property for the life of the accessory dwelling unit.
- O. Utilities. All new interior, attached, and detached ADUs shall have separate water and sewer meters from the primary dwelling.
- P. SDCs & Fees. All standard hook-up fees and System Development Charges (SDCs) for a new residential dwelling unit shall apply.
- Q. Addressing. An ADU shall have a unique address from the primary dwelling unit, as assigned by the local jurisdiction, posted in a location which is clearly visible from the street, in a minimum of 4" size numbers. Where the ADU location prevents an address visible from the street, signage shall be erected indicating rear ADU unit for emergency response purposes.
- R. Energy-Efficiency. The City of Willamina encourages developers to make all new residential developments as energy-efficient as possible.
- S. Sidewalks. Development of an ADU shall require the construction of sidewalks along a property frontage where applicable.

2.314 COTTAGE CLUSTERS

2.314.01 Purpose

The purpose of this section is to facilitate innovative site planning for a type of housing comprised of modest-sized residences oriented around a shared open space. Cottage Clusters are designed to foster community interaction, while balancing privacy and neighborhood compatibility. Cottage clusters are part of the city's housing strategy to promote a variety of housing and attainable home ownership options to meet the needs of a population diverse in age, income, household composition, and individual needs.

2.314.02 Process

Cottage Cluster developments shall be processed in accordance with the submittal requirements and procedures established for Type II land use actions. Cottage Cluster developments shall be reviewed as a Site Development Review, and submitted concurrent with land division applications, if applicable. Approval shall only be granted if the requirements of this Section and all other applicable requirements of this Ordinance are met.

2.314.03 Uses Permitted

- A. The following uses are permitted in a Cottage Cluster Development:
1. Detached single family dwellings, subject to the cottage development standards of this section.
 2. Attached single family dwellings, limited to a maximum of two attached units, subject to the cottage development standards of this section.
 3. Open space uses, lawns, gardens, trails, benches, picnic shelters, fire pits, barbeques, and other similar recreational amenities.
 4. Community buildings and facilities available for use by Cottage Cluster residents. Not for commercial use. Community buildings may include office space for management of Cottage Cluster development.
 5. Accessory structures and shared accessory structures including garages, carports, and sheds.

2.314.04 Standards

Cottage Cluster Developments shall comply with the applicable development standards of Section 2.200 and the following standards.

- A. Ownership model. Fee simple and condo ownership types are permitted in a cottage development.
- B. Zoning. A Cottage Cluster may be established in the R-1, R-2, and R-3 residential districts, as well as in the C-2 and C-3 Commercial districts.
- C. Parcel size. A Cottage Cluster may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the standards of this section.
- D. Fee simple minimum lot size. 2,000 square feet.
- E. Dwelling unit types permitted. Detached and attached units are permitted. Attached units shall be limited to two attached units.
- F. Number of cottages in cluster. Minimum 3 units. Maximum 12 units.
- G. Density. Cottage Clusters shall meet the minimum density of the underlying zone. There is no maximum density for developments developed consistent with the standards of this section.
- H. Coverage. Maximum impervious area coverage shall be 60% of overall development. There is no maximum coverage for the individual cottage lots.
- I. Landscaping. Minimum landscaped area shall be 35% of overall development. There is no minimum landscape requirement for the individual cottage lots.
- J. Cottage Unit sizes. Minimum 600 square feet. Maximum 1,200 square feet.
- K. Maximum cottage footprint. 1,000 square feet, including garage.
- L. Maximum height. 25 feet.
- M. Average minimum lot width and depth. There is no minimum lot width and depth for the individual cottage lots.
- N. Setbacks.
 - 1. Setback from public street or private street where driveway access is taken. 20 feet.
 - 2. Setbacks from all exterior property lines of the cluster development. 10 feet.

3. Side setbacks. If individual cottage lots are created, zero lot line setbacks are permitted to maximize usable private area.
 4. Setbacks between cottage eaves. 6 feet.
 5. Setbacks of accessory structures as allowed by building code.
- O. Front porch. Every cottage unit shall have a covered front porch a minimum depth of 6 feet, and a minimum size of 60 square feet.
- P. Orientation to Open Space. A minimum of 50% of the units shall be oriented to face and abut the common open space area.
- Q. Double frontage. Units which abut the common open space area and take access from an adjacent roadway shall have double front façade improvements. Both facades shall provide porches which meet the front porch standards of this section.
- R. Common open space.
1. Minimum 300 square feet per unit.
 2. Minimum dimension. 20 feet.
 3. Shall consist of a central area or series of interconnected spaces.
 4. Physically constrained areas such as wetlands or steep slopes shall not be counted toward the open space requirement.
3. All common open space areas shall be maintained by the Homeowners Association.
- S. Private outdoor area.
1. Each cottage unit shall be provided with a minimum of 200 square feet of usable private outdoor area, which may include gardening areas, patios, or porches, covered or uncovered.
 2. Private outdoor areas shall be a minimum width of 10 feet.
- T. Garage/Carport. Every cottage unit shall have an attached or detached garage or carport dedicated to the occupants of the unit, located within 100 feet of the cottage. Multiple carports or garages may be consolidated or grouped together. Garages may be designed to accommodate one or two cars.
- U. Off-Street Parking. A Cottage Cluster development shall provide a minimum of two off-street parking spaces per unit. A community center

or common building shall provide off-site guest parking at the ratio of 1 space per 300 square feet gross floor area.

- V. **Bike Parking.** A Cottage Cluster development shall provide a minimum of one (1) covered bike parking space per cottage unit. Bike parking may be clustered. Bike parking is encouraged to be covered.
- W. **Buffers.** Buffering shall be required to minimize the visibility of utility facilities, waste receptacles, off-street parking, and other accessory uses.
- X. **Walkways.** Improved walkways within the development shall be a minimum of five (5) feet in width.
- Y. **Common buildings.** Shall be allowed up to a total of 1,500 square feet in size. Common buildings shall not be counted as common open space.
- Z. **Non-conforming Dwelling Units.** Existing residential structures built prior to the effective date of the ordinance which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain, and shall be subject to the overall counts of open space, private space, off-street parking, impervious coverage, etc.
- AA. **Sustainability Features Encouraged.** The following sustainability features are encouraged in a cottage cluster development: energy efficient construction, solar panels, electric vehicle charging station, storm water capture and reuse, grey water systems, edible landscaping, backyard habitat certification, shared tool library, etc.
- BB. **Accessory Dwelling Units (ADU).** New ADUs shall not be permitted in a cottage development.
- CC. **Fences.**
 - 1. No fence taller than 4 feet in height shall be located between cottages within the development.
 - 2. A 6-foot high sight-obscuring fence may be placed and maintained along the exterior property line of the cottage cluster development.
- DD. **General Development Standards.** Cottage Cluster developments are subject to general development standards pertaining to driveways, off-street parking, water service connections, sewer service connections, storm water control, utilities, street lights, access spacing standards on a public street, etc. unless otherwise approved by the City Engineer.
- EE. **Street Standards.** If streets are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are

addressed, then alternate street standards may be approved by the City Engineer.

2.400 GENERAL PROVISIONS

Section 2.401 GENERAL STANDARDS

- 2.401.1 Minimum Requirements
- 2.401.2 Completion of a Structure
- 2.401.3 Lots of Record
- 2.401.4 Lots Abutting a Partial Street
- 2.401.5 Protection of Solar Access
- 2.401.6 Unsafe Building
- 2.401.7 Limitations on Buildings

Section 2.402 GENERAL EXCEPTIONS

- 2.402.1 Yard Exceptions for Service Stations
- 2.402.2 General Exception to Building Height Limitations
- 2.402.3 Height Exceptions for Public Buildings
- 2.402.4 Additions to Existing Structures
- 2.402.5 Public Dedications
- 2.401.06 Miscellaneous Exceptions to Setback Requirements

Section 2.403 USES PERMITTED IN ALL ZONES

- 2.403.01 Permitted Uses

2.401 GENERAL STANDARDS

2.401.1 Minimum Requirements

In interpreting and applying this Ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

2.401.2 Completion of a Structure Within a Reasonable Length of Time

A structure not completed within one year of beginning construction shall constitute a violation of this Ordinance unless a performance bond or other guarantee is provided to the City in accordance with Section 3.201.02(F)(3) of this Code.

2.401.3 Lots of Record

- A. A lot or parcel is a legal lot of record for purposes of this Ordinance when the lot or parcel conforms to all zoning requirements and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract; except
- B. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.
- C. Lots in recorded plats shall not be combined under Subsection 2.401.03(B).
- D. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations.

2.401.4 Lots Abutting a Partial Street

New structures which are proposed to be constructed on lots abutting an existing public street which does not meet the minimum standards of Section 2.202 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way. Building permits shall not be issued unless a yard setback equal to the minimum yard requirements of the zoning district plus the required minimum additional right-of-way width is provided.

2.401.5 Protection of Solar Access

The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

- A. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the thirty (30) foot height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.
- B. Chimneys, communication transmission towers, television and radio masts shall not significantly restrict or impair solar access to buildings or solar collector locations.

2.401.6 Unsafe Building

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

2.401.7 Limitations on Buildings

In the R-1 and R-2 Zones there shall be only one (1) main building on a lot.

2.402 GENERAL EXCEPTIONS

2.402.1 Yard Exceptions for Service Stations

In a district where automobile service stations are permitted, free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance. In any zone, gasoline pumps and pump islands shall not be located so that any part of a vehicle being served shall extend into any public street right-of-way, alley or private drive used for access or egress to private property. Further, gasoline pumps or pump islands shall not be built within ten (10) feet from a property line.

2.402.2 General Exception to Building Height Limitations

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

2.402.3 Height Exceptions for Public Buildings

Public or quasi-public buildings, hospitals, and educational institutions may be constructed to a height not to exceed sixty (60) feet and places of worship may be erected to a height not exceeding seventy-five (75) feet provided the required yards are increased one (1) foot for each foot of additional building height above the height regulation for the zone.

2.402.4 Additions to Existing Structures

When structures exist at the time a zone is adopted which do not comply with front yard setback restrictions, additions to such structures not conforming to the front yard setbacks shall be allowed, provided:

- A. The setback distance will not be decreased by the addition;
- B. The addition conforms to all other provisions of the zoning district; and
- C. The addition shall not be greater than forty percent (40%) of the square footage on the ground level of the existing structure.

2.402.5 Public Dedications

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to Subsection 2.402.04.

2.402.6 Miscellaneous Exceptions to Setback Requirements

Setback limitations stipulated elsewhere in this Ordinance may be modified as follows:

- A. Bus shelters which are intended for use by the general public and are under the ownership and/or control of a city, county, state or municipal corporation shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to three (3) feet except:
 - 1. Where the perimeter wall of the structure is above the natural elevation of the adjacent ground, in which case the setback provisions of the district shall apply.
 - 2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.
- C. An uncovered porch, terrace or patio structure extending no more than two and one-half (2.5) feet above the finished elevation may extend within three (3) feet of a side lot line or within ten (10) feet of a front or rear lot line.

2.403 USES PERMITTED IN ALL ZONES

2.403.1 Permitted Uses

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency.
- D. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan. A non-conforming use may be continued although not in conformity with the regulations for the zone in which the use is located.

CHAPTER 3

APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

Section 3.101	SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES
3.101.1	Type I Actions
3.101.2	Type II Actions
3.101.3	Type III Actions
3.101.4	Type IV Actions
Section 3.102	ZONE CHANGE
3.102.1	Process
3.102.2	Application and Fee
3.102.3	Criteria for Approval
Section 3.103	CONDITIONAL USE PERMITS
3.103.1	Process
3.103.2	Application and Fee
3.103.3	Criteria for Approval
Section 3.104	VARIANCES
3.104.1	Purpose
3.104.2	Applicability
3.104.3	Criteria and Procedure - Minor Variance
3.104.4	Criteria and Procedure - Major Variance
3.104.5	Application and Fee
Section 3.105	SITE PLAN REVIEW
3.105.1	Purpose
3.105.2	Application and Fee
3.105.3	Applicability of Provisions
3.105.4	Review and Approval Process
3.105.5	Submittal Requirements
3.105.6	Evaluation of Site Development Plan
3.105.7	Access
3.105.8	Expiration of Approval
3.105.9	Financial Assurances
Section 3.106	PARTITIONS
3.106.1	Area of Application
3.106.2	General Provisions
3.106.3	Submittal Requirements for Preliminary Review
3.106.4	Process for Preliminary Review
3.106.5	Process for Final Plat Approval
3.106.6	Expedited Land Division

Section 3.107	SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS
3.107.1	General Provisions
3.107.2	Submittal Requirements
3.107.3	Review Procedures
3.107.4	Form of Final Subdivision Plat
3.107.5	Final Plat Review for Subdivision
Section 3.108	SIMILAR USES
3.108.1	Purpose and Scope
3.108.2	Application and Fee
3.108.3	Process
3.108.4	Review Criteria
3.108.5	Determination
Section 3.109	NONCONFORMING USES
3.109.1	Purpose and Scope
3.109.2	Application and Fee
3.109.3	Discontinuation of Use
3.109.4	Alterations Required by Law
3.109.5	Maintenance
3.109.6	Alteration, Restoration, or Replacement
3.109.7	Conditions of Approval
Section 3.110	LOT LINE ADJUSTMENTS
3.110.1	Area of Application
3.110.2	Standards
3.110.3	Submittal Requirements
3.110.4	Review Process
Section 3.111	ANNEXATIONS
3.111.01	Authority of City to Annex
3.111.02	General Annexation Procedure
3.111.03	Annexation by Election
3.111.04	Annexation Procedure without City Election
3.111.05	Annexation Procedure with Election in Proposed Territory
3.111.06	Island Annexation
3.111.07	Submission of Annexation Reports
3.111.08	Effective Date of Annexation
3.111.09	Zone Designation of Annexed Property

3.101 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

3.101.1 Type I Actions

Type I actions are administrative reviews processed by the City staff. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into two parts:

A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. No conditions may be placed on the decision and notice of the decision is sent only to the applicant. Section 3.202 lists the notice requirements. Appeal is to the Planning Commission. The following actions are processed under the Type I-A procedure:

1. Lot Line Adjustment
2. Minor Variance*
3. Signs
4. Fence Permit
5. Home Occupation

* Requires a written notice a minimum of fourteen (14) days prior to decision, according to 3.202.01 B.

B. Type I-B: A ministerial action reviewed by the Planning Commission based on generally clear and objective standards with some discretion afforded to Planning Commission. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Section 3.202 lists the notice requirements. Appeal is to the City Council. The following actions are processed under the Type I-B procedure:

1. Partitions
2. Site Plan Review
3. Expedited Land Division

3.101.2 Type II Actions

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

- A. Conditional Use Permit
- B. Non-Conforming Uses
- C. Planned Unit Development
- D. Similar Use
- E. Subdivision
- F. Major Variance
- G. Floodplain Permit

3.101.3 Type III Actions

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. The Planning Commission has an advisory role. Public notice is provided and public hearings are held at the Planning Commission and City Council. Section 3.202 lists the notice requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

- A. Annexation
- B. Comprehensive Plan Map Amendments
- C. Vacation
- D. Zone Change

3.101.4 Type IV Actions

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot request a Type IV action. It must be initiated by the Planning Commission or City Council. Public notice and hearings are provided in a Type IV process.

3.101.5 Substantial Conformance

City staff or its designee shall determine for Type I-B, Type II, and Type III at the time of final plat or final plan approval that the development is within substantial conformance of all applicable development standards, including but not limited to: lot dimensions, lot size, structure height, yard standards, number of lots/dwellings, on-site parking requirements, landscaping, and signage.

Review for substantial conformance does not allow approval of any reduction in the minimum required by a development standard or any increase in the maximum allowable under a development standard.

3.102 ZONE CHANGE

3.102.1 Process

Zone change shall be reviewed in accordance with the Type III review procedures specified in Section 3.201.

3.102.2 Application and Fee

An application for a zone change shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

3.102.3 Criteria for Approval

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.
- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.
- F. The following additional criteria shall be used to review all non-residential changes:
 - 1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next five (5) years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.
 - 2. The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the

projected rate of development of uses allowed in the zone during the next five (5) years.

3. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

3.103 CONDITIONAL USE PERMITS

3.103.1 Process

Conditional Use Permit applications shall be reviewed in accordance with the Type II review procedures specified in Section 3.201.

3.103.2 Application and Fee

An application for a Conditional Use Permit shall be filed with the City recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

3.103.3 Criteria for Approval

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying district.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.
- C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.
- F. The authorization of such conditional use will not be materially detrimental to the public health, safety and welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

3.104 VARIANCES - MINOR AND MAJOR

3.104.1 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements.

A minor variance may be approved for those requests resulting in no more than a ten percent (10%) change in a quantifiable standard. Otherwise, any change to a quantifiable standard will require a major variance.

3.104.2 Applicability

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following applies:

- A. The proposed variance would allow a use which is not permitted in the district;
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard;
- C. Modification of the requirement or standard is prohibited within the district; or
- D. An exception from the requirement or standard is not allowed in the district.

3.104.3 Criteria and Procedure - Minor Variance

The City recorder, after consultation with city engineer and planner or designee may allow a minor variance from a requirement or standard of this Ordinance in accordance with the Type I-A review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or,
- B. The particular development as proposed otherwise clearly satisfies the intent and purpose for the provision sought to be varied; and

- C. The proposed development will not unreasonably impact adjacent existing or planned uses and development; and
- D. The minor variance does not expand or reduce a quantifiable standard by more than ten percent (10%) and is the minimum necessary to achieve the purpose of the minor variance; and
- E. There has not been a previous land use action approved on the basis that a minor variance would not be allowed.

3.104.4 Criteria and Procedure - Major Variance

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- C. The authorization of such variance will not be materially detrimental to the public health, safety or welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.
- D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.
- E. The variance requested is the minimum variance which would alleviate the hardship.

3.104.5 Application and Fee

An application for a variance shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

3.105 SITE PLAN REVIEW

3.105.1 Purpose

The Site Plan Review Process is intended to:

- A. Guide future growth and development in accordance with the Comprehensive Plan and other related Ordinances;
- B. Provide an efficient process and framework to review development proposals;
- C. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and
- D. Resolve potential conflicts that may arise between proposed developments and adjacent uses.
- E. The site development review provisions are not intended to preclude uses that are permitted in the underlying zones.

3.105.2 Application and Fee

An application for Site Plan Review shall be filed with the City recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

3.105.3 Applicability of Provisions

- A. Site Plan Review shall be applicable to all new developments and major remodeling of existing developments except:
 - 1. Single-family detached dwellings;
 - 2. A duplex; or
 - 3. Any commercial or industrial site alteration or building remodel that does not exceed twenty-five percent (25%) of the total square footage of the site or structure.
 - 4. In the C-3 zone, any building remodel that does not exceed ten percent (10%) of the total square footage of existing structures, excluding accessory buildings. All new development in the C-3 zone is subject to Site Plan Review.

- B. All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.

3.105.4 Review and Approval Process

Site Plan Review applications shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.201.

3.105.5 Submittal Requirements

- A. The following information shall be submitted as part of a complete application for Site Plan Review:

- 1. Site Analysis

- a. Existing site topography;
- b. Identification of areas exceeding ten percent (10%) slopes;
- c. Site drainage, areas of potential flooding;
- d. Areas with significant natural vegetation;
- e. Classification of soil types; and
- f. Existing structures, roadway access and utilities.
- g. Existing and proposed streets, bikeways, and pedestrian facilities within 200 feet.

- 2. Site Plan

- a. Proposed grading and topographical changes;
- b. All proposed structures including finished floor elevations and setbacks;
- c. Vehicular, bicycle, and pedestrian circulation patterns, parking, loading and service areas;
- d. Proposed access to public roads and highways, bikeways, pedestrian facilities, railroads or other commercial or industrial transportation systems;
- e. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and

electrical services. Inverse elevations may be required for all underground transmission lines;

- f. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
- g. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks;
- h. Proof of ownership and signed authorization for the proposed development, if applicant is not the owner of the site; and
- i. A schedule of expected development.

3.105.6 Evaluation of Site Development Plan

The review of a Site Development Plan shall be based upon consideration of the following:

- A. **Compliance with the Permitted Uses section of the applicable zone district, or Conditionally Permitted Uses section with an approved Conditional Use Permit.**
- B. Conformance with the General Development Standards contained in this Ordinance including:
 - 1. Streets
 - 2. Off-street parking
 - 3. Public facilities, including storm drainage, and, utility lines and facilities
 - 4. Signs
 - 5. Site and landscaping design
- C. Drainage and erosion control needs;
- D. Public health factors;
- E. Traffic safety, internal circulation and parking;

- F. Provision for adequate noise and/or visual buffering from non-compatible uses;
- G. Retention of existing natural features on site; and
- H. Problems that may arise due to development within potential hazard areas.
- I. Connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.

3.105.7 Access

As part of the design review process, the City may impose the following conditions on a new or expanding development:

- A. Limit or prohibit access to local streets which principally serve residential uses.
- B. Require a traffic impact analysis.
- C. Limit or prohibit access to Main Street.
- D. Require the dedication of additional right-of-way and/or street improvements where necessary to meet City street standards.

3.105.8 Expiration of Approval

- A. Site Plan Review approval shall be effective for a period of one year from the date of approval. Substantial construction of the approved plan shall begin within the one (1) year period.
- B. Site Plan Review approval shall be voided immediately if construction on the site is a departure from the approved plan. Substantial conformance, as defined in Section 1.200, is determined according to Section 1.101.05.
- C. The City recorder, after consultation with city engineer and planner shall upon written request by the applicant and payment of the required fee, grant an extension of the approval for a period not to exceed six (6) months provided that:
 - 1. No changes are made to the approved Site Plan Review;
 - 2. The applicant can show intent to initiate construction on the site within the six (6) month extension period; and

3. There have been no changes in the facts or applicable policies or ordinance provisions on which the original approval was based.

3.105.9 Financial Assurances

If required site improvements cannot be completed prior to the issuance of an occupancy permit, a performance bond or other guarantee acceptable to the City Attorney may be required, as provided for in Subsection 3.201.02(F)(3).

3.106 PARTITIONS

3.106.1 Area of Application

A partition is required for any land division which creates two (2) or three (3) parcels in a calendar year. The parcels shall meet the Development Standards for Land Divisions of Section 2.208, other applicable development standards and the following additional requirements:

- A. Access: Each parcel shall meet the access requirements of Subsection 2.208.03.
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.
- C. Adequate public facilities shall be available to serve the existing and newly created parcels.

3.106.2 General Provisions

- A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.
- B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.
- C. A master plan for development is required for any application which leaves a portion of the subject property capable of replatting.

3.106.3 Submittal Requirements for Preliminary Review

- A. Applications for partitions shall be submitted on forms provided by the City recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.
- B. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one (1) inch equals fifty (50) feet nor more than one (1) inch equals 200 feet, and containing at a minimum, the following:
 - 1. Appropriate identification stating the drawing is a preliminary plan.
 - 2. North point, scale and date.

3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
4. Map number and tax lot or tax account number of subject property.
5. The boundary lines and approximate area of the subject property.
6. Dimensions and size in square feet or acres of all proposed parcels.
7. The approximate location and identification of existing streets, bikeways, pedestrian facilities, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.

3.106.4 Process for Preliminary Review

Preliminary plats for partitions shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.201.

3.106.5 Process for Final Plat Approval

- A. Survey Submitted: Within one (1) year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within one (1) year, the preliminary approval shall lapse.
- B. Final Approval: If the partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City recorder, after consultation with city engineer and planner, shall approve the final plat. See Section 3.101.05.
- C. City Endorsements: Partition plats shall provide signature lines for the City Recorder and the City Engineer.
- D. Recording of Approved Plat Required: No building permit shall be issued, or parcel sold, transferred or assigned until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- E. Improvements/Bonding: Prior to occupancy, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.201.02(F)(3).

3.106.6 Expedited Land Division

A. Definition. An expedited land division:

1. Is an action of the City that:
 - a. Includes land that is zoned for residential uses and is within an urban growth boundary.
 - b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
 - c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic historic areas, natural resources, and estuarine resources.
 - d. Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.
 - e. Creates enough lots or parcels to allow building residential units at eighty percent (80%) or more of the maximum net density permitted by the zoning designation of the site.
2. Is a land division that:
 - a. Will create three (3) or fewer parcels; and
 - b. Meets the criteria set forth for an action under subsection 3.106.06(A)(1)(a)-(e).

B. Exclusion.

1. Property and process exclusions include properties specifically mapped and designated in the Comprehensive Plan or Development Ordinance for full or partial protection of natural features under the statewide planning goals that protect open space, scenic and historic areas and natural features and not eligible for the construction of dwelling units or accessory buildings.
2. The expedited land division process is not a land use or limited land use decision and is not subject to the permit requirements of City enabling legislation. Decisions are not subject to the

Comprehensive Plan and not eligible for appeal to the Land Use Board of Appeals (LUBA).

- C. Complete Application. The City shall review an application and makes a decision on its completeness within 21 days of submittal. Upon determination of an incomplete application, the applicant has 180 days to submit the missing information.
- D. Public Notice. Upon submittal of a complete application, the City shall send written notice to affected governmental agencies and property owners within 100 feet of the site proposed for the land division as required by Section 3.202. The notice shall include the following:
 - 1. The deadline for submission of written comments.
 - 2. The time and place where all copies of evidence submitted by the applicant will be available for review.
 - 3. The name, address, and telephone number of the City's staff person available to comment on the application.
 - 4. Summary of the local decision making process for such a decision.
 - 5. Applicable decision criteria.
 - 6. Notification that participants must raise all issues during the written comment period.
- E. Initial Decision. The Planning Commission shall allow at least fourteen (14) days for written comments and shall render a decision within 63 days of a complete application. No public hearing may be held during the initial decision making phase.
- F. Notice of Final Decision. A notice of decision must be given to the applicant and other participants of the decision. The notice of decision shall state the appeal process.
- G. Time Extension.
 - 1. Applicant: If a decision is not made within 63 days, the applicant may seek review by writ of mandamus.
 - 2. City: The City may extend the 63 day period up to 120 days based on the determination that an unexpected or extraordinary increase in application makes the 63 day period impracticable. Following a seven (7) day notice to the applicant, consideration of an extension is considered at a regularly scheduled City Council meeting. That determination is specifically declared not to be a land use decision

or limited land use decision.

- H. Decision Criteria. Criteria for approving the partition shall be as follows:
1. The criteria established in Section 3.106.01.
 2. Density. The application must be able to establish at least eighty percent (80%) of the allowable density of the applicable residential zone.
 3. Street Standards. The application must comply with the most recent City of Willamina Transportation Plan or provide evidence of meeting the City's minimum street connectivity standards contained within this Ordinance.
- I. Appeal of Initial Decision. A decision may be appealed to a local hearings officer within fourteen (14) days of filing the notice of decision by the applicant or any person or organization that filed comments on the initial decision.
- J. Appeal Fee. Filing an appeal requires a deposit of \$300.00 to cover costs. An appellant faces the possibility of an assessment of \$500.00 for the total costs of local proceedings if the appellant does not prevail. If an appellant materially improves its position, the deposit and appeal fee shall be refunded.
- K. Basis of an Appeal of the Initial Decision. The local appeal shall be based on the following:
1. The failure to meet local substantive and procedural requirements,
 2. Unconstitutionality,
 3. The decision was not within the expedited land division category, or
 4. A party's substantive rights have been substantially prejudiced by an error in procedure of the local government.
- L. Hearings Officer. The appeal of the initial expedited land use decision shall be heard by a City designated hearings officer. The hearings officer may not be a City officer or City employee.
- M. Hearings Officer Notification. Within seven (7) days of the hearings officer's appointment, the City shall notify the appellant, the applicant (if not the appellant), and the persons or organizations entitled to notice and which provided written comments, of the hearing date

before the hearings officer. If a person submitting comments did not appeal, the issues presented by that person are limited to those in their submitted comments.

- N. Appeal Hearing. The hearings officer conducts a hearing that:
 - 1. Follows the Commission proceeding requirements,
 - 2. Allows the local government's explanation of its decision, and
 - 3. May consider evidence not previously considered.
- O. Hearings Officer Decision. In all cases , not involving a procedural issue, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements. The hearings officer may not reduce the density of the application or remand the application to the City, but shall make a written decision on the appeal within 42 days of the filing of the appeal. Unless the local government determines that exigent circumstances exist, a hearings officer who fails to decide a case within the 42 day period shall receive no compensation for services as the hearings officer. If the decision was not an expedited land division, the hearings officer must remand the decision for proper procedural determination.
- P. Appeal of Hearings Officer Decision. Appeals of the Hearings Officer decision are to the Oregon Court of Appeals.
- Q. Basis of an Appeal of the Hearings Officer Decision. The grounds for review of a hearings officer's decision are limited to:
 - 1. Whether the decision followed the process for an expedited land division and appellant raised that issue,
 - 2. Unconstitutionality, and
 - 3. Certain bias or interest on the part of the hearings officer or local government.
- R. Process for Final Plat Approval. Final plats for expedite land divisions shall be reviewed consistent with the requirements in Section 3.106.05.

3.107 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

3.107.1 General Provisions

- A. All subdivisions and PUDs shall conform to all applicable Zoning District Standards, development standards and other provisions of this Ordinance.
- B. A Master Plan for development is required for any application which leaves a portion of the subject property capable of redevelopment.

3.107.2 Submittal Requirements

- A. The following submittal requirements shall apply to all major partition applications and to Preliminary Plan applications for subdivisions and PUDs.
 - 1. All applications shall be submitted on forms provided by the City to the City recorder along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.
 - 2. In addition to the information listed in Subsection 3.106.03 of this ordinance, applicants for subdivisions, and planned unit developments shall submit the following:
 - a. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application;
 - b. Name of the PUD or subdivision.
 - c. Date the drawing was made.
 - d. Vicinity sketch showing location of the proposed land division.
 - e. Identification of each lot or parcel and block by number.
 - f. Gross acreage of property being subdivided or partitioned.
 - g. Direction of drainage and approximate grade of abutting streets.
 - h. Streets proposed and their names, approximate grade, and radius of curves.

- i. Any other legal access to the subdivision, PUD or partition other than a public street.
 - j. Existing topography with contour lines at two (2) foot intervals if ten percent (10%) slope or less, five (5) foot intervals if exceeding ten percent (10%) slope, and a statement of the source of contour information.
 - k. Proposed grading and topographical changes with contour lines at two (2) foot intervals if ten percent (10%) or less slope, five (5) foot intervals if exceeding ten percent (10%) slope.
 - l. All areas to be offered for public dedication.
- B. The following supplemental information shall be required for all PUD Preliminary Plan applications:
 - 1. Calculations justifying the proposed density of development as required by Subsection 2.302.05(C).
 - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
 - 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.
 - 4. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
 - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.

3.107.3 Review Procedures

- A. All Preliminary Plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.203.
- B. Approvals of any preliminary plans for a subdivision or PUD shall be valid for one year after the date of the written decision. A Final Plat for a Final Plan for a subdivision shall be recorded within this time period or

the approvals shall lapse. PUDs which do not involve the subdivision of property shall show substantial progress toward the construction of the project within the one year period or the approval shall lapse.

- C. The Planning Commission, after holding a hearing may extend the approval period for any subdivision or PUD for not more than one (1) additional year at a time provided the applicant demonstrates that all fees payable to the city related to the subdivision have been paid in full. Requests for extension of approval time shall be submitted in writing thirty (30) days prior to the expiration date of the approval period.
- D. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

3.107.4 Form of Final Subdivision Plat

- A. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor.
- B. Where applicable, all Homeowners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney.
 - 1. The final plat shall not be approved by the Planning Commission until the Homeowners Association Agreement, Articles and By- Laws are approved.
 - 2. The Homeowner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes.
 - 3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Homeowners Association, shall be submitted with the final plat for review by the Planning Commission.
 - 4. Signed, original documents of the Homeowners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat.
- C. All plat names shall conform to ORS 92.090.

3.107.5 Final Plat Review of Subdivisions

- A. Staff shall review the final plat for substantial conformance pursuant to Section 3.101.05, and make a recommendation to the Planning Commission.

The final subdivision plat shall be submitted to the Planning Commission for review. The Planning Commission shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Planning Commission shall approve the final plat by authorizing the Planning Commission Chairperson to sign the recording instrument.

- B. City Endorsements: Final plats shall provide signature lines for the Planning Commission Chairperson, the City Recorder, and the City Engineer.
- C. The final subdivision plat shall be filed with the appropriate County Department of Assessment and Taxation.

3.108 SIMILAR USES

3.108.1 Purpose and Scope

The purpose of this Section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein.

3.108.2 Application and Fee

Any application for a similar use shall be filed with the City recorder, after consultation with city engineer and planner and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

3.108.3 Process

Similar use requests shall be reviewed in accordance with the Type II review procedures.

3.108.4 Review Criteria

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

3.108.5 Determination

- A. In approving an application for a similar use, the Planning Commission may:
 - 1. Determine whether the use is prohibited, permitted or conditionally permitted in the specified zone.
 - 2. Determine whether the use is permitted or conditionally permitted in a different zone.
 - 3. Consistent with the development requirements of the identified zone, determine whether additional land use actions, such as conditional use approval or a site plan review, are required.
- B. The determination by the Planning Commission that a proposed similar use cannot be accommodated in a given zone does not preclude an application, by the appropriate party, for an amendment to the text of the Comprehensive Plan and/or Development Code.

3.109 NONCONFORMING USES

3.109.1 Purpose and Scope

Within the zoning districts established by this Ordinance and amendments thereto, uses and structures exist which were lawful before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this Section allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in Subsection 3.109.03. Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment thereto. However, no alteration of a nonconforming use shall be permitted except in compliance with the provisions of this Section.

3.109.2 Application and Fee

An application for an alteration or expansion of a nonconforming use shall be filed with the City recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Nonconforming use requests shall be heard by the Planning Commission pursuant to the provisions of Sections 3.202 and 3.203.

3.109.3 Discontinuation of Use

If a non-conforming use is discontinued for a period of more than twelve (12) consecutive months, the use shall not be resumed unless the resumed use conforms with the requirements of the Ordinance and other regulations applicable at the time of the proposed resumption. In the event that a structure is destroyed by fire or other natural or man-made causes, City staff shall notify the property owner in writing that they have a maximum of one year to resume the former use.

3.109.4 Alterations Required by Law

The alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure shall be permitted, subject to all other laws, ordinance and regulations.

3.109.5 Maintenance

Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations as determined by the City Building Inspector.

3.109.6 Alteration, Restoration, or Replacement

- A. The City recorder, after consultation with city engineer and planner shall authorize restoration or replacement of a nonconforming use or structure when restoration or replacement is made necessary by fire, casualty, or natural disaster, provided that a building permit for the physical restoration or replacement is obtained within one (1) year of the damage or destruction.
- B. The Planning Commission may extend the restoration or replacement period for an additional six (6) months. In no case shall the total restoration or replacement period exceed eighteen (18) months. Requests for extension of restoration or replacement period shall be submitted in writing thirty (30) days prior to the expiration date of the restoration or replacement period.
- C. The alteration of a nonconforming use or structure may be authorized by the Planning Commission, subject to the Type II review procedure, provided that the applicant demonstrates that the proposal satisfies the following criteria:
 - 1. That the alteration of structures would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood
 - 2. If a change in use is requested, the non-conforming use would not be replaced by another non-conforming use (Replacement of a non-conforming use by a use in the same land use category shall not be considered a change of use).

3.109.7 Conditions of Approval

In approving the alteration, restoration, or replacement of a nonconforming use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the criteria set forth in Subsection 3.109.06.

3.110 LOT LINE ADJUSTMENTS

3.110.1 Area of Application

A lot line adjustment is a change to a property boundary that only modifies existing lots and does not create a new parcel of land or reduce the number of lots.

3.110.2 Standards

- A. A lot line adjustment cannot create a parcel. Creation of a parcel requires approval of a land division.
- B. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.
- C. If there are existing structures on the parcels, the lot line adjustment may not result in a setback violation.
- D. The adjustment should not reorient or significantly reconfigure the lots or parcels.

3.110.3 Submittal Requirements

The following information and material must be submitted by the applicant:

- A. Applications for lot line adjustments shall be submitted on forms provided by the City to the City recorder and accompanied by the appropriate fee. The application must be signed by the owners of all lots affected by the application.
- B. Each application shall be accompanied by a preliminary map drawn to scale of not less than one inch equals fifty (50) feet nor more than one (1) inch equals 200 feet, and containing at a minimum, the following:
 - 1. Appropriate identification stating the drawing is a preliminary map.
 - 2. North point, scale and date.
 - 3. Name and addresses of land owners, applicants, engineer, surveyor, planner, architect or other individuals responsible for the plan.
 - 4. Map number and tax lot or tax account number of subject property.

5. The proposed boundary lines and approximate area of the subject property created before and after the adjustment.
6. Dimensions and size in square feet or acres of all proposed parcels.
7. The approximate location and identification of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.

3.110.4 Review Process

A lot line adjustment is subject to Type I-A review.

After a lot line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

- A. A metes and bounds legal description of the adjusted lots is recorded with the appropriate County Clerk.
- B. If required by ORS Chapter 92, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the City for signatures. After signatures are received the applicant files the final plat in the County Clerk's office and returns three (3) copies to the City.

3.111 ANNEXATIONS

3.111.1 Authority of City to Annex

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the City's Urban Growth Boundary and contiguous to the City or separated from it by a stream or right-of-way only.

3.111.2 General Annexation Procedure

- A. Following submission of annexation proposal or initiation, the City recorder, after consultation with city engineer and planner shall set a date for hearing with the City. Notice shall be pursuant to the proposed method of annexation.
- B. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council within ten (10) days for the hearing. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will:
 - 1. Affect the community's air resources;
 - 2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;
 - 3. Relate to areas with natural hazards;
 - 4. Affect the fish and wildlife in the proposed annexation;
 - 5. Utilize energy resources and conserve energy use;
 - 6. Protect open spaces and scenic views and areas;
 - 7. Provide for transportation needs in a safe, orderly and economic manner;
 - 8. Provide for an orderly and efficient arrangement of public services;
 - 9. Provide for the recreation needs of the citizens;
 - 10. Affect identified historical sites and structures and provide for the preservation of such sites and structures;

11. Improve and enhance the economy of the City; and
 12. Provide quality, safe housing through a variety of housing types and price ranges.
- C. The City recorder shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in 3.111.02 (B).

3.111.3 Annexation by Election

- A. The Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS. 222.850 to 222.915, to dispense with submitting the proposal for annexation to the registered voters of the City.
- B. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more than twelve (12) months apart.
- C. Two (2) or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.
- D. The Council shall give notice of each annexation election by publication prior to such election once each week for four (4) successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four (4) public places within the City if votes are to be cast therein and four (4) public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the

City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.

3.111.4 Annexation Procedure Without City Election

- A. By ordinance, the Council may elect to dispense with submitting the annexation proposal to the registered voters of the City, set a date for public hearing, at which time the registered voters of the City can be heard on the annexation proposal.
- B. Notice of the public hearing shall be published once a week for two (2) successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four (4) public places in the City for a like period.
- C. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation.
- D. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation:
 - 1. Declare that the territory is annexed to the City upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - 2. Declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 3.200.

3.111.5 Annexation Procedure with Election in Proposed Territory

- A. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:
 - 1. The public hearing procedure shall be pursuant to Subsections 3.111.02 (A) and (B); and Subsections 3.111.04 (B), and (C). If the Council dispenses with submitting the question to the registered voters of the City; or

2. The Council takes the necessary action to call the annexation election in the City under Subsection 3.111.03 (D), if the Council submits the question to the registered voters of the City.

3.111.6 Island Annexation

- A. It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory.
- B. Notice and procedure for public hearing shall be provided pursuant to the provisions of Section 3.111.02.
- C. If the Council elects to submit the questions to the registered voters of the City, procedure shall be pursuant to Subsection 3.111.03.

3.111.7 Submission of Annexation Reports

- A. The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within ten (10) days from the effective date of the change of any boundary lines.
- B. With the exception of "Island Annexation" the City recorder, after consultation with city engineer and planner shall submit to the Secretary of State:
 1. A copy of the annexation ordinance;
 2. An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexation;
 3. A copy of the statement of consent of landowners in the territory annexed;
 4. A copy of the ordinance of the City declaring that no election is required in the City; and
 5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance.

3.111.8 Effective Date of Annexation

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and Subsection 3.111.07 (B). Thereafter, the annexed territory shall be and remain part of the

City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than ninety (90) days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing.

3.111.9 Zone Designation of Annexed Property

The City Council shall establish the appropriate Plan designation and zoning upon annexation of property to the City.

3.200 ADMINISTRATIVE PROCEDURES

Section 3.201	GENERAL PROCEDURES
3.201.1	Procedure for a Type I-A Review
3.201.2	Procedure for a Type I-B Review
3.201.3	Procedure for Type II and Type III Actions
Section 3.202	PUBLIC NOTICE REQUIREMENTS
3.202.1	Type I Actions
3.202.2	Type II and Type III Actions
3.202.3	Notice for Appeals
3.202.4	Notice Requirements
Section 3.203	PUBLIC HEARING BEFORE THE PLANNING COMMISSION
3.203.1	General Provisions
3.203.2	Public Hearing Procedures
3.203.3	Evidence
3.203.4	Record of Hearing
3.203.5	Limits on Oral Testimony
3.203.6	Exhibits
Section 3.204	REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL
3.204.1	General Provisions
3.204.2	Hearings by City Council
3.204.3	Review by City Council
Section 3.205	APPEAL PROVISIONS
3.205.1	Appeal Period
3.205.2	Form of Appeal
3.205.3	Notice Requirement
3.205.4	Transcript Fees
Section 3.206	FEES
3.206.1	Purpose
3.206.2	General Provisions
Section 3.207	TYPE IV ACTIONS
3.207.1	Initiation
3.207.2	Procedure for Type IV Actions
Section 3.208	REVOCAION OF DECISION
3.208.1	Compliance with Conditions
3.208.2	General Provisions

3.201 GENERAL PROCEDURES

3.201.1 Procedure for Type I-A Review

Applications subject to administrative review shall be reviewed and decided by the City recorder, after consultation with city engineer and planner.

- A. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness.
 - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to thirty (30) days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the review and all related timing provisions either:
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes.
- C. Referrals will be sent to interested agencies such as City departments, school district, utility companies, and applicable state agencies.
- D. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Sections 3.203.
- E. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance;
- F. Notice shall be provided consistent with Section 3.202.01.
- G. A Type I-A land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within twelve (12) days from the date of the decision, pursuant to the provisions of Section 3.205.
- H. The timing requirements established in this Section are intended to allow a final action, including resolution of any appeals, within one hundred twenty (120) days of receipt of a complete application. If for any reason it

appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
2. Public notice shall be mailed to affected parties as specified in Section 3.202.
3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

3.201.2 Procedure for Type I-B Review

Applications subject to administrative review shall be reviewed and decided by the Planning Commission.

- A. Upon receipt of an application for a Type I-B land use action, the City staff shall review the application for completeness.
 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
 2. If incomplete, the applicant shall be notified and provided additional time of up to thirty (30) days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes.
- C. Referrals will be sent to interested agencies such as City departments, police and departments, school district, utility companies, and applicable

state agencies at the City recorder/Clerk's option. If a county road or state highway might be impacted, referrals should be sent to Yamhill or Polk County Public Works and/or ODOT.

- D. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Sections 3.203.
- E. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a recommendation to the Planning Commission based on an evaluation of the proposal, and on applicable criteria as set forth in this Ordinance;
- F. The Planning Commission convenes a meeting to review and make a decision on the application, based upon staff's recommendation and the applicable criteria set forth in this Ordinance.
- G. Approvals of a Type I-B action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
 - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Ensure that the standards of the development code are met;
or
 - b. Fulfillment of the need for public service demands created by the proposed use.
 - 2. Changes of alterations of conditions shall be processed as a new administrative action.
 - 3. Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
 - a. Types of Guarantees. Performance guarantees may be in the form of performance bond payable to the City of Willamina, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form

must be approved by the City Attorney and appropriate documents filed with the City recorder.

- b. Amount of Guarantee. The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.

H. Notice of the decision shall comply with the provisions in Section 3.202.01.

I. A Type I-B land use decision may be appealed to the City Council, by either the applicant or persons receiving notice of the decision. The appeal shall be filed within twelve (12) days from the date of the decision, pursuant to the provisions of Section 3.205.

J. The timing requirements established in this Section are intended to allow a final action, including resolution of appeals for all Type II or Type III land use actions within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
2. Public notice shall be mailed to affected parties as specified in Section 3.202.
3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

3.201.3 Procedure for Type II and Type III Actions

A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.

1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the

applicant.

2. If incomplete, the applicant shall be notified and provided additional time of up to thirty (30) days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only.
- C. Applications for more than one Type I-B, Type II, or Type III land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently. Multiple land use requests involving different processing types shall be heard and decided at the higher processing type.
- D. Referrals will be sent to interested agencies such as City departments, school district, utility companies, and applicable state agencies at the City recorder/Clerk's option. If a county road or state highway might be impacted, referrals should be sent to Yamhill or Polk County Public Works and/or ODOT.
- E. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.202.02.
- F. Staff shall prepare and have available within seven (7) days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
- G. The public hearing before the Planning Commission shall comply with the provisions in Section 3.203.
- H. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:

- a. Protection of the public from the potentially deleterious effects of the proposed use; or
 - b. Fulfillment of the need for public service demands created by the proposed use.
- 2. Changes or alterations of conditions shall be processed as a new administrative action.
- 3. Whenever practical, all conditions of approval required by the City shall be completed prior to occupancy. When an applicant provides information which demonstrates to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Planning Commission may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
 - a. Types of Guarantees. Performance guarantees may be in the form of performance bond payable to the City of Willamina, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City recorder.
 - b. Amount of Guarantee. The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.
 - c. Time Periods. The Planning Commission may grant a waiver of performance for a period not to exceed six (6) months. A request for extension of any waiver granted must be submitted to and approved by the City Council.
- I. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.
- J. A Type II land use decision may be appealed to the City Council by either the applicant or persons receiving notice of the decision. The appeal shall be filed within twelve (12) days from the date of the decision, pursuant to the

provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council.

- K. The timing requirements in established this Section are intended to allow a final action, including resolution of appeals for all Type II or Type III land use actions within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting with in the 120 day period.
 2. Public notice shall be mailed to affected parties as specified in Section 3.202.
 3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

3.202 PUBLIC NOTICE REQUIREMENTS

3.202.1 Type I Actions

- A. Written notice of any Type I-A decision shall be mailed to the applicant.
- B. Written notice of any Type I-B action shall be mailed to the applicant and all property owners, including county and state agencies responsible for roads and highways, within 100 feet of the subject property a minimum of fourteen (14) days prior to the Planning Commission decision. The 14 day period shall serve as a comment period prior to the final decision. Written notice of the final decision shall be mailed to the applicant any property owner or agency that commented on the application.

3.202.2 Type II and Type III Actions

- A. Notice of any public hearings before the Planning Commission or City Council for a Type II or Type III land use action required by this Ordinance shall be published in a newspaper of general circulation in the City at least twenty (20) days prior to the public hearing. Newspaper notice shall only be required for comprehensive plan amendments, subdivisions, vacations, and zone changes.
- B. Written notice of the initial public hearing shall be mailed at least twenty (20) days prior to the hearing date to the owners of property, including county and state agencies responsible for roads and highways, within 100 feet of the boundaries of the subject property.
- C. Where a multiple hearing application is scheduled (Type IV) only a ten (10) day written and published notice shall be required.

3.202.3 Notice for Appeals

- A. Notice of hearings on appeal to either the Planning Commission or City Council shall be pursuant to Subsection (A) above, and shall include written notice at least twelve (12) days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

3.202.4 Notice Requirements

- A. Public notice shall:
 - 1. Explain the nature of the application and the proposed use or uses which could be authorized;
 - 2. Cite the applicable criteria from the ordinance and the plan which apply to the application at issue;

3. Set forth the street address or other easily understood geographical reference to the subject property;
4. State the date, time and location of the hearing;
5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals;
6. Include the name of the City representative to contact and the telephone number where additional information may be obtained;
7. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost;
8. State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and a copy will be provided at reasonable cost;
9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

3.203 PUBLIC HEARING BEFORE THE PLANNING COMMISSION

3.203.1 General Provisions

- A. Land use actions which require a public hearing by the Planning Commission under the provisions of this Ordinance shall be initially heard by the Planning Commission within sixty (60) days of the receipt of a complete application or appeal.
- B. The Planning Commission may continue a public hearing for additional, information, testimony or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date.
- C. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing.
- D. The decisions of the Planning Commission on applications for Type II actions shall be final unless appealed to the City Council pursuant to Section 3.205.
- E. The recommendations of the Planning Commission on applications for Type III actions shall be referred to the City Council for final determination, pursuant to Section 3.204.
- F. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the City Council or Planning Commission, and the parties, an adequate opportunity to respond to each issue.
- G. Appeal of a Type I action shall be heard by the Planning Commission in accordance with provisions of Section 3.205. Findings of the Planning Commission on such appeal shall be final unless further appealed to the City Council.

3.203.2 Public Hearing Procedures

- A. The Public Hearing shall be conducted under the following procedures:
 - 1. Open the public hearing and announce the purpose.
 - 2. Reading of public hearing declarations.

3. Call for abstentions.
4. Ask for objections to jurisdiction.
5. Staff report.
6. Proponents address Commission/Council.
 - a. Principal.
 - b. Others.
7. Opponents address Commission/Council.
8. Questions of proponents and opponents from the floor and Commission/Council directed through Chair/Mayor.
9. Public Agencies.
10. Letters.
11. Proponent/opponent rebuttal.
12. Staff recommendation.
13. Close of hearing.
14. Deliberation of Commission/Council of findings of fact.
15. Decision

3.203.3 Evidence

- A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
- B. The Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal

unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.

- C. All evidence shall be offered and made a part of the public record in the case.
- D. The Planning Commission may take notice of judicially recognizable facts, and members may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The Planning Commission members may utilize their experience, technical competence and specialized knowledge in evaluation of the evidence presented.
- E. Every party is entitled to an opportunity to be heard and to present and rebut evidence.
- F. All interested persons shall be allowed to testify.

3.203.4 Record of Hearing

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

3.203.5 Limits on Oral Testimony

The Planning Commission Chairperson may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

3.203.6 Exhibits

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be retained by the City.

3.204 REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL

3.204.1 General Provisions

- A. Action on Type III Reviews: The City Council shall hear all Type III actions pursuant to Subsection 3.201.02. The City Council action on such requests shall be the final action of the City on the request.
- B. Appeals: The City Council shall hear appeals of all Planning Commission actions conducted pursuant to Section 3.205. The appeal hearing shall be conducted in a manner consistent with Section 3.204. The action of the Planning Commission shall be final and the appeal shall not be heard by the Council if the appeal period has lapsed.
- C. All hearings or reviews required by the City Council shall be heard within thirty (30) days of the Planning Commission's written decision or appeal request. In no instance, however, shall this period extend the date of the hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant.
- D. The decision shall be made by the City Council and written findings prepared listing findings for approval or denial, and any conditions of approval, within two (2) weeks of the hearing by the City Council. In no case, however, shall this decision and the preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application, unless voluntarily agreed to by the applicant.

3.204.2 Hearings by City Council

Actions on quasi-judicial requests shall be conducted at public hearings pursuant to the City Council's adopted rules of procedure. The City Council shall allow opportunity for all parties to be heard and may accept new evidence.

3.204.3 Review by City Council

- A. Review on Record: Except as set forth in Subsection 3.203.03 (B), the City Council review of an appeal on an action by the Planning Commission shall be confined to the record of the initial proceeding. Parties may offer testimony regarding alleged errors in the Planning Commission action. The meeting shall be conducted as set forth in the City Council's adopted rules of procedures. The record of the initial proceeding shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Planning Commission as evidence;
2. All materials submitted by the City Staff with respect to the application;
3. The transcript of the hearing; and
4. The findings and action of the Planning Commission and the notice of decision.

- B. Submission of New Testimony and De Novo Hearings: The City Council may admit additional testimony and other evidence by holding a de novo hearing.

Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.

- C. City Council Action: The City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in Subsection 3.201.02. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120 day review period specified in Section 3.201.02(I).

3.205 APPEAL PROVISIONS

3.205.1 Appeal Period

- A. The decision of the City recorder or designee, after consultation with city engineer and planner, shall be final for a Type I-A land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within twelve (12) calendar days of the date of the final written notice, or unless the City Council, on its own motion, orders review within twelve (12) calendar days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.
- B. The decision of the Planning Commission for a Type I-B or II land use decision, or the appeal of a Type I-A decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within twelve (12) calendar days of the date of the final written notice, or unless the City Council, on its own motion, orders review within twelve (12) calendar days of initial action. An appeal stays the proceedings in the matter appealed until the determination of the appeal.
- C. A decision of the City Council shall be final unless a notice of intent to appeal is filed pursuant to the Land Use Board of Appeals (LUBA) Notice of Intent to Appeal instructions within twenty one (21) calendar days of the date of the final written notice.

3.205.2 Form of Appeal

Appeal requests shall be made on forms provided by the City and shall state the alleged errors in the Planning Commission action.

3.205.3 Notice Requirements

- A. Notice of hearings by the Planning Commission on appeal requests shall be as specified in Section 3.202.
- B. Notice of hearings by the City Council on appeal requests shall be as specified in Section 3.202.

3.205.4 Transcript Fees

In addition to other fees for appeal requests, any person requesting a verbatim transcript shall pay a transcript fee equal to the actual cost of the preparation of the transcript up to \$500, plus one-half (1/2) the actual costs over \$500. The cost of the transcript fee shall be determined by the cost per page for the preparation of such transcripts, at the rate of \$0.25 per page.

The City shall estimate the cost of the transcript at the time of the filing of the

appeal request and shall receive a deposit in that amount. The person requesting a verbatim transcript shall be billed for actual costs in excess of the deposit or receive a refund for surplus deposit funds in excess of transcript fees authorized by this Section.

3.206 FEES

3.206.1 Purpose

Fees are for the purpose of defraying administrative costs.

3.206.2 General Provisions

- A. Fees shall be payable at the time of application and shall be as set forth by Ordinance or Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
- B. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. Fees are not refundable unless the application is withdrawn prior to the notification of the hearing. Refund amounts are subject to all billable staff time accrued on a file prior to the date of written request to withdraw application.
- D. The City Council may reduce or waive the fees upon showing of just cause to do so.

3.207 TYPE IV ACTIONS

3.207.1 Initiation

Type IV may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.

3.207.2 Procedure for Type IV Actions

A. Public Hearings by Planning Commission

- 1. A public hearing shall be held by a majority of the Planning Commission on all proposed amendments to this Ordinance and on all legislative amendments to the Zoning Maps.

The Planning Commission may continue any hearing in order to make a reasonable decision.

- 2. Amendments shall be considered and acted upon by the Planning Commission and no extension granted by the City Council, the City Council may act upon the amendment.
- 3. Notice of the time, place and purpose of the Planning Commission's hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than twenty (20) days prior to the date of hearing.

- B. Public Hearing by City Council: Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation on proposed amendments. Notice shall be as specified in Section 3.202.

3.208 REVOCATION OF DECISION

3.208.1 Compliance with Conditions

Compliance with conditions imposed by the City recorder, Planning Commission or City Council in granting a permit for any land use action shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance.

3.208.2 General Provisions

- A. The City recorder, after consultation with city engineer and planner, or designee may initiate a revocation of any land use permit or approval issued for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type II hearing and in accordance with the procedures for a Type II hearing.
- B. Final decisions regarding Comprehensive Plan text or map amendments, Development Code text amendments or zone changes shall not be subject to revocation.