



# CITY COUNCIL

## Business Meeting Agenda

Tuesday May 16, 2023, 6:00 PM  
City Hall, 420 Sixth Ave

1. Call to Order/ Roll Call/Pledge of Allegiance
2. Agenda Adjustments  

Adjustments to the agenda are limited to a change in the order of business to accommodate visitors making presentations or citizens who are attending for the purpose of a single agenda item. Adjustments in the form of additions to the agenda are discouraged because the general public has had no prior notice of their consideration, and therefore interested persons will not have an opportunity to participate. Adjustments in the form of deletions from the agenda may be accomplished here so long as there is disclosure of the reason for the deletion and an indication as to when or if the item will be placed on a future agenda.
3. Announcements, Correspondence, Awards and Proclamations
4. Public Input – Limited to 5 minutes or less per speaker per Mayor's discretion
5. Public Hearing
  1. First Reading of an Ordinance adopting proposed text amendments to Title 17 of the Gold Hill Municipal Code as recommended by the Gold Hill Planning Commission.
6. Consent Agenda
  1. Approval of Meeting Minutes
    - a) May 2, 2023
    - b) April 18, 2023
7. Action Items
  - A) Request for fee waiver, vendor approval for Happy Tails Festival at the Sports Park on September 16, 2023
  - B) Review and Approval of Lease Agreement between the City of Gold Hill and the Oregon State Police for a portion of the City Hall facility located at 420 Sixth Ave.
  - C) Update and direction on City Manager Recruitment next steps
8. Reports from Councilors
9. City Manager Report – N/A
10. Adjournment

**Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are available at the Gold Hill City Hall in advance of each meeting 420 6th Avenue (P.O. Box 308), Gold Hill, OR 97525. Information can also be viewed at [www.cityofgoldhill.com](http://www.cityofgoldhill.com)**



## Council Communication

<b>Agenda Item</b>	Public Hearing and Ordinance Adopting Development Code Text Amendments to Title 17 of the Gold Hill Municipal Code		
<b>From</b>	Adam Hanks	Interim City Manager	
<b>Contact</b>	<a href="mailto:Adam.hanks@cityofgoldhill.com">Adam.hanks@cityofgoldhill.com</a>	<b>Date</b>	May 16, 2023

### SUMMARY

Before Council is an ordinance that facilitates the adoption of development code text amendments to Title 17 of the Gold Hill Municipal Code, commonly referred to as the Gold Hill Land Use Code. The Gold Hill Planning Commission, consistent with state and local requirements, held a public hearing on May 3, 2023, and formally recommended the amendments reflected in the attached Exhibit A, being the draft of Title 17 revisions. The draft document and Planning Commission recommendation are a culmination of many months of Commission meetings and workshops reviewing existing code, relevant sample codes from other municipalities and staff suggestions.

### PREVIOUS COUNCIL ACTION

No prior formal Council action has occurred other than likely supporting the grant application and approving the acceptance of the Department of Land Conservation Department (DLCD) grant of \$25,000 that funded and made this project possible.

### BACKGROUND AND ADDITIONAL INFORMATION

A staff report that includes required findings of fact and conclusions of law and applicable criteria has been prepared for the Council public hearing by the City’s contract Associate Planner James Schireman of the Rogue Valley Council of Governments, who has been instrumental in providing support, guidance and professional expertise to the Planning Commission for the majority of this project.

### FISCAL IMPACTS

This project was funded by DLCD with a maximum reimbursable cap of \$25,000. Staff continues to work with DLCD grant staff to ensure all required grant deliverables will be submitted prior to the grant completion deadline of May 31.

### STAFF RECOMMENDATION

Staff recommends adoption of the revisions to Title 17 of the Gold Hill Municipal Code as recommended by the Gold Hill Planning Commission and supported by the associated findings and conclusions.

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

- 1) I move to approve Ordinance 23-R-5 titled “An Ordinance adopting development code revisions to Title 17 of the Gold Hill Municipal Code as presented and recommended by the Gold Hill Planning Commission.”
- 2) I move to approve Ordinance 23-R-5 titled “An Ordinance adopting development code revisions to Title 17 of the Gold Hill Municipal Code as presented and recommended by the Gold Hill Planning Commission, with the following amendments...\_\_\_\_\_”

**REFERENCES & ATTACHMENTS**

- 1) Staff Report and Findings for Title 17 Text Amendments
- 2) Draft Ordinance adopting Revisions to Title 17 of the Gold Hill Municipal Code
- 3) Planning Commission recommended revisions to Title 17 of the Gold Hill Municipal Code

**CITY OF GOLD HILL  
DEVELOPMENT CODE TEXT AMENDMENT  
EXTENSIVE TITLE 17 REVISIONS**

**APPLICANT:** City of Gold Hill

**APPLICATION:** The proposal is an ordinance amending numerous sections within Titles 17, zoning, of the City of Gold Hill Municipal Code. These proposed amendments focus on the standards regarding development within the urban growth boundary in the City of Gold Hill as required by both the State and Department of Land Conservation and Development (DLCD).

**STAFF RECOMMENDATION:** Approval

**I. BACKGROUND:**

The City of Gold Hill Zoning Code guides development within Gold Hill, based on the adopted Comprehensive Plan. Zoning codes regulate what can and can't be done on a particular piece of property – they influence where we live, where we work and how we get around. Zoning can be used to help attract new businesses, encourage the construction of new housing and protect natural resources. Because zoning codes have a significant impact on how we build and shape our community, they are an important tool in fostering equitable and sustainable growth.

Ultimately, a zoning code reflects the conditions of the time it was written, promoting certain past ideas of our needs, desires and values. In order to preserve the vitality and efficiency of such a document, the City of Gold Hill pursued a technical grant funded by the Department of Land Conservation and Development with the intent to perform a comprehensive update of the municipal code. Overall, the goals for the code update were to:

1. Modernize our zoning code to reflect our community's current and future needs, values, and aspirations.
2. Address modern day issues identified by Staff and the Planning Commission;
3. Align with State and Federal Laws; and,
4. Provide a user-friendly document through organization, clear and simplified language, and the use of tables and graphics;

The project first began in early 2022, but a large portion of the review regarding title 17 didn't begin until August of 2022, when Associate Land Use Planner James Schireman took lead on the project. Since then, staff met with the Gold Hill Planning Commission in a public workshop setting one to two times a month to review concepts and research, identify regulatory intent, and revise potential draft language.

With the changes incorporated into the document shown in exhibit A, staff finds that these proposed changes will enable the City of Gold Hill to more efficiently regulate development within the city, afford new economic & residential opportunities, and ultimately preserve the character of Gold Hill. The primary themes of the proposed changes are listed below.

## II. Proposed Title 17 Changes:

### **Accessory Dwelling Units (ADU's)**

On recommendation from both staff and DLCD, the planning commission decided to implement further flexibility when it came to regulating accessory dwelling units within the city of Gold Hill. The maximum size for ADU's was increased from 600 square feet to 900, so long as the ADU is no larger than 75% of the primary dwelling's square footage. The commission approved even greater flexibility regarding ADU's built within structures, such as above garages or within daylight basements. These types of ADU's are allowed to go above the 900 Sq. Ft maximum so long as they are confined to the existing footprint of the building.

### **Parking**

In response to a set of state mandated parking regulations largely seeking to reduce the amount of parking mandated by cities, the Planning Commission listened to staff presentations, analyzed regulatory language, and deliberated options for maintaining compliance while also factoring in the local context of Gold Hill. Ultimately, the commission viewed the option offered in OAR 660-012-0420 of removing all parking minimums city-wide as the best option for the city of Gold Hill. This necessary code reform not only ensures that the City of Gold Hill remains compliant with DLCD regulations, but also differentiates the community as one of the first small cities to remove parking minimums citywide. Staff anticipate that removing this provision will ensure future development to be compact, affordable, and most importantly, feasible.

### **Downtown Revitalization**

In scoping and discussing the code review project, commissioners expressed a desire to implement a wider array of tools to assist in revitalizing Gold Hill's downtown. Staff identified a need for the downtown to consolidate both tourist and resident oriented goods and services, and proposed a more concise set of allowed uses within the zone. The revisions focused on allowing activities such as restaurants, commercial retail, and medical offices to occur within the downtown, while keeping less appropriate uses such as automotive repair and self-storage to occur in other zones such as the General Commercial and Light Industrial districts. Previously, the C-1 zone also sought to meet this need for surrounding residential areas, but as the commission and staff narrowed the purpose of the downtown, the need for a C-1 zone was largely eliminated and therefore struck from the code. Later on in the year, staff anticipates the commission will hold a workshop to reexamine the zoning map of Gold Hill and accordingly update it to comply with the new code revisions. Staff anticipate the Downtown zone will be expanded to encompass the commercial and service-oriented land uses along 4<sup>th</sup> avenue.

Revisions to the downtown zone's regulation also introduced a unique advantage: the ability for the zone to allow multi-unit development on the 2<sup>nd</sup> story of spaces. Allowing the downtown to potentially become a mixed-use area affords numerous advantages including economic vitality, general vibrancy, and increased safety within the area. Seeing as it's practically impossible to enter or leave Gold Hill without passing through downtown, staff hope that these land use revisions will enable it to recover and grow.

### **Creation of the Public Zone**

While shown on the comprehensive map, the original development code lacked the standards for a public zone. Staff drafted a model zone which largely focusses on the preservation of natural spaces, yet also has the capacity to host recreational fields, and

institutional assets. In drafting this zone staff ensured the proposed regulations aligned with existing uses within the public zone such as the Gold Hill Library, Hanby Middle School, and the Gold Hill Sports Park.

### **Administration**

Lastly, the new code improves the planning process, giving staff the tools to request exact information regarding a development, or even request and record an official interpretation when a section of the code appears conflicting or vague. The administrative improvements are not only for the benefit of staff as well, but also help to aid citizens and developers in the planning process. For example, the new allowable use tables clearly illustrate which land use is allowed in which zones, allowing citizens to quickly identify the differences and overall intent of each unique zone. In addition, adding the ability for less intensive development activities to be approved at the staff level allows the planning department to operate at reduced costs. Enabling tax payer money to serve other valuable city services, or even be set aside to fund other necessary long range projects in the future.

## **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW and APPLICABLE CRITERIA**

### Section 17.84.030 Criteria for Quasi-Judicial Amendments.

A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval.

#### **FINDING:** Satisfied with Conditions

Removing the standards for the C-1 zone creates a technical conflict between the development code and comprehensive plan map, despite each zone accomplishing the same goal of providing essential commercial services to nearby residents. Furthermore, such conflicts have long existed in the code due to the lack of regulations regarding the R-1-U and P zones, which will only be fully resolved once the city completes a study assessing future zoning locations within Gold Hill.

In order to fully address this potential conflict arising out of the transition period, staff request that a planning interpretation be made to clarify this conflict and apply the standards of the downtown zone in the planned expansion area until the comprehensive planning map and zoning map can be formally amended.

**Condition of approval:** The text amendments evidenced in exhibit A may be approved on the condition that upon the adoption of the new code staff make a planning interpretation clarifying that tax lots within the old C-1 zone shall now be held to the standards of the D zone until the zoning map can be formally amended.

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;

**FINDING:** Satisfied

Staff finds that the primary purpose of this code update was to eliminate conflicting and outdated language found within the development code, and that overall these proposed revisions demonstrate compliance with the standards and criteria of this Code.

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 17 .06.080, as applicable.

**FINDING:** Satisfied

This text amendment is a city sponsored application and proactively seeks to resolve identified deficiencies within the comprehensive plan rather correct a mistake or inconsistency discovered through a development action.

#### **IV. RECOMMENDATION**

Having found all the above criteria adequately satisfied, both City Staff and the planning commission recommend that the City Council **approve** text amendment 23-01, amending title 17, Zoning, with the text attached in Exhibit A.

Respectfully Submitted,

James Schireman  
Contract Planner

## **Chapter 17.04 – General Provisions**

### Sections:

17.04.010	Title
17.04.020	Purpose
17.04.030	Compliance Required
17.04.040	Annexed Area
17.04.050	Interpretation.
17.04.060	Minimum requirement maintenance.

### **17.04.010 Title**

This title shall be known as the city Zoning Ordinance of 1972. (Ord. 384 §1.010, 1972).

### **17.04.020 Purpose**

The purpose of this title is to encourage the most appropriate use of land; to conserve and ~~stabilize~~ stabilize the value of property; to facilitate fire and police protection; to provide adequate open space for light and air; to minimize congestion on streets; to promote orderly growth of the city; to prevent undue concentrations of population; to facilitate adequate provisions of community facilities; and in general to promote in other ways public health, safety, convenience, and general welfare. (Ord. 384 §1.020, 1972).

### **17.04.030 Compliance Required**

A lot may be used and a structure or part of a structure constructed, ~~reconstructed~~ reconstrue- ted, altered, occupied, or used only as this title permits. (Ord. 384 §2.010, 1972).

### **17.04.040 Annexed Areas**

~~Zoning regulations in effect in an area prior to annexation to the city shall continue to apply and shall be enforced by the city until such time as comprehensive zoning has been adopted. Areas annexed to the city which are not zoned shall be automatically classified as a R-1-U district until comprehensive zoning for the area has been adopted unless zoning hearings are held concurrently with the annexation and the zoning adopted at the time of annexation.~~ (Ord. 384 §2.060, 1972).

### **17.04.050 Interpretation.**

The provisions of this title shall be held as the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern. (Ord. 384 §4.210, 1972).

**17.04.060 Minimum requirement maintenance.**

No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension, or size below the minimum required by this title, nor shall any lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use. (Ord. 384 §4.170, 1972).

## **Chapter 17.08 – Definitions**

Sections:

17.08.010	<a href="#">Purpose and Applicability Generally</a>
17.08.020	Access.
17.08.030	Accessory structure or accessory use.
17.08.040	Alley.
17.08.050	Boarding and rooming house.
17.08.055	Child care.
17.08.060	City council or council.
17.08.070	Dwelling, <del>group.</del>
<del>17.08.080</del>	<del>Dwelling, multifamily.</del>
<del>17.08.090</del>	<del>Dwelling, single family.</del>
<del>17.08.100</del>	<del>Dwelling, two family.</del>
<del>17.08.110</del>	<del>Dwelling unit.</del>
17.08. <del>080</del> <del>120</del>	Grade.
17.08. <del>090</del> <del>130</del>	Kennel.
17.08.100 <del>40</del>	Lot.
17.08.110 <del>50</del>	Mobile home.
17.08.120 <del>60</del>	Mobile home park.
17.08.130 <del>70</del>	Nonconforming structure or use.
17.08.140 <del>80</del>	Outdoor advertising structure.
17.08.150 <del>190</del>	Owner.
17.08.160 <del>200</del>	Professional office.
17.08.170 <del>203</del>	Residential facility.
17.08.180 <del>206</del>	Residential Home.
17.08.21 <del>190</del>	Sign.
<a href="#">17.08.200</a>	<a href="#">Solar</a>
17.08.21 <del>20</del>	Street.
17.08.22 <del>30</del>	Structure.
17.08.23 <del>40</del>	Use.
17.08.24 <del>50</del>	Yard.

### **17.08.010 Purpose and Applicability Generally**

The purpose of Chapter 17.08 is to define terms that are used in the City of Gold Hill Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

A. Definitions. The definitions in Chapter 17.08 apply to all actions and interpretations under the City of Gold Hill Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and

that intent shall control.

B. When a term is not defined. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

C. Conflicting Definitions. Where a term listed in Chapter 17.08 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

~~As used in this title the masculine includes the feminine and the singular includes the plural. (Ord. 384 §1.030(part), 1972).~~

**17.08.0210 Access**

"Access" means the way or means by which pedestrians and vehicles enter and leave property. (Ord. 384 § 1.030(1), 1972).

**17.08.0310 Accessory structure or accessory use.**

"Accessory structure" or "accessory use" means a structure or use incidental and subordinate to the main-use of prop-erty and located on the same lot as the main use. (Ord. 384 §1.030(2), 1972).

**17.08.040 Alley.**

"Alley" means a street which af-fords only a secondary means of access to property. (Ord. 384 §1.030(3), 1972).

**17.08.050 Boarding and rooming house.**

"Boarding and rooming house" means a dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided, for compensation, for three or more persons. (Ord. 384 §1.030(4), 1972).

**17.08.06055 Child care.**

"Child" means a child under thirteen years of age.

"Child Care, -means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours of the day, in a place other than the child’s home, with or without compensation.

~~-means care and protection provided to a child during any part of a twenty-four hour day, with or without compensation, including for board, supervision, and/or training given at the premises other than the normal residence of a child. Same as family care providers.~~

“Child Care Center” means a child care facility, other than a family child care home, that is certified under ORS 329A.280 (3).

“Family Child Care Home” means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330. A family child care home is a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

~~“Child care facility” means a commercial enterprise where more than thirteen children are cared for during the day, a facility providing care for compensation for more than thirteen children during a twenty-four hour period. This includes kindergarten, after-school care, day care, group home, or other similar unit operating under any name, but not including any facility providing care that is primarily educational, unless provided to a preschool child for more than four hours per day. (Ord. 93-05 §1, 1993).~~

### **17.08.060 City council or council.**

“City council” or “council” means the city council of Gold Hill, Oregon. (Ord. 384 §1.030(5), 1972).

#### 17.08.070 Dwelling

A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses, and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit. For the purposes of this Code, the following types of dwelling units are defined:

“Accessory Dwelling.” A secondary dwelling unit on a lot where the primary use is a single-family dwelling.

“Attached, Single-Family” (Townhome). A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

“Duplex Dwelling.” A structure that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

“Dwelling Unit.” A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill

or wet bar.

“Manufactured 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 in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

“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.

“Multifamily Development.” A structure or grouping of structures containing three or more dwellings on the same lot.

“Multifamily Structure.” A structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.

“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.

“Recreational Vehicle (RV).” 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 is further defined by state law and/or administrative rules.

“Residential Home” is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).

“Residential Facility” is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

“Senior Housing.” Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

“Single-Family, Detached Dwelling.” A detached dwelling unit located on its own lot.

**17.08.070 — Dwelling, group.**

~~"Group dwelling" means a group of two or more detached buildings used for dwelling purposes located on a parcel of land in one ownership and having any yard or court in common. (Ord. 384 §1.030(6), 1972).~~

**17.08.080 — Dwelling, multifamily.**

~~"Multifamily dwelling" means a building containing three or more dwelling units. (Ord. 384 §1.030(7), 1972).~~

**17.08.090 — Dwelling, single family.**

~~"Single family dwelling" means a detached building containing one dwelling unit. (Ord. 384 §1.030(8), 1972).~~

**17.08.100 — Dwelling, two family.**

~~"Two family dwelling" means a detached building containing two dwelling units. (Ord. 384 §1.030(9), 1972).~~

**17.08.110 — Dwelling unit.**

~~"Dwelling unit" means one or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purpose of this title, "dwelling unit" does not include "mobile home." (Ord. 384 §1.030(10), 1972).~~

**17.08.08120 — Grade.**

**The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon).** ~~"Grade" (ground level) means the average elevation of the finished ground elevation 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. (Ord. 384 §1.030(11), 1972).~~

**17.08.09130 — Kennel.**

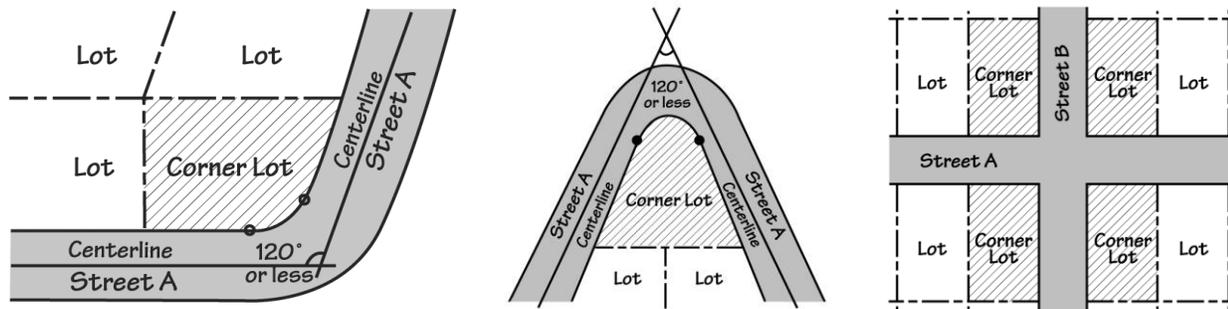
~~"Kennel" means any lot or premises on which three six or more dogs and/or cats at least six months of age are boarded or bred for compensation. Establishments where animals are offered for sale as the~~

primary use, such as pet stores, are not classified as kennels kept, boarded or trained, whether in special buildings or runways or not. (Ord. 384 §1.030(12), 1972).

**17.08.1040 Lot.**

**A lot is a legally defined piece of land other than a tract that is the result of a land division. The following definitions for “lot” apply to the state definition of both lot (result of subdividing) and parcel (result of partitioning). See figures, below. “Lot” means a parcel or tract of land. (Ord. 384 §1.030(13), 1972).**

“Corner Lot.” A lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the centerline of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot.



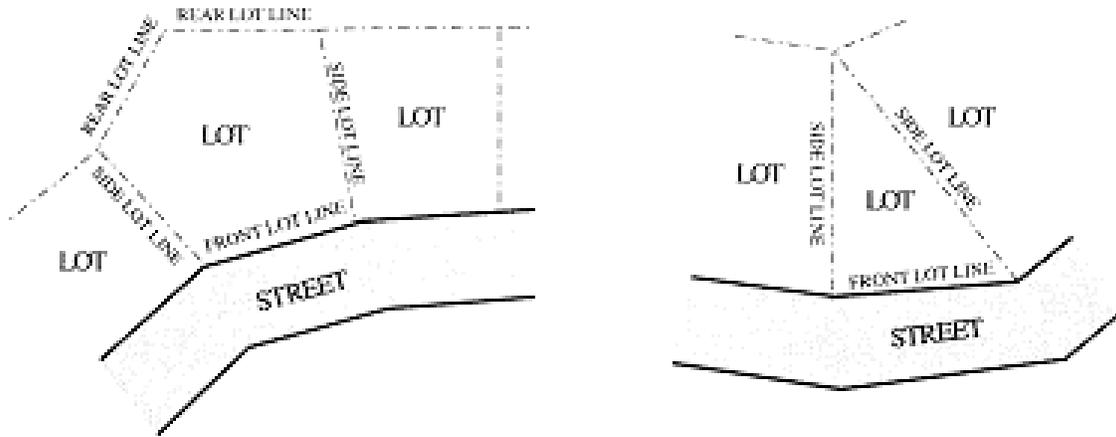
“Flag Lot.” A lot with two distinct parts:

The flag, which is the only building site and is located behind another lot; and

The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.

“Through/Reverse Frontage Lot.” A lot that has frontage on two parallel or approximately parallel streets. Also known as a “Double Frontage Lot.”

“Irregular Lot.” A lot featuring abnormal geometry, due to historic subdivision, surrounding features or rights of way, or any other extraordinary factors. Irregular lots typically feature more or less than the usual number of lot line types, typically 1 front, 1 rear, and 2 sides.



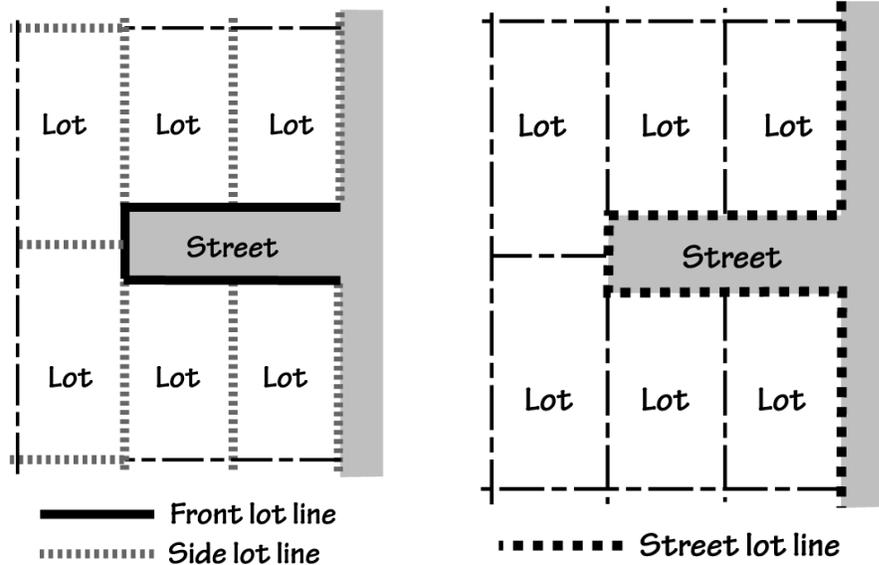
“Lot Line.” The property lines along the edge of a lot or site. See types and figures, below.

“Front Lot Line”. A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

“Rear Lot Line”. A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. Refer to irregular lot figures above.

“Side Lot Line”. A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line.

“Street Lot Line” A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines, however, both are considered front yards for the purpose of measuring required setbacks. See figures below.



**17.08.1150 Manufactured Mobile home.**

Refer to 17.08.070 “dwelling” for definitions regarding Manufactured and Mobile homes. "Mobile home" means a building or vehicle over thirty feet with permanent connection to a sewer, which is portable or which was originally designed to be portable and which was constructed to permit occupancy for dwelling or sleeping purposes. (Ord. 384 §1.030(14), 1972).

**17.08.1260 Manufactured Mobile home park.**

Any place where four or more manufactured dwellings 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 or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot. See also, ORS Chapter 446. "Mobile home park" means a plot of ground upon which one or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation. (Ord. 384 §1.030(15), 1972).

**17.08.1370 Nonconforming structure or use.**

"Nonconforming structure or use" means a lawful structure or use existing at the time the ordinance

codified in this title or any amendments thereto became effective and not conforming to the requirements of the zone in which it is located. (Ord. 384 §1.030(16), 1972).

**17.08.1480 Outdoor advertising structure.**

"Outdoor advertising structure" means any sign that is not on the same property or premises as the activity, service, business, or product which it advertises, identifies, directs, or refers to. (Ord. 384 §1.030(17), 1972).

**17.08.1590 Owner.**

"Owner" includes an authorized agent of the owner. (Ord. 384 §1.030(18), 1972).

**17.08.16200 Professional office.**

"Professional office" means offices which deal primarily in professional services, and in which goods, wares, merchandise are not commercially created, sold, or exchanged, including medical, engineering and architectural, law, accounting, bookkeeping, and brokerage offices. (Ord. 384 §1.030(19), 1972).

**17.08.17203 Residential facility.**

**is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.**

~~"Residential facility" means 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 the 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. (Ord. 89-07 (part), 1989).~~

**17.08.18206 Residential home.**

**is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).**

~~"Residential home" means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (Ord. 89-07 (part), 1989).~~

**17.08.190210 Sign.**

**Any outdoor device, or device visible from outdoors, providing identification, advertising, or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. included in this definition of signs are: graphic devices such as logos and trademarks; attention-attracting objects such as wind-driven spinners, portable sign devices, logo sculptures, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, and laser projected designs/images/copy; and other attention attracting media and devices. "Sign" means an identification, de-scription, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, struc-ture, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered a sign. (Ord. 384 §1.030(20), 1972).**

**17.08.200 Solar.**

**“Household Panels.**

**Solar energy collectors placed on roofs with the intent to capture enough energy to partially or completely power a dwelling.**

**“Array.”**

**Freestanding collections of solar panels located to maximize energy production with the intent to provide power to multiple dwellings, business operations, or generate revenue by feeding into the electrical grid.**

**17.08.21020 Street.**

**A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel; or for motor vehicle, bicycle, or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys and rail rights-of-way that do not also allow for motor vehicle access, or freeways and their ramps. "Street" means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road," "high-way," "lane," "place," "avenue," "alley," and other similar designations. (Ord. 384 §1.030(21), 1972).**

**17.08.2230 Structure.**

**Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials. "Structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. ( Ord 384. §1.030(22), 1972).**

## **Chapter 17.12 – Districts, Zoning Map and Boundaries**

### Sections:

17.12.010	Zones Established
17.12.020	Zoning map – Adopted
<a href="#">17.12.030</a>	<a href="#">Zoning map – Areas to be Annexed</a>
17.12.0430	Zoning map – Amendment
17.12.0540	Boundaries

### **17.12.010 Zones Established**

For the purposes of this title the following zones are established in the city:

<b>District</b>	<b>Abbreviation</b>
Residential Single Family	R-1
Residential Two Family	R-2
Residential Multiple-Family	R-3
<del>Commercial Limited</del>	<del>C-1</del>
Commercial General	C-2
<del>Commercial Central Downtown</del>	<del>C-3 D</del>
Industrial Limited	M-1
Residential Undeveloped	R-I-U

### **17.12.020 Zoning map – Adopted**

The City’s official Zoning Map (“Zoning Map”), which may be published, amended, and filed separately from this ordinance, is part of this ordinance. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this ordinance. In addition, this ordinance may contain zoning regulations for special areas, (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map. boundaries for each district listed in this title are the boundaries indicated for the district by the city zoning map of 1972, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments, which amendments to, this section subsequently adopts by reference. (Ord. 384 §2.030, 1972).

### **17.12.030 Zoning map – Areas to be Annexed**

Concurrent with annexation of land, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant with chapter 17.104 The Comprehensive Plan shall guide the designation of zoning for annexed areas.

### **17.12.0430 Zoning map – Amendment**

A zoning map or zoning map amendment adopted by Section 17.12.020 or by an amendment to the section shall be prepared by authority of the city planning commission or be a modification by the city council of a map or map amendment so prepared. The map or map amendment shall be dated with the

date of its approval by the planning commission or the effective date of the ordinance that adopts the map or map amendment. A certified ~~copy~~print of the most recently-adopted map and it's or map amendments shall be maintained, until a new map reflecting the amendments can be drafted. Such a map shall be kept in physical and digital formats without change in the office of the city record as long as this title remains in effect. (Ord. 384 §2.040, 1972).

### **§ 17.12.0530 Boundaries**

Except as ~~Unless~~ otherwise specified by this ordinance, the City's zoning district boundaries are lot lines, the centerline of streets, and railroad right-of-way, or such lines extended. Where due to the scale, lack of scale, lack of detail or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a zoning boundary, the Staff Advisor or, upon referral, the Planning Commission or City Council, shall determine the boundary as follows: If a district boundary divides a lot into two district, the lot shall be placed in the district that accounts for the great area of the lot by the adjustment of the district boundary, provided the boundary adjustment is for a distance not to exceed twenty feet. (Ord. 384 §2.050, 1972).

#### **D. Rights-of-way.**

Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning boundary, the vacated lands within the former right-of-way shall be allocated proportionally~~proportionately~~ to the abutting zones.

#### **E. Parcel, lot, tract.**

Where a zoning boundary splits a lot into two zones and the minimum width or depth of a divided area is 20 feet or less, the entire lot shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the zoning boundary. Where a zoning boundary splits a lot into two zones and the minimum width and depth of both divided areas is greater than 20 feet, the lot shall have split zoning with lot area designated proportionately to each zone.

#### **F. Jurisdiction boundary.**

Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.

#### **G. Natural features.**

Boundaries indicated as approximately following the centerlines of a river or stream, a topographic contour, or similar feature not corresponding to any feature listed in section 17.12.030, above, shall be construed as following such feature.

## **Chapter 17.14 – Allowed Uses in Residential Zones**

### Sections:

17.14.010 Purpose

17.14.020 Allowed Uses

17.14.030 Planning Commission Determination.

### **§ 17.14.010 Purpose**

#### **H. Generally**

Chapter 17.14 serves as an administrative tool to both citizens, developers, and city staff, summarizing the different allowed uses across similar zones. This chapter examines the 4 use categories across the 3 residential zones, specifically R-1, R-2, and R-3.

#### **B. Conflicts between the Table and Individual Zoning Chapters**

Should an allowed use displayed in any of these tables conflict with the uses allowed by a zone’s respective chapter, the uses and standards listed within the respective chapter shall generally be viewed as the more stringent and prevailing standard. In the case that city staff finds this determination to conflict directly with the intent comprehensive plan, city staff may initiate a code interpretation in accordance to chapter 17.100.

### **§ 17.14.020 Allowed Uses**

Allowed uses shall include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 17.14.020. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Industrial and Mixed Employment. Where Table 17.14.020 does not list a specific use, and Definitions of this code do not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section 17.100 Code Interpretations. Uses not listed in Table 17.14.020 and not found to be similar to an allowed use are prohibited.

#### **A. Permitted Uses and Uses**

Permitted Subject to Special Use Standards. Uses listed as “Permitted (P)” are allowed provided they conform to Lot and Development Standards of their respective Zone. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Special Use Standards and Lot and Development Standards of their respective zone.

#### **B. Conditional Uses.**

Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of Chapter 17.72 Conditional Use Permits.

#### **C. Special Uses**

Uses listed as “Permitted Subject to Special Use Standards (S)” are required by all the special standards criteria. The special standards for the use can be found within the respective zoning chapter, under the “Special Use Standards” subsection. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Special Use Standards and Lot and Development Standards of their respective zone.

**D. Accessory Uses.**

Uses identified as “Allowed as accessory to another allowed use (A)” are permitted only as accessory uses, being limited in scale, location, or scope, subject to the requirements of Chapter 17.64.030 Accessory Uses.

**17.14.030 Planning Commission Determination.**

When doubt emerges as to whether a proposed use is similar to one allowed within a zone, the Planning Official or Commission shall make a code interpretation following the procedure contained in 17.100 to produce a finding, determining whether the proposed use is consistent with an already allowed use or the overall intent of the zone.

[17.14 – Allowed Uses in Residential Zones – Table A: Residential Uses]

<b>Table 17.14.020(A) – Residential Uses Allowed by Zoning District</b>			
<b>Residential Uses</b>	<b>Residential Zones</b>		
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>
Single-Family Dwelling, detached	<b>P</b>	<b>P</b>	<b>N</b>
Single-Family Dwelling, Attached (Townhome)	<b>N</b>	<b>S</b>	<b>N</b>
Accessory Uses and Structures	<b>A</b>	<b>A</b>	<b>A</b>
Accessory Dwelling	<b>A</b>	<b>A</b>	<b>N</b>
Bed and Breakfast	<b>C</b>	<b>N</b>	<b>N</b>
Boarding or Rooming House	<b>N</b>	<b>C</b>	<b>N</b>
Duplex Dwelling	<b>S</b>	<b>S</b>	<b>N</b>
Triplex Dwelling	<b>N</b>	<b>P</b>	<b>P</b>
Multi-unit Development (More than 3 Units)	<b>N</b>	<b>N</b>	<b>S</b>
Manufactured/Mobile Home	<b>P</b>	<b>P</b>	<b>N</b>
Manufactured/Mobile Home Park	<b>N</b>	<b>S</b>	<b>N</b>
Family Daycare Center (Care for not more than 16 children)	<b>S</b>	<b>P</b>	<b>A</b>
Residential Care Home	<b>P</b>	<b>P</b>	<b>N</b>
Residential Care Facility	<b>N</b>	<b>P</b>	<b>P</b>
Home Occupation	<b>S</b>	<b>S</b>	<b>N</b>
Household Solar Panels	<b>A</b>	<b>A</b>	<b>A</b>
Vacation Rental Dwellings	<b>N</b>	<b>S</b>	<b>N</b>

[17.14 – Allowed Uses in Residential Zones – Table B: Public and Institutional Uses]

<b>Table 17.14.020(B) – Public and Institutional Uses Allowed by Zoning District</b>			
<b>Public and Institutional Uses</b>	<b>Residential Zones</b>		
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>
Automobile Parking, Public Off-street Parking	<b>N</b>	<b>N</b>	<b>N</b>
Cemetery, including Crematorium	<b>N</b>	<b>N</b>	<b>N</b>
Family Daycare Center (Care for not more than 16 children)	<b>S</b>	<b>N</b>	<b>N</b>
Club Lodge, Fraternal Organization	<b>N</b>	<b>N</b>	<b>N</b>
Community Service; includes Governmental Offices	<b>N</b>	<b>N</b>	<b>C</b>
Community Garden	<b>P</b>	<b>P</b>	<b>N</b>
Clinic, Outpatient Only	<b>N</b>	<b>P</b>	<b>N</b>
Emergency Services; includes Police, Fire, Ambulance	<b>C</b>	<b>C</b>	<b>C</b>
Hospital, including Acute Care Center	<b>N</b>	<b>C</b>	<b>N</b>
Libraries and Museums	<b>N</b>	<b>P</b>	<b>N</b>
Mortuary	<b>N</b>	<b>N</b>	<b>N</b>
Non-Profit Member Organization Offices	<b>N</b>	<b>P</b>	<b>P</b>
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	<b>C</b>	<b>C</b>	<b>C</b>
Private Utilities	<b>P</b>	<b>P</b>	<b>P</b>
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	<b>C</b>	<b>C</b>	<b>P</b>
Railroad Facilities	<b>N</b>	<b>N</b>	<b>N</b>
Religious Institutions and Houses of Worship	<b>C</b>	<b>C</b>	<b>C</b>
School, Preschool-Kindergarten (Public or Private)	<b>C</b>	<b>C</b>	<b>A</b>
School, Secondary (Public or Private)	<b>C</b>	<b>C</b>	<b>A</b>
Utility Structures and Facilities, City Planned Projects, i.e.,	<b>P</b>	<b>P</b>	<b>P</b>

[17.14 – Allowed Uses in Residential Zones – Table B: Public and Institutional Uses]

<b>Table 17.14.020(B) – Public and Institutional Uses Allowed by Zoning District</b>			
<b>Public and Institutional Uses</b>	<b><i>Residential Zones</i></b>		
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>
utilities identified by an adopted City master plan or development review approval			
Utility Structures and Facilities, Regional Projects; <u>project is not part of an adopted City master plan</u> or development review approval	<b>C</b>	<b>C</b>	<b>C</b>
Telecommunications Equipment	<b>C</b>	<b>C</b>	<b>A</b>

[17.14 – Allowed Uses in Residential Zones – Table D: Industrial and Mixed Employment Uses]

<b>Table 17.14.020(C) – Commercial Uses Allowed by Zoning District</b>			
<b>Commercial Uses</b>	<b><i>Residential Zones</i></b>		
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>
Agriculture, Horticulture, and livestock	N	N	N
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	N
Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses	N	N	N
Automobile Parking, Commercial Parking	N	N	N
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N
Bed and Breakfast	C	N	N
Commercial Retail Sales and Services	N	N	A
Customer Call Center	N	N	N
Drive-Through Service	N	N	N
Golf Course	N	N	N
Food Services, excluding automobile-oriented uses	N	N	A
Hotels, Motels, and Similar Overnight Accommodations	N	N	N
Kennel	N	N	N
Lumber Yard and Similar Sales of Building or Contracting	N	N	N

[17.14 – Allowed Uses in Residential Zones – Table D: Industrial and Mixed Employment Uses]

<b>Table 17.14.020(C) – Commercial Uses Allowed by Zoning District</b>			
<b>Commercial Uses</b>	<b><i>Residential Zones</i></b>		
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>
Supplies, or Heavy Equipment			
Short Term Rental	<b>N</b>	<b>S</b>	<b>N</b>
Medical and Dental offices	<b>N</b>	<b>N</b>	<b>N</b>
Mortuary	<b>N</b>	<b>N</b>	<b>N</b>
Offices	<b>N</b>	<b>N</b>	<b>A</b>
Recreational Vehicle Park	<b>N</b>	<b>N</b>	<b>N</b>
Self-Service Storage, Commercial	<b>N</b>	<b>N</b>	<b>N</b>
Veterinary Clinic	<b>N</b>	<b>N</b>	<b>N</b>

[17.14 – Allowed Uses in Residential Zones – Table D: Industrial and Mixed Employment Uses]

<b>Table 17.22.020(D) – Industrial and Mixed Employment Uses Allowed by Zoning District</b>			
<b>Industrial and Mixed Employment Uses</b>	<b><i>Residential Zones</i></b>		
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>
Artisanal and Light Manufacture Uses in Industrial and Public Facility zones	N	N	N
Auction Yard	N	N	N
Beverage and Bottling Facility, except as allowed for Commercial Uses	N	N	N
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N
Cement, Glass, Clay, and Stone Products Manufacture	N	N	N
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N
Concrete or Asphalt Batch Plants	N	N	N
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream	N	N	N
Dwelling for a caretaker or watchman	N	N	N
Finished Textile and Leather Products Manufacture	N	N	N
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving	N	N	N
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses	N	N	N
Machine Shop, and Sales, Service and Repair of Machinery	N	N	N
Metal Plating	N	N	N
Metal Manufacture, Welding	N	N	N
Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses	N	N	N

[17.14 – Allowed Uses in Residential Zones – Table D: Industrial and Mixed Employment Uses]

<b>Table 17.22.020(D) – Industrial and Mixed Employment Uses Allowed by Zoning District</b>			
<b>Industrial and Mixed Employment Uses</b>	<b><i>Residential Zones</i></b>		
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry	N	N	N
Solar Array	N	N	C
Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses	N	N	N
Wrecking, Demolition, Junk Yards, Recycling Centers	N	N	N

## **Chapter 17.16 – ~~R-1~~ Low Density ~~Single Family~~ Residential District (R-1)**

### Sections:

- 17.16.~~0100~~ Purpose
- 17.16.~~01210~~ Permitted Land Uses
- 17.16.~~01320~~ Building Setbacks
- 17.16.~~01430~~ Lot Area and Dimensions
- 17.16.~~01540~~ Flag Lots and Lots Accessed by Mid-Block Lanes
- 17.16.~~01650~~ Residential Density
- 17.16.~~01760~~ Maximum Lot Coverage
- 17.16.~~01870~~ Building Height
- 17.16.~~01980~~ Building Orientation
- 17.16.~~1090~~ Architectural Standards
- 17.16.~~12100~~ Special Standards for Certain Uses

### **17.16.010 Purpose**

The Low Density ~~Single Family~~ Residential District is intended to promote the livability, stability and improvement of the City's neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing, specifically specifically 1 unit per gross acre at minimum, and 8 units per gross acre maximum.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking, and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.

### **17.16.110 ~~Allowed Permitted~~ Land Uses**

#### **A. Permitted Uses.**

##### 1. Residential Uses

- a. Single Family Dwelling, Detached
- b. Duplex
- c. Manufactured Home
- d. Family Daycare
- e. Residential Care Home

##### 2. Public and Institutional Uses

- f. Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted

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## 17.16 – Low Density Residential (R-1) District

City master plan or development review approval

### **B. Conditional Uses**

#### 1. Residential Uses

##### a. Bed & Breakfast

#### 2. Public and Institutional Uses

##### a. Emergency Services; includes Police, Fire, Ambulance

##### b. Public Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses

##### c. Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair

##### d. Religious Institutions and Houses of Worship

##### e. School, Preschool-Kindergarten

##### f. School, Secondary

##### g. Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval

##### h. Telecommunications Equipment

#### 3. Commercial Uses

##### a. Bed and Breakfast Inn

### **C. Permitted with Special Standards**

#### 1. Residential Uses

##### a. Duplex

##### b. Manufactured Home Court

##### c. Family Daycare Center

##### d. Home Occupation

### **D. Accessory Uses**

#### 1. Residential Uses

##### a. Accessory structures such as garages, sheds, greenhouses, workshops, and detached decks

##### b. Accessory Dwelling Unit

##### c. Household Solar Panels

### **A. Permitted Uses:**

The land uses listed in Table 17.16.110.A are permitted in the Single-Family Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 17.16.110.A, and land uses which are approved as "similar" to those in Table 17.16.110, may be permitted.

### **B. Determination of Similar Land Use:**

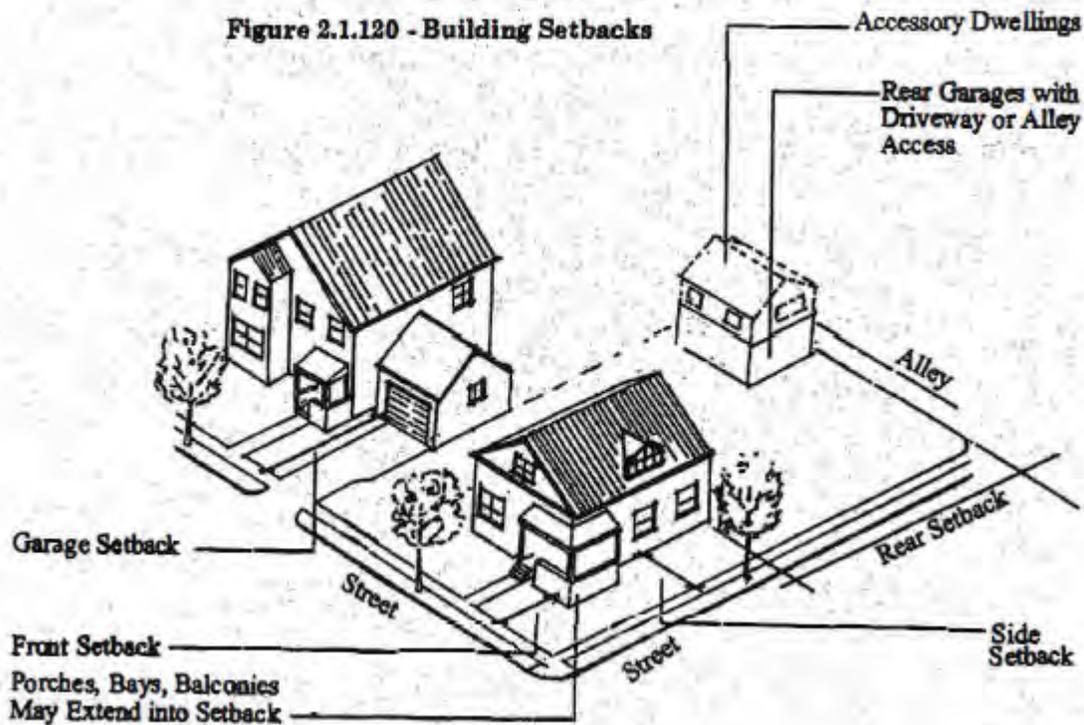
Similar use determinations shall be made in conformance with the procedures in Section 17.64.050.

<b>Table 17.16.110.A</b> <b>Land Uses and Building Types Permitted in the Residential District</b>		
<p><b>1. Residential:</b> <i>Single-family Residential</i></p> <p>a. Single-family detached housing</p> <p>b. Single-family detached zero-lot line*</p> <p>b. Accessory dwellings*</p> <p>c. Manufactured homes—individual lots*</p> <p>d. Manufactured Home Park*</p> <p>f. Single-family attached townhome*</p> <p><i>Residential care</i></p> <p>e. Residential care homes and facilities*</p> <p>f. Family day care</p> <p><b>2. Home occupations</b></p> <p><b>3. Agriculture, Horticulture, and livestock</b></p>	<p><b>4. Accessory Uses and Structures (includes accessory dwellings)*</b></p> <p><b>Conditional Uses</b></p> <p><b>5. Public and Institutional (CU)</b></p> <p><b>C.</b> Churches and places of worship.</p> <p><b>D.</b> Clubs, lodges, similar uses</p> <p>e. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, and similar uses</p> <p>e. Private Utilities</p> <p>f. Public parks and recreational facilities</p> <p>g. Schools (public and private)</p> <p>h. Telecommunications equipment (including wireless)</p>	<p><i>Each of the following uses is "size limited" and subject to provisions in Section 17.16.200—Special Standards for Certain Uses:</i></p> <p>j. Child Care Center (care for more than 12 children)</p> <p>k. Food services, excluding automobile-oriented uses</p> <p>l. Medical and dental offices, clinics and laboratories</p> <p>m. Personal services (e.g., barber shops, salons, similar uses)</p> <p>n. Professional and administrative offices (i.e. real estate)</p> <p><b>6. Bed &amp; breakfast inns (CU)</b></p>

i. Uses similar to those listed above

Uses marked with an asterisk (\*) are subject to the standards in Section 17.16.200, "Special Standards for Certain Uses." Home occupations are subject to the standards in Section 17.64.060.

**17.16.120 Building Setbacks**



Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the wall to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A Variance is required in accordance with Section 17.76 to modify any setback standard.

**A. Front Yard Setbacks**

1. Residential Uses (single family)

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## 17.16 – Low Density Residential (R-1) District

- d. A minimum setback of 20 feet is required, except that an unenclosed porch may be within 15 feet, as long as it does not encroach into a public utility easement. See also, Section 17.44.010, which provides standards for Setbacks for Established Residential Areas.
- e. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 5 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet.

### 2.3. Public and Institutional Buildings.

- f. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 17.56.020.
- g. A maximum setback of 10 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 10 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building. This standard shall not be required for buildings that do not receive the public (e.g., buildings used solely for storage or housing mechanical equipment, and similar uses).

### B.E. Rear Yard Setbacks

1. The minimum rear yard setback shall be 10 feet for street-access lots, and 20 feet for alley-access lots (all structures).

### C.F. Side Yard Setbacks

1. The minimum side yard setback shall be 5 feet on interior side yards, and 10 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 17.16.200.)

### D.G. Setback Exceptions

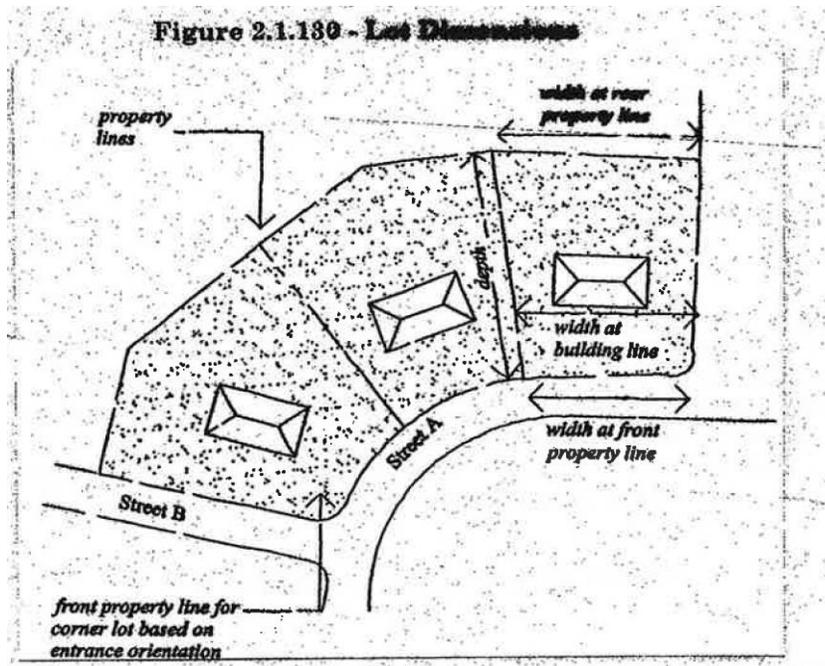
1. The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56 - Site Plan, Landscaping and Construction Plan Approval. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 17.56.020.

### Special Yards – Distance Between Buildings on the Same Lot

~~To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.~~

17.16 – Low Density Residential (R-1) District

<u>Table 17.20.120: Setback Requirements for the R-2 Zone</u>			
<u>Yard Location</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>
<u>Minimum Distance</u>	20 Ft.	10 Ft.	5 Ft.
<u>Setback Distance Exceptions</u>	<u>Public and Institutional uses have a 10 Ft. front yard setback maximum.</u>	<u>Alley-access lots must utilize a 20 Ft. rear yard setback</u>	<u>Lots abutting two streets or public right of ways must utilize a 10 ft. side yard setback</u>
<u>Allowed Architectural Encroachment</u>	<p><u>Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet.</u></p> <p><u>Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback</u></p> <p><u>Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56- Site Plan, Landscaping and Construction Plan Approval.</u></p>		



17.16 – Low Density Residential (R-1) District

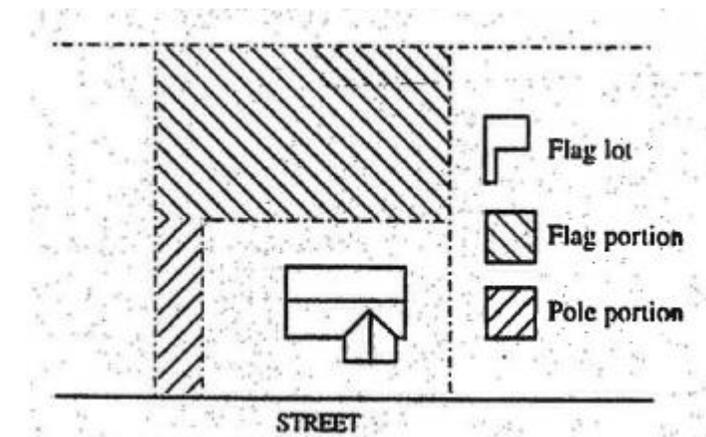
<i>Land Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
<b>Detached Single Family Dwellings, Duplexes, and Two-Family Housing; Manufactured Homes on Lots</b>	Minimum: 5000 Square feet	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.16.140)  Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 17.16.150- Residential Density and Building Size
<b>Three Family Housing (triplex)</b>	Minimum area for three-family: 6,000 square feet  Maximum 9000 square feet	Minimum width: 60 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.16.140)  Maximum Depth: Three (3) times the lot width; except to protect sensitive lands, etc.	The average lot area and residential floor area in new developments shall conform to the standard in Section 17.24.150 Residential Density and Building Size.
<b>Attached (townhome) Single Family Housing</b>	Minimum area: 3,000 square feet	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.24.140)  Maximum: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.) m Depth:	The average lot area and residential floor area in new developments shall conform to the standard in Section 17.24.150 – Residential Density and Building Size.

## 17.16 – Low Density Residential (R-1) District

<b>Multi-family Housing (more than 3 units)</b>	Minimum area: 9,000 square feet  Maximum area: None. (see "related standards")	Minimum Width: 60 feet at front property line.  Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 Access and Circulation.
<b>Manufactured Home Parks</b>	See Section 17.24.200 for Manufactured Home Park standards.		
<b>Public and Institutional Uses</b>	Minimum area: None:  Maximum area: None. (see "related standards")	Minimum Width: 50 feet at front property line.  Maximum depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation

### 17.16.140 Flag Lots

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as "flag lots" or "mid-block developments", as defined below:



#### A. Flag lots.

Flag lots may be created only when it is found that streets cannot reasonably be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.

#### B. Driveway and lane width.

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## 17.16 – Low Density Residential (R-1) District

The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code.

### C. Dedication of drive lane

The owner shall dedicate 20 feet of right-of-way or record a 20-foot easement (i.e., 10 feet from each property sharing a drive) for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

### C.D. Maximum drive lane length.

Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic).

### D.E. Future street plans.

Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic).

## **17.16.150 Residential Density**

### **A. Residential Density Standard.**

The following density standards apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. New land divisions and site developments shall provide for housing at densities between one (1) dwelling unit per net acre minimum and eight (8) units per net acre maximum.
2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development).
3. The following types of housing are exempt from the density standards: Residential care homes/facilities, partitions of two lots, and bed and breakfast inns.

## **17.16.160 Maximum Lot Coverage**

### **B. Maximum Lot Coverage.**

The following maximum lot coverage standards shall apply to all:

1. Single Family Detached Houses - 50 percent
2. ~~Duplexes Single Family Attached Townhomes~~ - 60 percent
3. Public/Institutional Uses - 100 percent

### **C. Lot Coverage Defined.**

"Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 306 inches above the finished grade.

- D. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

### **17.16.170 Building Height**

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

A. **Building Height Standard.**

Buildings within the R-1 District shall be no more than 35 feet or 3 stories in height, whichever is greater.

B. **Method of Measurement.**

"Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five- foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

### **17.16.180 Building Orientation**

**E.A. Purpose.**

The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes-on-the-street".

**F.B. Applicability.**

This section applies to: Public and Institutional buildings, and uses permitted conditionally, except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

**G.C. Building orientation standards.**

All developments listed in "B" shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 17.16.120.
2. All buildings shall have a primary entrance(s) oriented to the street.
3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.

### **17.16.190 Architectural Standards**

#### **A. Purpose.**

The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

#### **B. Applicability**

This section applies to all of the following types of buildings, and shall be applied during Site Design Review:

1. Public and institutional buildings; and
2. Conditional Uses

#### **C. Standards.**

All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

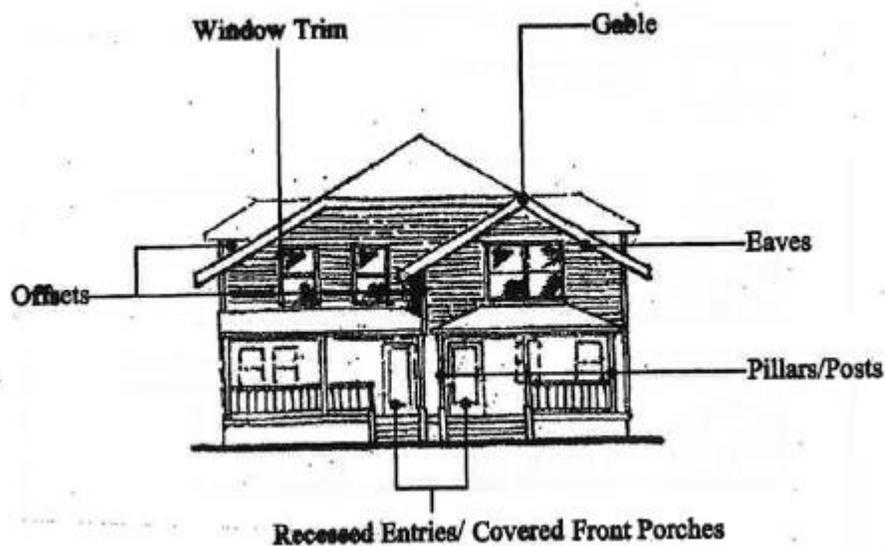
1. Building Form. The continuous horizontal distance (i.e., as measured from end- wall to end-wall) of individual buildings shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
  - ~~a-h.~~ Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
  - ~~b-i.~~ Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
  - ~~c-j.~~ Offsets or breaks in roof elevation of 2 feet or greater in height.
2. Eyes on the Street. All building elevations visible from a street right of way shall provide doors, windows, and porches. A minimum of 60 percent of front (i.e., street-facing) elevations, and a

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## 17.16 – Low Density Residential (R-1) District

minimum of 30 percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, windows, porches, and, terraces. The standard applies to each full and partial building story.

Figure 17 .16.190C(3) - Examples of Architectural Details



3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 4 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

[d-k.](#) Dormers

[e-l.](#) Gables

[f-m.](#) Recessed entries

[g-n.](#) Covered porch entries

[h-o.](#) Cupolas or towers

[i-p.](#) Pillars or posts

[j-q.](#) Off-sets in building face or roof (minimum 16 inches)

[k-r.](#) Bay windows

[l-s.](#) Balconies

~~m.t.~~ Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

~~n.u.~~ Decorative cornices and rooflines (e.g., for flat roofs)

~~o.v.~~ An alternative feature providing visual relief, similar to options above.

### **17.16.200 Special Standards for Certain Uses**

This section supplements the standards contained Sections 17.16.100 through 17.16.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Single-Family Residential District:

#### **A. Accessory dwelling (attached, separate cottage, or above detached garage).**

An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards

1. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;

~~Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care taker of the principal house and manager of the accessory dwelling;~~

2. One Unit. A maximum of one accessory dwelling unit is allowed per lot;

3. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 2600 square feet, or 75 percent of the primary dwelling's floor area, whichever is smaller;

a. Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 900 square feet.

4. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet, as measured in accordance with Section 17.16.170; and

5. Buffering. A hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

#### **B. Duplexes.**

The following provisions are intended to promote compatibility between duplex dwellings and

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## 17.16 – Low Density Residential (R-1) District

single-family dwellings in the R-1 and R-2 zone. Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:

1. The duplex shall not exceed the height of the subject single-family dwelling by more than 20 percent for that portion of the duplex placed within 20 feet of the single-family dwelling.
2. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than 30 percent windows and door surface area.
3. The roof form on the duplex (e.g., gable, flat, or hipped) shall be similar to the roof form of adjacent single-family dwellings on the same block face.

### **B.C. Manufactured homes on individual lots.**

Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which existed within the City prior to the effective date of this ordinance.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);
4. Garages and Carports. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required;
6. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16

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## 17.16 – Low Density Residential (R-1) District

inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

7. Foundation Skirt. Manufactured homes shall meet the architectural detail design standards of 17.16.190C(3).
8. Prohibited. The manufactured home shall not be located in a designated historic district.

### C.D. Manufactured Home Court Park.

Manufactured home parks are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. Permitted uses: Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 17.64.060 - Home Occupations.
2. Space. Not less than fifty percent of the mobile home sites within a park shall be at least forty-five feet in average width and at least seventy feet in average length. No mobile home site shall be less than thirty-five feet in average width and sixty feet in average length. (Ord. 384. §4.050(3), 1972)
3. Setbacks and Building Separation.
  - a. The minimum setback between park structures and abutting properties is 5 feet.
  - b. The minimum setback between park structures and public street right-of-way is 15 feet.
  - c. At least a 10-foot separation shall be provided between all dwellings.
  - d. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units.
  - e. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway.
  - f. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
4. Perimeter landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 15-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
5. House design (parks smaller than 3 acres). Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
  - a. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height

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## 17.16 – Low Density Residential (R-1) District

- for each 12 feet in width (14 degrees);
- b. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);
  - c. Exception: Subsections a-b, above, do not apply to manufactured homes which existed within the City prior to the effective date of this ordinance.

### D.E. Residential care homes and facilities.

Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals ("homes) or 6 to 15 individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.

~~Parking. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 17.60 Parking requirements.~~

2. Development Review. Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

### Agriculture, Horticulture.

~~The City allows for agriculture, horticulture and livestock uses, subject to the following standards which are intended to provide buffering between these uses and residences:~~

~~Minimum Lot Size. No livestock shall be kept on any lot less than one acre in area.~~

~~Density. No more than one head of livestock over the age of six months may be maintained per acre.~~

~~Farm Structures. Not permitted.~~

### E.F. Public and Institutional Land Uses.

~~Telecommunications Equipment. Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 17.72.~~

1. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

F.G. Accessory Uses and Structures

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Single-family Residential District include detached garages, sheds, workshops, green houses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 17.16.200.B.) All accessory structures

shall comply with the all of following standards:

1. Primary use required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 17.16.110.A).
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- ~~4. Floor Area. The maximum floor area of the accessory structure shall not exceed 600 square feet;~~
- ~~5. Building Height. The building height of detached accessory structure shall not exceed~~
- ~~6.  $\frac{3}{4}$  the height of the principal structure, as measured in accordance with Section 17.16.170; and~~
- ~~7.4.4. Buffering. A side or rear fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet..~~

## **Chapter 17.20 – ~~Two-Family~~ Medium Density Residential (R-2) District**

### Sections:

17.20.100	Purpose
17.20.110	Permitted Land Use
17.20.120	Building Setbacks
17.20.130	Lot Area and Dimensions
17.20.140	Flag Lots and Lots Accessed by Mid-Block Lanes
17.20.150	Residential Density
17.20.160	Maximum Lot Coverage
17.20.170	Building Height
17.20.180	Building Orientation
17.20.190	Architectural Standards
17.20.200	Special Standards for Certain Uses

### **17.20.100 Purpose**

The Medium Density ~~Two-Family~~ Residential District (R-2) is intended to promote the livability, stability and improvement of the City's neighborhoods at a higher density than that permitted in the R-1 District. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing, specifically 8 units per gross acre at minimum, and 17 units per gross acre -maximum.
- Accommodate a range of housing needs and types, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale, while also providing a -transitional area to higher and lower density zones.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking, and bicycling.

Provide direct and convenient access to schools, parks and neighborhood services-

### **17.20.110 Allowed ~~Permitted~~ Land Uses**

#### A. Permitted Uses.

##### I. Residential Uses

- Single Family Dwelling, Detached
- Triplex Dwelling
- Manufactured Home
- Family Daycare
- Residential Care Home
- Residential Care Facility

**2. Public and Institutional Uses**

- a. Community Garden
- b. Clinic, Outpatient Only
- c. Libraries and Museums
- d. Non-Profit Member Organization Offices
- e. Private Utilities
- f. Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval

**B. Conditional Uses**

**1. Residential Uses**

- a. Boarding or Rooming House

**2. Public and Institutional Uses**

- a. Emergency Services; includes Police, Fire, Ambulance
- b. Public Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
- c. Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair
- d. Religious Institutions and Houses of Worship
- e. School, Preschool-Kindergarten
- f. School, Secondary
- g. Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval
- h. Telecommunications Equipment

**3. Commercial Uses**

- a. Bed and Breakfast Inn

**C. Permitted with Special Standards**

**1. Residential Uses**

- a. Single Family Dwelling, Attached
- b. Duplex
- c. Manufactured Home Court
- d. Home Occupation
- e. Vacation Rental Dwellings

**D. Accessory Uses**

**2. Residential Uses**

- a. Accessory structures such as garages, sheds, greenhouses, workshops, and detached decks

---

17.20 – Medium Density Residential (R-2)Zone

b. Accessory Dwelling Unit

c. Household Solar Panels

d.     

**E. Determination of Similar Land Use.**

Similar use determinations shall be made in conformance with the procedures in Section 17 .64.050.

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17.20 – Medium Density Residential Zone

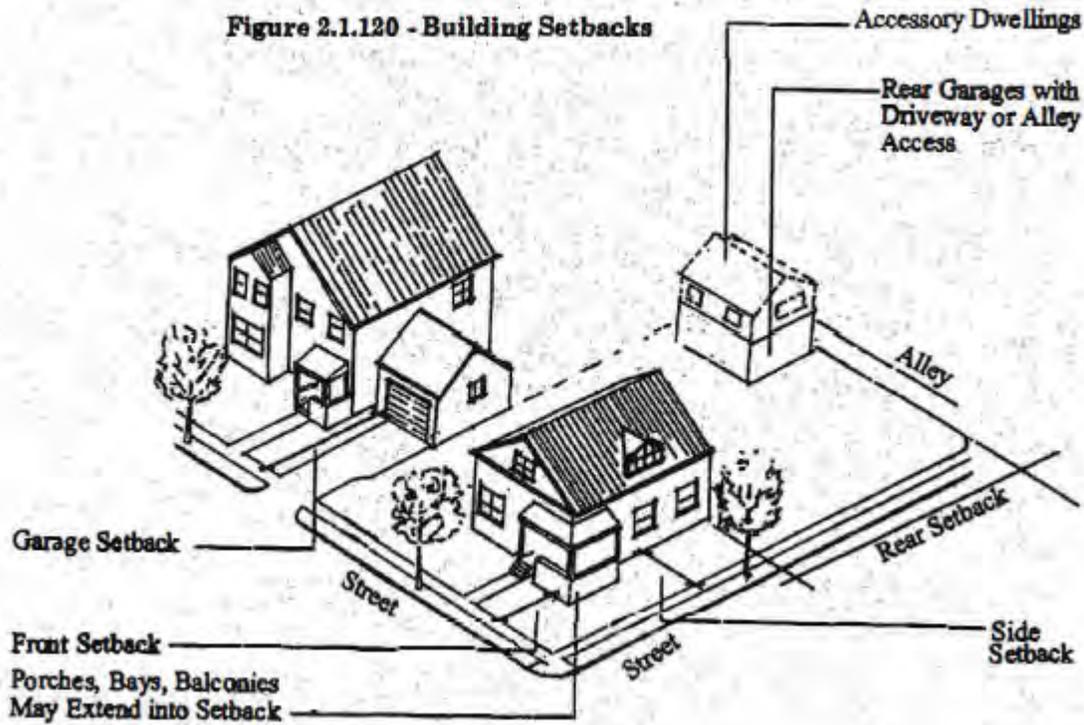
- ~~H. Permitted Uses. The land uses listed in Table 17.20.110.A are permitted in the Two-Family Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 17.20.110.A, and land uses which are approved as "similar" to those in Table 17.20.110, may be permitted.~~
- ~~I. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Section 17.64.050.~~

**Table 17.20.110.A Uses and Building Types Permitted in the Multi-Family Residential District**

17.20 – Medium Density Residential Zone

<p><b>1. Residential:</b> <i>Single and two-family</i></p> <p>a. Single family detached housing</p> <p>b. Single family detached zero lot line*</p> <p>c. Accessory dwellings*</p> <p>d. Manufactured homes—individual lots*</p> <p>e. Manufactured Home Park*</p> <p>f. Single family attached townhome*</p> <p>Two and Three Family</p> <p>g. Two and Three family housing Duplex and triplex)*</p> <p>Multi family</p> <p>h. Multi family housing</p> <p><i>Residential care</i></p> <p>i. Residential care home and facilities*</p> <p>j. Family daycare</p> <p><b>2. Home occupations</b></p>	<p><b>3. Agriculture, Horticulture, and livestock</b></p> <p><b>4. Accessory Uses and Structures (includes accessory dwellings)*</b></p> <p><b>Conditional Uses</b></p> <p><b>4. Public and Institutional (CU)</b></p> <p>a. Churches and places of worship.</p> <p>b. Clubs, lodges, similar uses</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, and similar uses.</p> <p>e. Private entities</p> <p>f. Public parks and recreational facilities</p> <p>g. Schools (public and private)</p> <p>h. Telecommunications equipment (including wireless)</p> <p>i. Uses similar to those listed above</p>	<p><i>Each of the following uses is "size limited" and subject to provisions in Section 17.20.200—Special Standards for Certain Uses:</i></p> <p>j. Child Care Center (care for more than 12 children)</p> <p>k. Food services, excluding automobile oriented uses</p> <p>l. Medical and dental offices, clinics and laboratories</p> <p>m. Personal services (e.g., barber shops, salons, similar uses)</p> <p>n. Professional and administrative office (i.e. real estate)</p> <p><b>7. Bed &amp; breakfast (CU)</b></p>
<p>Uses marked with an asterisk (*) are subject to the standards in Section 17.20.200, "Special Standards for Certain Uses." Home occupations are subject to the standards in Section 17.64.060.</p>		

17.20.120 Building Setbacks



**Building setbacks**

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the wall to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A Variance or Adjustment is required in accordance with Section 17.76 to modify any setback standard.

—Front Yard Setbacks

A.

—  
—

E. Residential Uses (single family and duplex)

18

1.

—A minimum setback of 20 feet is required, except that an unenclosed porch may be within 15 feet, as long as it does not encroach into a public utility easement. See also, Section 17.44.010, which provides standards for Setbacks for Established Residential Areas.

a.

—

• b.—Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 5 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet.

b.

—

F.2. Public and Institutional Building

a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 17 .56.020.

b. b.—A maximum setback of 10 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 10 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building. This standard shall not be required for buildings that do not receive the public ( e.g., buildings used solely for storage or housing mechanical equipment, and similar uses).

B. Rear Yard Setbacks

a. The minimum rear yard setback shall be 8 10 feet for street-access lots, and 20 feet for alley-access lots (all structures).

C. Side Yard Setbacks

The minimum side yard setback shall be 5 feet on interior side yards, and 10 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 17.20.200.)

D. Setbacks Exceptions

a. The following architectural features are allowed to encroach into the setback yards:

i.

## 17.20 – Medium Density Residential Zone

- b. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56- Site Plan, Landscaping and Construction Plan Approval. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 17.56.020.

Table 17.20.120: Setback Requirements for the R-2 Zone

<u>Yard Location</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>
<u>Minimum Distance</u>	<u>20 Ft.</u>	<u>10 Ft.</u>	<u>5 Ft.</u>
<u>Setback Distance Exceptions</u>	<u>Public and Institutional uses have a 10 Ft. front yard setback maximum.</u>  <u>Established residential areas may utilize the average of neighboring setbacks through 17.44.010</u>	<u>Alley-access lots must utilize a 20 Ft. rear yard setback</u>	<u>Lots abutting two streets or public right of ways must utilize a 10 ft. side yard setback</u>
<u>Allowed Architectural Encroachment</u>	<u>Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet.</u>  <u>Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback</u>  <u>Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56- Site Plan, Landscaping and Construction Plan Approval.</u>		

### Setbacks Exceptions

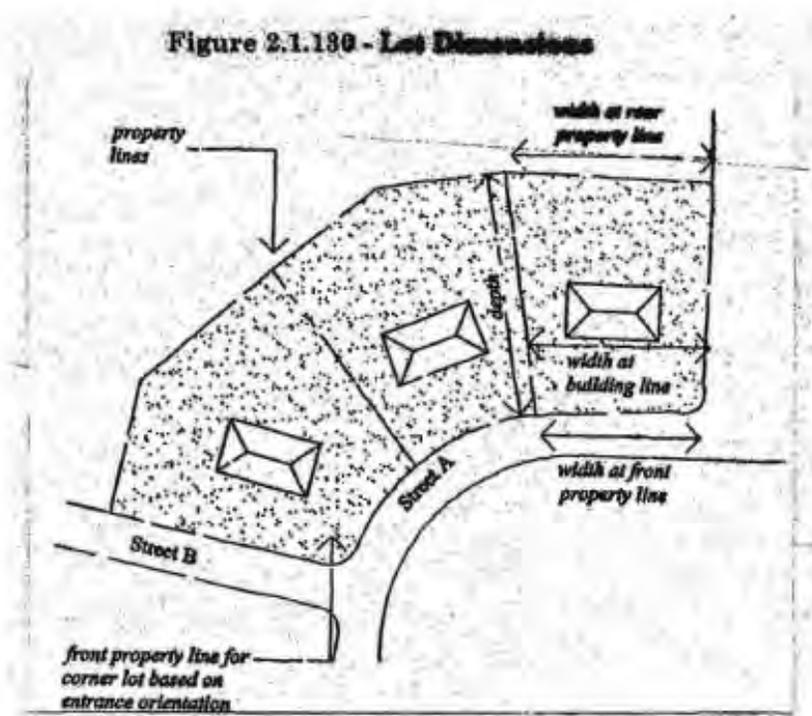
The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56- Site Plan, Landscaping and Construction Plan Approval. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 17.56.020.

### Special Yards—Distance Between Buildings on the Same Lot

## 17.20 – Medium Density Residential Zone

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

### 17.20.130 Lot Area and Dimensions



<i>Land Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
<b>Detached Single and Two- Family Housing; Manufactured Homes on Lots</b>	Minimum: 5000 Square feet	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.16.140)	The average lot area and residential floor area in new developments shall conform to the standards in Section 17.16.150- Residential Density and Building Size

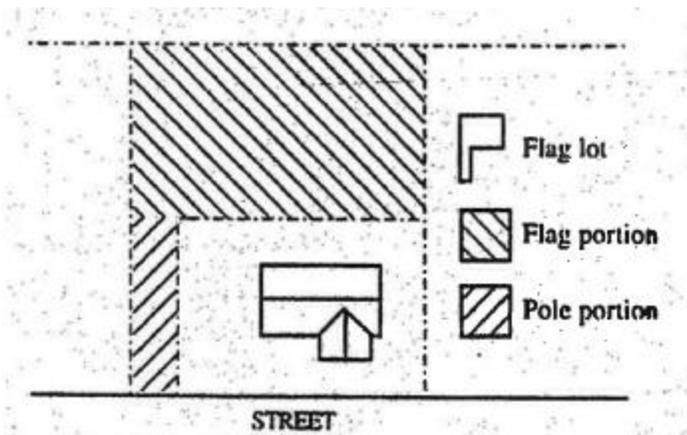
17.20 – Medium Density Residential Zone

		Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)	
<b>Attached (Townhome) Single Family Housing</b>	Minimum area: 3000 Square feet	Minimum width: 30 feet at front property Line, except for flag lots and lots served by private lanes (See Section 17.16.140)  Maximum: Three (3) times the lot width; except as may be required by this code (e.g. to protect sensitive lands, etc.) in Depth	The average lot area and residential floor area in new developments shall conform to the standard in Section 17.16.150 Residential Density and Building Size.
Manufactured Home	See Section 17.16.200 for Manufactured Home Park standard		
<b><i>Land Use</i></b>	<b><i>Lot Area</i></b>	<b><i>Lot Width/Depth</i></b>	<b><i>Related Standards</i></b>
<b>Public and Institutional Uses</b>	Minimum area: None.  Maximum area: None. (see "related standards")	Minimum Width: 50 feet at front property line.  Maximum depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation

**17.20.140 Flag Lots and Lots Accessed by Mid-Block Lanes**

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as "flag lots" or "mid-block developments", as defined below:

## 17.20 – Medium Density Residential Zone



### A. B.A. — **Flag lots.**

3 — Flag lots may be created only when it is found that streets cannot be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.

### B. B. — **Driveway and lane width.**

4 — The minimum pavement width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code. For shared drives and lanes serving 4 or more dwellings, the pavement width shall be 20 feet.

### C. C. — **Dedication of drive lane.**

5 — The owner shall dedicate 20 feet of right-of-way or record a 20-foot easement (i.e., 10 feet from each property sharing a drive) for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

### D. D. — **Maximum drive lane length.**

6 — The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive.

### E. E. — **Future street plans.**

Building placement and alignment of shared drives shall be designed so that future street

---

## 17.20 – Medium Density Residential Zone

connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic).

### **17.20.150 Residential Density**

#### **A. Residential Density Standard.**

The following density standards apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

~~1.~~ ~~1.~~ New land divisions and site developments shall provide for housing at densities between one (1) dwelling unit per net acre minimum and eight (8) units per net acre maximum. Development within the R-2 zone shall provide housing at densities between eight (8) unit per (net) acre minimum and 17 units per (net) acre maximum.

~~1.~~

~~2.~~ ~~2.~~ The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

~~2.~~

~~3.~~ ~~3.~~ The following types of housing are exempt from the density standards: Residential care homes/facilities, partitions of two lots, and bed and breakfast

### **17.20.160 Maximum Lot Coverage**

#### **A. Maximum Lot Coverage.**

The following maximum lot coverage standards shall apply to all:

~~1.~~ ~~a.~~ Single Family Detached Houses - 50 percent

~~1.~~

~~2.~~ ~~b.~~ Duplexes - 50 percent

~~2.~~

~~3.~~ ~~c.~~ Single Family Attached Townhomes - 60 percent

~~3.~~

~~4.~~ ~~d.~~ Public/Institutional Uses - 100 percent

#### **B. Lot Coverage Defined.**

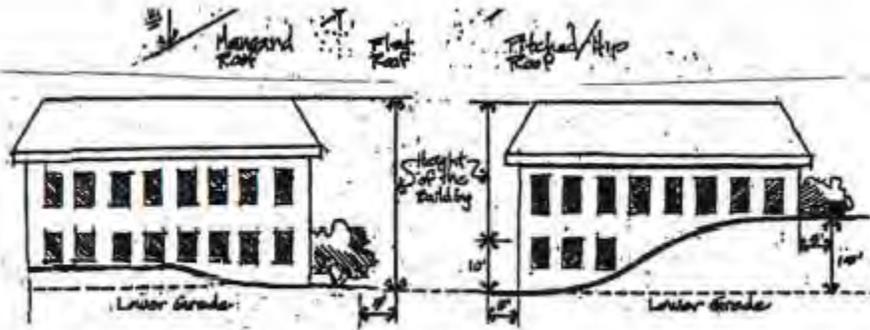
"Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.

#### **C. Compliance With Other Sections Prioritized**

C.—Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

### **17.20.170 Building Height**

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:



#### **A. A. Building Height Standard.**

Buildings within the Multi-Family District shall be no more than 35 feet or 3 stories in height, whichever is greater.

#### **B. B. Method of Measurement.**

"Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. ~~\_\_\_\_\_~~ a. The elevation of the highest adjoining sidewalk or ground surface within a ~~five~~ **five-foot** horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

1.

2. ~~\_\_\_\_\_~~ b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

**17.20.180 Building Orientation**

~~Figure 17.20.180 – Typical Building Orientation  
(See Pages 2-20a and 2-20b)~~

**A. Purpose.**

The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes-on-the-street".

**B. Applicability.**

This section applies to: ~~Duplexes, Triplexes, Single Family Attached townhomes~~ which are subject to Site Design Review (~~3 or more attached units~~); Public and Institutional buildings, and uses permitted conditionally, except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

**C. Building orientation standards.**

All developments listed in "B" shall be oriented to a street. The building orientation standard is met when all of the following criteria are met: Gold Hill Municipal Code Chapter 17.20 Page 8

~~1. 1.~~ Compliance with the setback standards in Section 17.20.120.

~~1.~~

~~2. 2.~~ All buildings shall have a primary entrance(s) oriented to the street. Multi-family and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Section 16.12.020 -- Streets. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.

~~2.~~

~~3. 3.~~ Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.

**Figure 17.20.180 -Typical Building Orientation**

~~Figure 17.20.180 - Typical Building Orientation  
(See Pages 2-20a and 2-20b)~~

### **17.20.190 Architecture Standards**

#### **A. ~~A.~~ Purpose.**

~~The following standards require variation in architectural plans to avoid monotony in new developments. The standards support the creation of architecturally varied neighborhoods, whether a neighborhood develops all at once or one lot at a time, avoiding homogeneous street frontages that detract from the community's appearance. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.~~

#### **B. ~~B.~~ Applicability.**

This section applies to all of the following types of buildings, and shall be applied during Site Design Review:

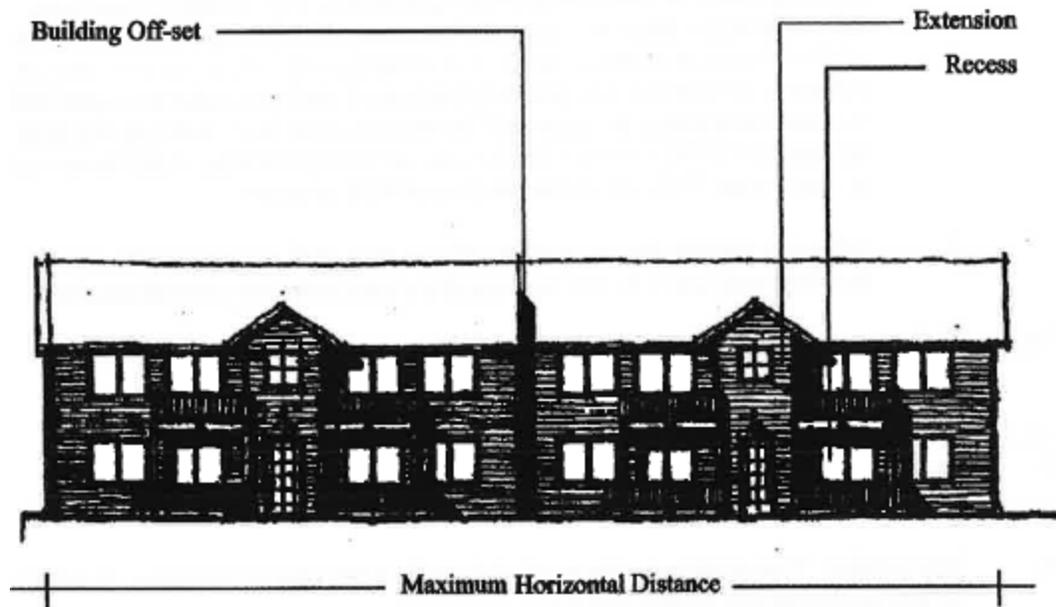
- ~~1. Triplexes~~ a. Single family attached townhomes which are subject to Site Design Review (3 or more attached units);
- ~~2. Duplexes~~ b. Public and institutional buildings; and
- ~~3. Public and institutional buildings; and~~ e. Duplexes
- ~~4. Conditional Uses~~

#### **C. Standards.**

~~G.~~ All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

**Figure 17.20.190C(1) - Building Form (Multi-family Housing Example)**

## 17.20 – Medium Density Residential Zone



a.—1. Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

1.

a.—a.—Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;

a.

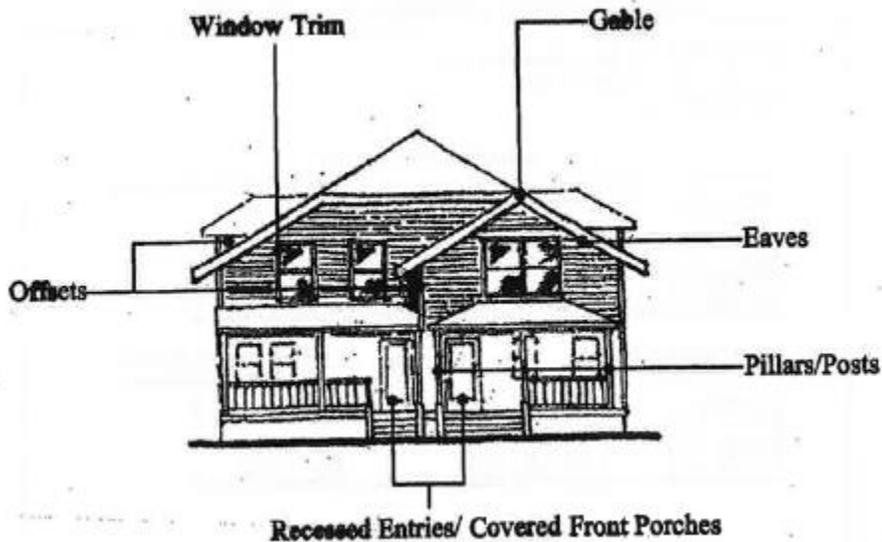
a.—b.—Extension ( e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

b.

c.e.—Offsets or breaks in roof elevation of 2 feet or greater in height.

2. Eyes on the Street. All building elevations visible from a street right of way shall provide doors, windows, and porches. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, windows, porches, and terraces. The standard applies to each full and partial building story.

Figure 17 .20.190C(3) - Examples of Architectural Details



~~3.~~ ~~3.~~ Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 6 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

~~3.~~

~~a.~~ ~~a.~~ Dormers

~~a.~~

~~b.~~ ~~b.~~ Gables

~~b.~~

~~e.~~ ~~e.~~ Recessed entries

~~c.~~

~~d.~~ ~~d.~~ Covered porch entries

~~d.~~

~~e.~~ ~~e.~~ Cupolas or towers

~~e.~~

~~f.~~ ~~f.~~ Pillars or posts

~~f.~~

~~g.~~ ~~g.~~ Off-sets in building face or roof (minimum 16 inches)

~~g.~~

~~h.~~ ~~h.~~ Bay windows

~~h.~~

~~i.~~ ~~i.~~ Balconies

~~i.~~

~~j.~~ ~~j.~~ Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and ~~j.~~-similar features)

~~j.~~

~~k.~~ ~~k.~~ Decorative cornices and roof lines (e.g., for flat roofs)

k.

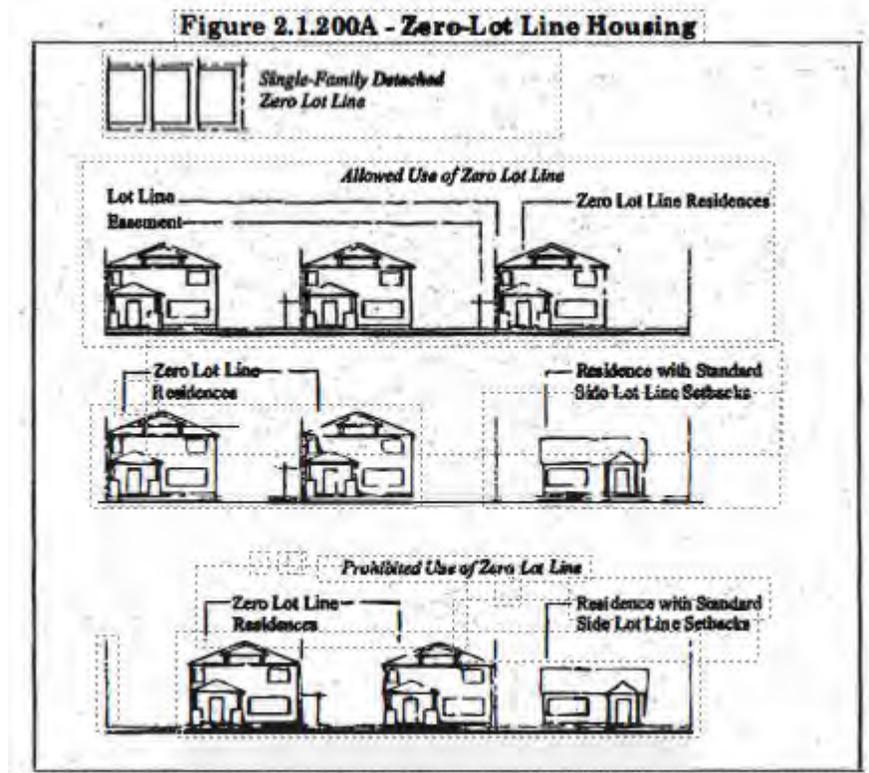
l. An alternative feature providing visual relief, similar to options above.

**17.20.200 Special Standards for Certain Use**

This section supplements the standards contained Sections 17 .20.100 through 17 .20.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

**A. A. "Zero-lot line" (single family courtyard home). "**

Zero-lot line" houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:



1. l. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 5 feet;

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## 17.20 – Medium Density Residential Zone

~~2.~~ 2-Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot ; and

~~3.~~ 3-Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows, as necessary.

### **B. B-Accessory dwelling (attached, separate cottage, or above detached garage).**

An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

~~1.~~ 1-Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;

~~2.~~ 2-Owner-Occupied. The primary residence or accessory dwelling shall be owner occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;

~~3.~~ 3-One Unit. A maximum of one accessory dwelling unit is allowed per lot;

~~4.~~ 4-Floor Area. The maximum floor area of the accessory dwelling shall not exceed 900 square feet, or 75 percent of the primary dwelling's floor area, whichever is smaller;

~~1.~~ a. Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 900 square feet.

~~5.~~ 5-Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet, as measured in accordance with Section 17 .20.170; and

~~6.~~ 6-Buffering. A hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

### **C. C-Manufactured homes on individual lots.**

Manufactured homes are permitted on individual lots, subject to all of the following design

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## 17.20 – Medium Density Residential Zone

standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which existed within the City prior to the effective date of this ordinance.

1. ~~1. Floor Plan.~~ The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft;
2. ~~2. Roof.~~ The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. ~~3. Residential Building Materials.~~ The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences ( e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

~~4. Garages and Carports. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;~~

4. ~~5. Thermal Envelope.~~ The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required;
5. ~~6. Placement.~~ The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;
6. ~~7. Foundation Skirt.~~ Manufactured homes shall meet the architectural detail design standards of 17 .20. 190C(3).

7. ~~8. Prohibited.~~ The manufactured home shall not be located in a designated historic district.

### **D. D. Manufactured Home Park.**

Manufactured home parks are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

1. ~~1. Permitted uses:~~ Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 17 .64.060 – Home Occupations.

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## 17.20 – Medium Density Residential Zone

2. ~~2.~~ Space. Not less than fifty percent of the mobile home sites within a park shall be at least forty-five feet in average width and at least seventy feet in average length. No mobile home site shall be less than thirty-five feet in average width and sixty feet in average length. (Ord. 384. §4.050(3), 1972)

3. ~~3.~~ Setbacks and Building Separation.

a. ~~a.~~ The minimum setback between park structures and abutting properties is 5 feet.

b. ~~b.~~ The minimum setback between park structures and public street right-of-way is 15 feet.

c. ~~c.~~ At least a 10-foot separation shall be provided between all dwellings.

d. ~~d.~~ Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units.

e. ~~e.~~ Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway.

f. ~~f.~~ An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

4. ~~4.~~ Perimeter landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 15-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

5. ~~5.~~ House design (parks smaller than 3 acres). Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):

a. ~~a.~~ The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);

b. ~~b.~~ The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

~~a-c. e.~~ Exception: Subsections a-b, above, do not apply to manufactured homes which existed within the City prior to the effective date of this ordinance.

E. Duplexes.

The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the R-1 and R-2 zone. Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:

1. The duplex shall not exceed the height of the subject single-family dwelling by more than 20 percent for that

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## 17.20 – Medium Density Residential Zone

portion of the duplex placed within 20 feet of the single-family dwelling.

2. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than 30 percent windows and door surface area.
3. The roof form on the duplex (e.g., gable, flat, or hipped) shall be similar to the roof form of adjacent single-family dwellings on the same block face.

### **F. E. Single-family Attached (townhomes).**

The following provisions are intended to promote a compatible building scale where attached single-family dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking. The following standards apply to new attached single-family dwellings. The standards are applied through Site Design Review, pursuant to Section 17.48, prior to issuance of building permits.

- 2.1.1. Building Mass Supplemental Standards. Each building shall contain not more than 3 consecutively attached dwelling units and not exceed an overall length or width of 90 feet.
2. 2. Alley Access. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley.
3. 3. Street Access Developments. Townhomes, duplexes and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.
  - a. a- When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
  - b. b- The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
  - c. e- Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
4. 4. Common Areas. "Common areas" ( e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval..

### **G. F. Residential care homes and facilities.**

Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment

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## 17.20 – Medium Density Residential Zone

and/or training, for 5 or fewer individuals ("homes") or 6 to 15 individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. ~~1.~~ Licensing. All residential care homes shall be duly licensed by the State of Oregon.
2. ~~2.~~ Parking. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 17.60 Parking requirements.
3. ~~3.~~ Development Review. Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

~~**G. Agriculture, Horticulture.** The City allows for agriculture, horticulture and livestock uses, subject to the following standards which are intended to provide buffering between these uses and residences:~~

- ~~1. Prohibited Areas. Livestock shall not be kept within the R-3 zoning district, due to the higher intensity living environments of these areas:~~
- ~~2. Minimum Lot Size. No livestock shall be kept on any lot less than one acre in area.~~
- ~~3. Density. No more than one head of livestock over the age of six months may be maintained per acre.~~
- ~~4. Farm Structures. Not permitted.~~

### H. ~~H.~~ Public and Institutional Land Uses.

Public and institutional uses (as listed in Table 17.20.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. ~~2.~~ Telecommunications Equipment. Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 17.72.
2. ~~3.~~ Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

### I. ~~I.~~ Accessory Uses and Structures.

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Multi-Family Residential District

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## 17.20 – Medium Density Residential Zone

include detached garages, sheds, workshops, green houses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 17.20.200.B.) All accessory structures shall comply with the all of following standards:

1. ~~1.~~ Primary use required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 17.20.110.A).
2. ~~2.~~ Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
1. ~~3.~~ Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
3. ~~4.~~ Floor Area. The maximum floor area of the accessory structure shall not exceed 600 square feet;
- ~~5.~~ Building Height. The building height of detached accessory structure shall not exceed  $\frac{3}{4}$  the height of the principal structure, as measured in accordance with Section 17.20.170; and
- 2.4. ~~6.~~ Buffering. A side or rear fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar r screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.-

## **Chapter 17.24 – ~~R-3 Multiple Family High Density Residential (R-3)~~ District**

### Sections:

17.24.100	Purpose
17.24.110	Permitted Land Use
17.24.120	Building Setbacks
17.24.130	Lot Area and Dimensions
17.24.140	Flag Lots and Lots Accessed by Mid-Block Lanes
17.24.150	Residential Density
17.24.160	Maximum Lot Coverage
17.24.170	Building Height
17.24.180	Building Orientation
17.24.190	Architectural Standards
17.24.200	Special Standards for Certain Uses

### **17.24.100 Purpose**

The ~~High Density Multiple Family~~ Residential District is intended to promote the livability, stability and improvement of the City's neighborhoods at a higher density than that permitted in the R-2 District. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking, and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.

### **17.24.110 Allowed Permitted Land Uses**

**A. Permitted Uses. The land uses listed in Table 17.24.110.A are permitted in the Multiple Family Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 17.24.110.A, and land uses which are approved as "similar" to those in Table 17.24.110, may be permitted.**

#### **A. Permitted Uses.**

1. Residential Uses
  - a. Triplex Dwelling
  - b. Residential Care Facility
2. Public and Institutional Uses

- a. Non-Profit Member Organization Offices
- b. Private Utilities
- c. Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval

## **B. Conditional Uses**

### **1. Public and Institutional Uses**

- a. Community Service; includes Governmental Offices
- b. Emergency Services; includes Police, Fire, Ambulance
- c. Public Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
- d. Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair
- e. Religious Institutions and Houses of Worship
- f. School, Preschool-Kindergarten
- g. School, Secondary
- h. Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval

### **2. Industrial and Mixed Employment Uses**

- a. Solar Array

## **C. Permitted with Special Standards**

### **1. Residential Uses**

- a. Multi-unit Development  
—Micro-Generation; wind, solar, or geothermal energy
- b. \_\_\_\_\_

## **D. Accessory Uses**

### **1. Residential Uses**

- a. Accessory structures such as garages, sheds, greenhouses, workshops, and detached decks
- b. Family Daycare
- c. Household Solar Panels

### **1. Public and Institutional Uses**

- a. School, Preschool-Kindergarten (Public or Private)
- b. School, Secondary (Public or Private)
- c. Telecommunications Equipment

### **3. Commercial Uses**

- a. Commercial Retail Sales and Services

[b. Offices](#)

[c. Food Services, excluding automobile Oriented Uses](#)

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**E. B. Determination of Similar Land Use.**

1. Similar use determinations shall be made in conformance with [t](#)the procedures in Section 17.100.

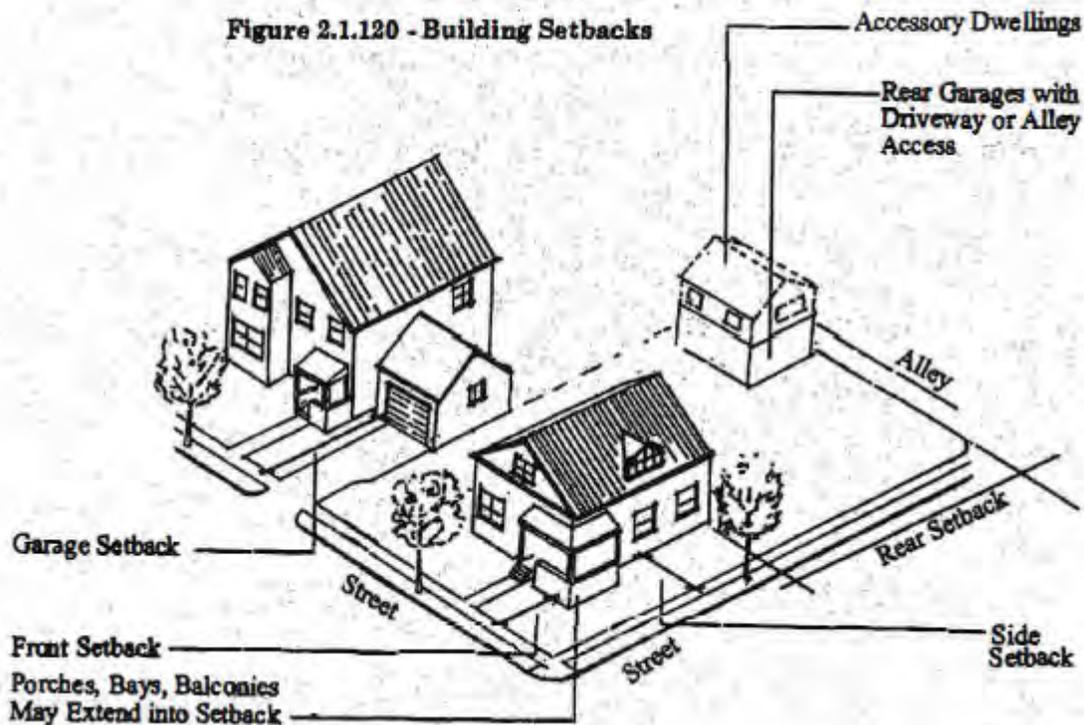
**Table 17.24.110.A**

**Land Uses and Building Types Permitted in the Multi-Family Residential District**

17.24 – High Density Residential (R-3) District

<p><b>1. Residential:</b>  <i>Single and two family</i>  a. Single family detached housing   b. Accessory dwellings*   c. Manufactured homes—individual lots* (existing only)   d. Manufactured Home Park*   e. Single family attached townhome*   <i>Two and Three Family</i>  f. Duplex*   g. Three family housing (triplex)*   <i>Multi family</i>  h. Multi family housing   <i>Residential care</i>  i. Residential care home and facilities*   j. Family daycare   <b>2. Home occupations</b></p>	<p><b>3. Agriculture, Horticulture, and livestock</b>   <b>4. Accessory Uses and Structures (includes accessory dwellings)*</b>   <b>Conditional Uses</b>  <b>5. Public and Institutional (CU)</b>   a. Churches and places of worship.   b. Clubs, lodges, similar uses   c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)   d. Libraries, museums, community centers, and similar uses.   e. Private entities   f. Public parks and recreational facilities   g. Schools (public and private)   h. Telecommunications equipment (including wireless)   i. Uses similar to those listed above</p>	<p><i>Each of the following uses is "size limited" and subject to provisions in Section 17.20.200—Special Standards for Certain Uses:</i>   j. Child Care Center (care for more than 12 children)   k. Food services, excluding automobile-oriented uses   l. Medical and dental offices, clinics and laboratories   m. Personal services (e.g., barber shops, salons, similar uses)   n. Professional and administrative office (i.e. real estate)   <b>7. Bed &amp; breakfast (CU)</b></p>
<p>Uses marked with an asterisk (*) are subject to the standards in Section 17.20.200, "Special Standards for Certain Uses." Home occupations are subject to the standards in Section 17.64.060.</p>		

**17.24.120 Building Setbacks**



**Building setbacks**

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the wall to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A Variance is required in accordance with Section 17.76 to modify any setback standard.

**A. A. Front Yard Setbacks**

**1- Residential Uses (single family, duplex and triplex, multi-family housing types)**

**1.**

**a.** A minimum setback of 20 feet is required, except that an unenclosed porch may be within

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## 17.24 – High Density Residential (R-3) District

15 feet, as long as it does not encroach into a public utility easement. See also, Section 17.44.010, which provides standards for Setbacks for Established Residential Areas.

a.

—

b. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 5 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet.

—c. Multi-family housing shall also comply with the building orientation standards in Section 17.24.180.

b.

### 2. Public and Institutional Uses Buildings:

—a. **A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 17.56.020.**

2.

a. b. A maximum setback of 10 feet is required. This standard is met when a minimum of 50 percent of the front building elevation is placed 10 feet or closer to the front property line. On parcels with more than one building, this standard applies to the largest building. This standard shall not be required for buildings that do not receive the public (e.g., buildings used solely for storage or housing mechanical equipment, and similar uses).

### B. Rear Yard Setbacks

B.

1. The minimum rear yard setback shall be 10 feet for street-access lots, and 20 feet for alley-access lots (all structures).

### C. Side Yard Setbacks

1. The minimum side yard setback shall be 5 feet on interior side yards, and 10 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 17.24.200.)

### D. Setback Exceptions

1. The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A". Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56 - Site Plan, Landscaping and Construction Plan Approval. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section

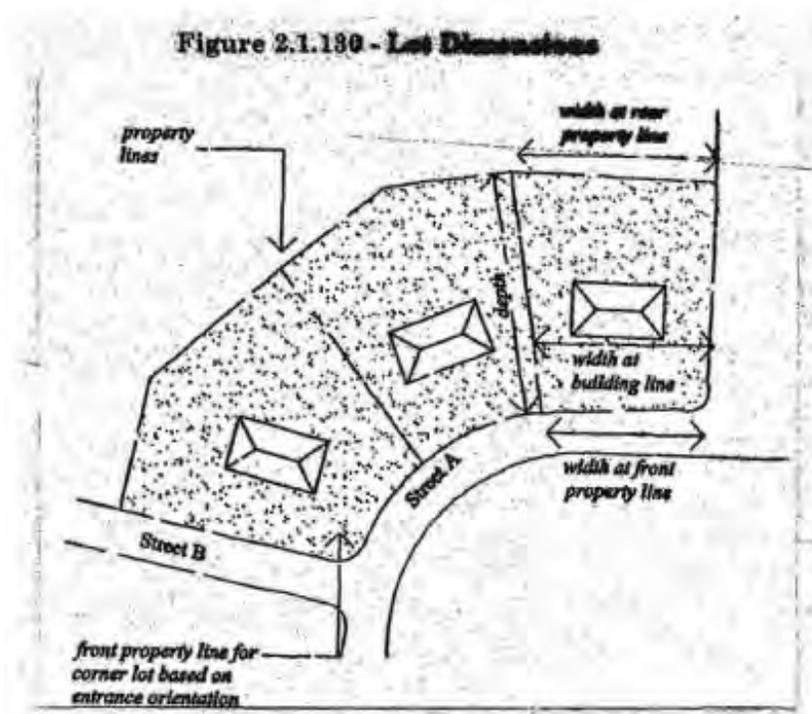
17.56.020.

**E. Special Yards—Distance Between Buildings on the Same Lot**

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half(½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

<u>Table 17.20.120: Setback Requirements for the R-2 Zone</u>			
<u>Yard Location</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>
<u>Minimum Distance</u>	<u>20 Ft.</u>	<u>10 Ft.</u>	<u>5 Ft.</u>
<u>Setback Distance Exceptions</u>	<u>Public and Institutional uses have a 10 Ft. front yard setback maximum.</u>  <u>Established residential areas may utilize the average of neighboring setbacks through 17.44.010</u>	<u>Alley-access lots must utilize a 20 Ft. rear yard setback</u>	<u>Lots abutting two streets or public right of ways must utilize a 10 ft. side yard setback</u>
<u>Allowed Architectural Encroachment</u>	<u>Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet.</u>  <u>Decks and similar roofless structures not more than 36 inches high may encroach into setbacks by no more than 6 feet, subject to the front yard setback</u>  <u>Walls and fences may be placed on property lines, subject to the standards in Chapter 17.56- Site Plan, Landscaping and Construction Plan Approval.</u>		

**17.24.130 Lot Area and Dimensions**



<i>Land Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
<b>Detached Single and Two- Family Housing; Manufactured Homes on Lots</b>	Minimum: 5000 Square feet	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.16.140)  Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 17.16.150- Residential Density and Building Size
<b>Three Family Housing (triplex)</b>	Minimum area for three-family: 6,000 square feet  Maximum 9000 square feet	Minimum width: 60 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.16.140)  Maximum Depth:	The average lot area and residential floor are in new developments shall conform to the standard in Section 17.24.150 Residential Density and Building Size.

17.24 – High Density Residential (R-3) District

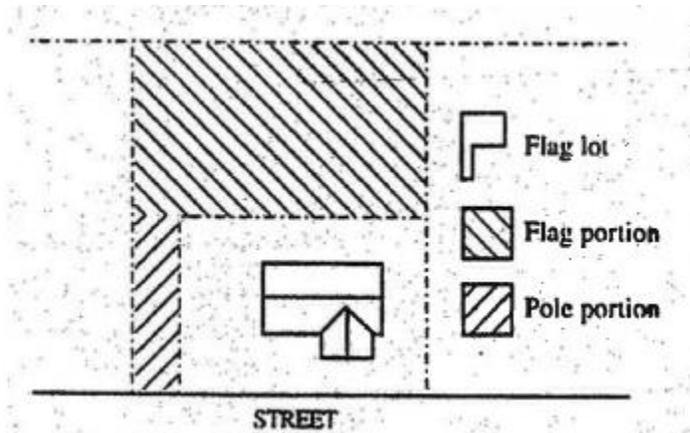
		Three (3) times the lot width; except to protect sensitive lands, etc.	
<b>Attached (townhome) Single Family Housing</b>	Minimum area: 3,000 square feet	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 17.24.140)  Maximum: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc. ) m Depth:	The average lot area and residential floor area in new developments shall conform to the standard in Section 17.24.150 – Residential Density and Building Size.
<b>Multi-family Housing (more than 3 units)</b>	Minimum area: 9,000 square feet  Maximum area: None. (see “related standards”)	Minimum Width: 60 feet at front property line.  Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 – Access and Circulation.
<b>Manufactured Home Parks</b>	See Section 17 .24.200 for Manufactured Home Park standards.		
<b>Public and Institutional Uses</b>	Minimum area: None:  Maximum area: None. (see "related standards")	Minimum Width: 50 feet at front property line.  Maximum depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation

**17.24.140 Flag Lots and Lots Accessed by Mid-Block Lanes**

**A. ~~A.~~ Mid-block lanes.**

Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, as shown above. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per Chapter 16.12.020, and subsections C-F, below.

1. **Figure 2.1.140B – Flag Lot (Typical)**



**B. B. Flag lots.**

Flag lots may be created only when it is found that streets cannot be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.

**C. C. Driveway and lane width.**

The minimum pavement width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code. For shared drives and lanes serving 4 or more dwellings, the pavement width shall be 20 feet.

**D. D. Dedication of drive lane.**

The owner shall dedicate 20feet of right-of-way or record a 20-foot easement (i.e., 10 feet from each property sharing a drive) for vehicle access similar to an alley. Dedication or recording as applicable shall be so indicated on the face of the subdivision or partition plat.

**E. E. Maximum drive lane length. †**

The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive.

**F. F. Future street plans.**

Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the preceding graphic).

**17.24.150**

**17.24.150—Residential Density**

**A. A. Residential Density Standard.**

The following density standards apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. New land divisions and site developments shall provide for housing at densities between (6) units per net acre minimum and 32 units per net acre maximum.

~~1. New land divisions and site developments shall provide for housing at densities between (6) units per net acre minimum and 32 units per net acre maximum.~~

2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

3. The following types of housing are exempt from the density standards: Residential care homes/facilities, partitions of two lots, and bed and breakfast inns. A single-family dwelling may be placed on a parcel abutting the Rogue River that was legally created prior to November 1, 2004.

### **17.24.160 Maximum Lot Coverage**

#### **A. ~~A.~~ Maximum Lot Coverage.**

The following maximum lot coverage standards shall apply to all:

1. ~~a.~~ Single Family Detached Houses - 50 percent
2. ~~b.~~ Duplexes and Triplexes - 50 percent
3. ~~c.~~ Single Family Attached Townhomes - 60 percent
4. ~~d.~~ Multiple Family Housing - 60 percent
5. ~~e.~~ Public/Institutional Uses - 100 percent

#### **B. ~~B.~~ Lot Coverage Defined.**

"Lot Coverage" means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.

H. \_\_\_\_\_

#### **C. ~~C.~~ Compliance With Other Sections Prioritized**

-Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

### **17.24.170 Building Height**

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

#### **A. ~~A.~~ Building Height Standard.**

Buildings within the Residential District shall be no more than 35 feet or 3 stories in height, whichever is greater and buildings within the Multi-family Sub-district may be up to 35 feet or 3 stories.

**B. ~~B.~~ Method of Measurement.**

"Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. ~~a.~~ The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. ~~b.~~ An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

**17.24.180 Building Orientation**

**A. ~~A.~~ Purpose.**

The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes-on-the-street".

**B. ~~B.~~ Applicability.**

This section applies to: Single Family Attached townhomes which are subject to Site Design Review (3 or more attached units); Multi-Family Housing; Public and Institutional buildings, and uses permitted conditionally, except that the standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

**C. ~~C.~~ Building orientation standards.**

All developments listed in "B" shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. ~~1.~~ Compliance with the setback standards in Section 17.24.120.
2. ~~2.~~ All buildings shall have a primary entrance(s) oriented to the street. Multi-family and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance oriented to a side yard when a direct pedestrian

walkway is provided between the building entrance and the street in accordance with the standards in Section 16.12.020 -- Streets. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.

~~3.3.~~ Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.

**Figure 17.24.180 -Typical Building Orientation**

**(Multi-Family/Attached Housing)**

**17.24.190 ~~17.24.190~~ — Architecture Standards**

**A. A. Purpose.**

The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

**B. B. Applicability.**

This section applies to all of the following types of buildings, and shall be applied during Site Design Review:

~~—a.~~ Single family attached townhomes which are subject to Site Design Review (3 or more attached units);

~~1.~~

~~—b.~~ Multi-family housing;

~~2.~~

~~—c.~~ Public and institutional buildings; and

~~3.~~

~~—d.~~ Duplexes and Triplexes

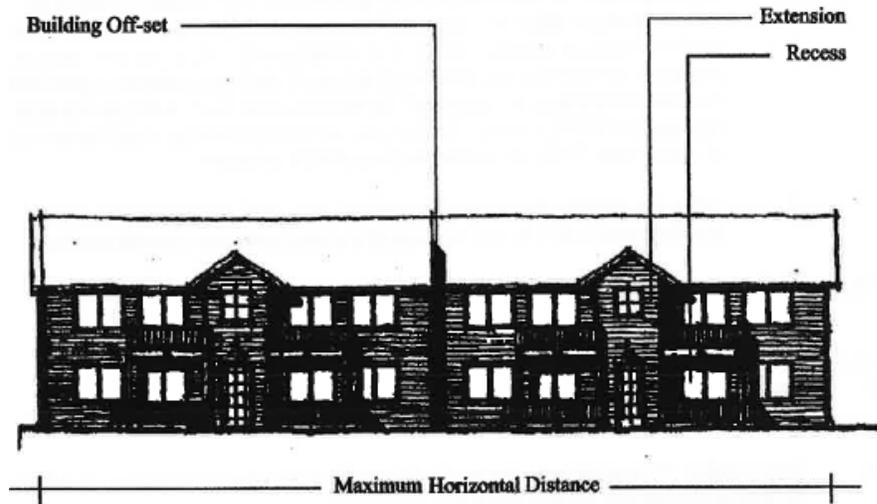
~~4.~~

~~5.e.~~ Conditional Uses

**C. C. Standards.**

All buildings which are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

**Figure 17.24.190C(1) - Building Form (Multi-family Housing Example)**



1. ~~1.~~ Building Form.

The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in the above Figure. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

~~a.~~ Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;

~~a.~~

~~b.~~ Extension ( e.g., floor area, deck, patio, entrance, or similar feature) that projects ~~a~~ minimum of ~~2~~ feet and runs horizontally for a minimum length of 4 feet; and/or

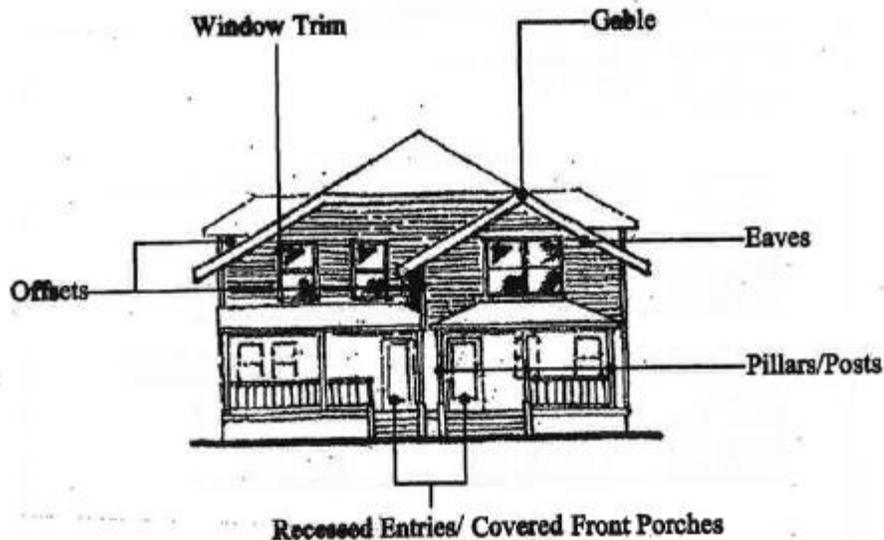
~~b.~~

~~c.~~ ~~e.~~ Offsets or breaks in roof elevation of 2 feet or greater in height.

2. ~~2.~~ Eyes on the Street. All building elevations visible from a street right of way shall provide doors, windows, and porches. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, windows, porches, and, terraces. The standard applies to each full and partial building story.

Figure 17 .24.190C(3) - Examples of Architectural Details

Figure 2.1.190C(3) - Examples of Architectural Details (*Continued on page 2-24*)



3. ~~3.~~ Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 6 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- ~~a.~~ ~~a.~~ Dormers
- ~~b.~~ ~~b.~~ Gables
- ~~c.~~ ~~c.~~ Recessed entries
- ~~d.~~ ~~d.~~ Covered porch entries
- ~~e.~~ ~~e.~~ Cupolas or towers
- ~~f.~~ ~~f.~~ Pillars or posts
- ~~g.~~ ~~g.~~ Off-sets in building face or roof ( minimum 16 inches)
- ~~h.~~ ~~h.~~ Bay windows
- ~~i.~~ ~~i.~~ Balconies
- ~~j.~~ ~~j.~~ Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- ~~k.~~ ~~k.~~ Decorative cornices and roof lines (e.g., for flat roofs)
- ~~l.~~ ~~l.~~ An alternative feature providing visual relief, similar to options above.

### **17.24.200 Special Standards for Certain Uses**

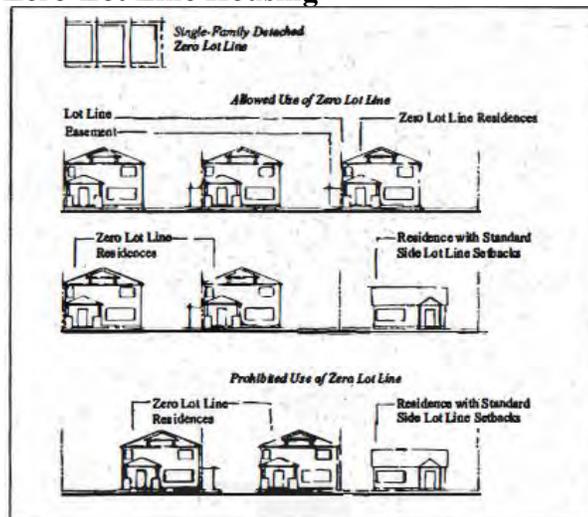
This section supplements the standards contained Sections 17.24.100 through 17.24.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

#### **A. A. "Zero-lot line" (single family courtyard home).**

"Zero-lot line" houses are subject to the same standards as single family housing, except that a side

yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

**Figure 2.1.200A – Zero-Lot Line Housing**



1. 1. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 5 feet;
2. 2. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for 'the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and
3. 3. Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows, as necessary.

**B. B. Accessory dwelling (attached, separate cottage, or above detached garage).**

An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the

following standards:

1. ~~1. Oregon Structural Specialty Code.~~ The structure complies with the Oregon Structural Specialty Code;
2. ~~2. Owner-Occupied.~~ The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;
3. ~~3. One Unit.~~ A maximum of one accessory dwelling unit is allowed per lot;
4. ~~4. Floor Area.~~ The maximum floor area of the accessory dwelling shall not exceed 600 square feet;
5. ~~5. Building Height.~~ The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet, as measured in accordance with Section 17.24.170; and
6. ~~6. Buffering.~~ A hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

**C. ~~C. Manufactured homes on individual lots.~~**

Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which existed within the City prior to the effective date of this ordinance.

1. ~~1. Floor Plan.~~ The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft;
2. ~~2. Roof.~~ The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. ~~3. Residential Building Materials.~~ The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);
- ~~4. Garages and Carports. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;~~
4. ~~5. Thermal Envelope.~~ The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed

under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required;

~~5.~~ 6. Placement. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

~~6.~~ 7. Foundation Skirt. Manufactured homes shall meet the architectural detail design standards of 17.24.190C(3).

~~7.~~ 8. Prohibited. The manufactured home shall not be located in a designated historic district.

**D. D. Manufactured Home Park.**

Manufactured home parks are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-5, below:

~~1.~~ 1. Permitted uses: Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Section 17.64.060 – Home Occupations.

~~2.~~ 2. Space. Not less than fifty percent of the mobile home sites within a park shall be at least forty-five feet in average width and at least seventy feet in average length. No mobile home site shall be less than thirty-five feet in average width and sixty feet in average length. (Ord. 384. §4.050(3), 1972)

~~2.~~

~~3.~~ 3. Setbacks and Building Separation.

~~E.a.~~ The minimum setback between park structures and abutting properties is 5 feet.

~~F.b.~~ The minimum setback between park structures and public street right-of-way is 15 feet.

~~G.c.~~ At least a 10-foot separation shall be provided between all dwellings.

~~H.d.~~ Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units.

~~I.e.~~ Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway.

~~J.f.~~ An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings.

When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

~~4.~~ 4. Perimeter landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 15-foot wide landscape buffer between the right-of-way and a manufactured home park for the

privacy and security of residents or aesthetics of the streetscape.

5. ~~5.~~ House design (parks smaller than 3 acres). Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):

a. ~~a.~~ The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);

b. ~~b.~~ The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

c. ~~c.~~ Exception: Subsections a-b, above, do not apply to manufactured homes which existed within the City prior to the effective date of this ordinance.

**E. ~~E.~~ Single-family Attached (townhomes), and Duplexes.**

Single-family attached housing (townhome units on individual lots), and duplex developments shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. ~~1.~~ Building Mass Supplemental Standard. Within the R-3 district, the number and width of consecutively attached townhome units shall not exceed 8 units, or 160 feet, whichever is less.

2. ~~2.~~ Alley Access. Townhome, duplex and triplex subdivisions (4 or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Chapter 16 - Subdivisions. Alleys are not required when existing development patterns or topography makes construction of an alley impracticable (See #3 for standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks).

3. ~~3.~~ Street Access Developments. Townhomes, duplexes and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

a. ~~a.~~ When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.

b. ~~b.~~ The maximum allowable driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.

c. ~~c.~~ Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. ~~4.~~ Common Areas. "Common areas" ( e.g., landscaping in private tracts, shared driveways,

private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval..

**F. ~~F.~~ Multi-unit Development.**

Multi-unit Development is allowed only within the R-3 District. Multi-unit Development means development that provides more than 3 dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

1. ~~1.~~ Building Mass Supplemental Standard. Within the Residential Districts, the maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall).
2. ~~2.~~ Common open space standard. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.); and
3. ~~3.~~ Private open space standard. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following standards:
  - a. ~~a.~~ All ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
  - b. ~~b.~~ A minimum of 50% of upper-floor housing units shall have balconies or porches measuring at least 24 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade;
  - ~~a.c.~~ ~~c.~~ Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable;
4. ~~4.~~ Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height..

**G. ~~G.~~ Residential care homes and facilities.**

Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals ("homes) or 6 to 15 individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

1. ~~1.~~ Licensing. All residential care homes shall be duly licensed by the State of Oregon.
2. ~~2.~~ Parking. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 17.60 Parking requirements.
3. ~~3.~~ Development Review. Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

#### **H. ~~H.~~ Public and Institutional Land Uses.**

Public and institutional uses (as listed in Table 17.24.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. ~~1.~~ Building Mass. The maximum width or length of a multiple family building shall not exceed 160 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.
2. ~~2.~~ Telecommunications Equipment. Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 17. 72.
3. ~~3.~~ Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

#### **I. ~~I.~~ Accessory Uses and Structures**

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 17.24.200.B.) All accessory structures shall comply with the all of following standards:

1. ~~1.~~ Primary use required. An accessory structure shall not be allowed without another permitted use ( e.g., as listed in Table 17 .24.11 0.A).
2. ~~2.~~ Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. ~~3.~~ Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. ~~4.~~ Floor Area. The maximum floor area of the accessory structure shall not exceed 600 square feet;
5. ~~5.~~ Building Height. The building height of detached accessory structure shall not exceed  $\frac{3}{4}$  the

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## 17.24 – High Density Residential (R-3) District

- height of the principal structure, as measured in accordance with Section 17.24.170; and
6. Buffering. A side or rear fence shall be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.

3-5.

## **Chapter 17.26 – ALLOWED USES IN COMMERCIAL, EMPLOYMENT, AND PUBLIC ZONES**

### Sections:

17.26.010 Purpose

17.26.020 Allowed Uses

17.26.030 Planning Commission Determination.

### **§ 17.26.010 Purpose**

#### **A. Generally**

Chapter 17.26 serves as an administrative tool to both citizens, developers, and city staff, summarizing the different allowed uses across similar zones. This chapter examines the 4 use categories across the other zones, specifically D, GC, LI, and P.

#### **B. Conflicts between the Table and Individual Zoning Chapters**

Should an allowed use displayed in any of these tables conflict with the uses allowed by a zone’s respective chapter, the uses and standards listed within the respective chapter shall generally be viewed as the more stringent and prevailing standard. In the case that city staff finds this determination to conflict directly with the intent comprehensive plan, city staff may initiate a code interpretation in accordance to chapter 17.100.

### **§ 17.26.020 Allowed Uses**

Allowed uses shall include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 17.26.020. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Industrial and Mixed Employment. Where Table 17.26.020 does not list a specific use, and Definitions of this code do not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section 17.100 Code Interpretations. Uses not listed in Table 17.26.020 and not found to be similar to an allowed use are prohibited.

#### **A. Permitted Uses and Uses**

Permitted Subject to Special Use Standards. Uses listed as “Permitted (P)” are allowed provided they conform to the Lot and Development Standards of their respective Zone.

#### **B. Conditional Uses.**

Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of Chapter 17.72 Conditional Use Permits.

#### **C. Special Uses**

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## 17.26 – Allowed uses in Commercial, Employment, and Public Zones

Uses listed as “Permitted Subject to Special Use Standards (S)” are required all the special standards criterion. The special standards for the use can be found within the respective zoning chapter, under the “Special Use Standards” subsection. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Special Use Standards and Lot and Development Standards of their respective Zone.

### **D. Accessory Uses.**

Uses identified as “Allowed as accessory to another allowed use (A)” are permitted only as accessory uses, being limited in scale, location, or scope, subject to the requirements of Section 17.64.030 Accessory Uses.

### **17.22.030 Planning Commission Determination.**

When doubt emerges as to whether a proposed use is similar to one allowed within a zone, the Planning Commission shall make a finding, determining whether the proposed use is consistent with an already allowed use or the overall intent of the zone.

17.26 – Allowed uses in Commercial, Employment, and Public Zones

<b>Table 17.26.020(A) – Residential Uses Allowed by Zoning District</b>				
<u>Residential Uses</u>	<u>Commercial Zones, Employment, and Public Zones</u>			
	<u>D</u>	<u>GC</u>	<u>LI</u>	<u>P</u>
<u>Single-Family Dwelling, detached</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Single-Family Dwelling, Attached (Townhome)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Accessory Uses and Structures</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Ancillary Dwelling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Bed and Breakfast</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Boarding or Rooming House</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Duplex Dwelling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Triplex Dwelling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Multi-unit Development</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Cottage Cluster Housing (4 or more units)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Manufactured Home</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Manufactured Home Park</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Multifamily Dwelling</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Family Daycare</u>	<u>C</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Residential Care Home</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Residential Care Facility</u>	<u>S</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Home Occupation</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Household Solar Panels</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Vacation Rental Dwellings</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>

17.26 – Allowed uses in Commercial, Employment, and Public Zones

<b>Table 17.26.020(B) – Public and Institutional Uses Allowed by Zoning District</b>				
<b><u>Public and Institutional Uses</u></b>	<b><u>Commercial Zones, Employment, and Public Zones</u></b>			
	<b><u>D</u></b>	<b><u>GC</u></b>	<b><u>LI</u></b>	<b><u>P</u></b>
<u>Automobile Parking, Public Off-street Parking</u>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>N</u></b>	<b><u>C</u></b>
<u>Cemetery, including Crematorium</u>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>P</u></b>
<u>Child Daycare Center (Care for not more than 16 children)</u>	<b><u>C</u></b>	<b><u>S</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Club Lodge, Fraternal Organization</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Community Service; includes Governmental Offices</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>P</u></b>
<u>Community Garden</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>P</u></b>
<u>Clinic, Outpatient Only</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Emergency Services; includes Police, Fire, Ambulance</u>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
<u>Hospital, including Acute Care Center</u>	<b><u>N</u></b>	<b><u>C</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Libraries and Museums</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>P</u></b>
<u>Mortuary</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Non-Profit Member Organization Offices</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>
<u>Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses</u>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>N</u></b>	<b><u>P</u></b>
<u>Private Utilities</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>
<u>Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
<u>Railroad Facilities</u>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
<u>Religious Institutions and Houses of Worship</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>School, Preschool-Kindergarten (Public or Private)</u>	<b><u>C</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>P</u></b>
<u>School, Secondary (Public or Private)</u>	<b><u>C</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>P</u></b>

17.26 – Allowed uses in Commercial, Employment, and Public Zones

<b>Table 17.26.020(B) – Public and Institutional Uses Allowed by Zoning District</b>				
<b><u>Public and Institutional Uses</u></b>	<b><u>Commercial Zones, Employment, and Public Zones</u></b>			
	<b><u>D</u></b>	<b><u>GC</u></b>	<b><u>LI</u></b>	<b><u>P</u></b>
<b><u>Utility Structures and Facilities, City Planned Projects, i.e., utilities identified by an adopted City master plan or development review approval</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
<b><u>Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
<b><u>Telecommunications Equipment</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>C</u></b>

17.26 – Allowed uses in Commercial, Employment, and Public Zones

<b>Table 17.26.020(C) – Commercial Uses Allowed by Zoning District</b>				
<b><u>Commercial Uses</u></b>	<b><u>Commercial Zones, Employment, and Public Zones</u></b>			
	<b><u>D</u></b>	<b><u>GC</u></b>	<b><u>LI</u></b>	<b><u>P</u></b>
<u>Agriculture, Horticulture, and livestock</u>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Automobile Parking, Commercial Parking</u>	<b><u>C</u></b>	<b><u>C</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.</u>	<b><u>N</u></b>	<b><u>C</u></b>	<b><u>P</u></b>	<b><u>N</u></b>
<u>Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks</u>	<b><u>N</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>
<u>Bed and Breakfast</u>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Commercial Retail Sales and Services</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Customer Call Center</u>	<b><u>N</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Drive-Through Service</u>	<b><u>N</u></b>	<b><u>C</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Golf Course</u>	<b><u>N</u></b>	<b><u>C</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Food Services, excluding automobile-oriented uses</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Hotels, Motels, and Similar Overnight Accommodations</u>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Kennel</u>	<b><u>N</u></b>	<b><u>P</u></b>	<b><u>N</u></b>	<b><u>N</u></b>
<u>Lumber Yard and Similar Sales of Building or Contracting</u>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>P</u></b>	<b><u>N</u></b>

17.26 – Allowed uses in Commercial, Employment, and Public Zones

<u>Table 17.26.020(C) – Commercial Uses Allowed by Zoning District</u>				
<u>Commercial Uses</u>	<u>Commercial Zones, Employment, and Public Zones</u>			
	<u>D</u>	<u>GC</u>	<u>LI</u>	<u>P</u>
<u>Supplies, or Heavy Equipment</u>				
<u>Medical and Dental offices</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Mortuary</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Offices</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>
<u>Recreational Vehicle Park</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Self-Service Storage, Commercial</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Veterinary Clinic</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>

17.26 – Allowed uses in Commercial, Employment, and Public Zones

<b>Table 17.26.020(C) – Industrial and Mixed Employment Uses Allowed by Zoning District</b>				
<b><u>Industrial and Mixed Employment Uses</u></b>	<b><u>Commercial, Employment, and Public Zones</u></b>			
	<b><u>D</u></b>	<b><u>GC</u></b>	<b><u>LI</u></b>	<b><u>P</u></b>
<u>Artisanal and Light Manufacture Uses in Industrial and Public Facility zones</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Auction Yard</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Beverage and Bottling Facility, except as allowed for Commercial Uses</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Cement, Glass, Clay, and Stone Products Manufacture</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Concrete or Asphalt Batch Plants</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Dwelling for a caretaker or watchman</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>N</u>
<u>Finished Textile and Leather Products Manufacture</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving</u>	<u>N</u>	<u>C</u>	<u>P</u>	<u>N</u>
<u>Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses</u>	<u>N</u>	<u>C</u>	<u>A</u>	<u>N</u>
<u>Machine Shop, and Sales, Service and Repair of Machinery</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Metal Plating</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Metal Manufacture, Welding</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>

17.26 – Allowed uses in Commercial, Employment, and Public Zones

<u>Table 17.26.020(C) – Industrial and Mixed Employment Uses Allowed by Zoning District</u>				
<u>Industrial and Mixed Employment Uses</u>	<u>Commercial, Employment, and Public Zones</u>			
	<u>D</u>	<u>GC</u>	<u>LI</u>	<u>P</u>
<u>Solar Array</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>
<u>Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Wrecking, Demolition, Junk Yards, Recycling Centers</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>

Sections:

17.2

**Chapter 17.28 – PUBLIC DISTRICT C-1 COMMERCIAL LIMITED DISTRICT**

- 17.28.010 Purpose.
- 17.28.020 Allowed Uses.
- 17.28.030 Height.
- 17.28.040 Area, width and yards.

**17.28.010 Purpose**

The Public zone intends to provide for public land uses, to protect open space and recreation resources, to enhance wildlife, aquatic, and riparian habitat protection, and to protect the public health and safety.

**17.28.020 Allowed Uses**

A. Permitted Uses.

- 1. Public and Institutional Uses
  - a. Cemetery, including Crematorium
  - b. Community Service; includes Governmental Offices
  - c. Community Garden
  - d. Libraries and Museums
  - e. Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
  - f. Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair
  - g. School, Preschool-Kindergarten (Public or Private)
  - h. School, Secondary (Public or Private)
  - i. Utility Structures and Facilities, City Planned Projects, i.e., utilities identified by an adopted City master plan or development review approval

B. Conditional Uses

- 1. Public and Institutional Uses
  - a. Automobile Parking, Public Off-street Parking
  - b. Emergency Services; includes Police, Fire, Ambulance Community Service; includes Governmental Offices
  - c. Railroad Facilities
  - d. Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval
  - e. Telecommunications Equipment

2. Commercial Uses
  - a. Automobile Parking, Commercial Parking
3. Industrial and Mixed Employment Uses
  - a. Solar Array

**17.28.030 Height**

The maximum building height is 40 feet within the public zone.

**17.28.040 Area, width and yards.**

There are no requirements on area, width, and yard except as necessary to meet the dimensional requirements for off-street parking provided or area required as a condition of approval for a conditional use.

Sections:

- ~~17.28.110 Purpose.~~
- ~~17.28.120 Permitted Uses.~~
- ~~17.28.130 Conditional Uses.~~
- ~~17.28.140 Height.~~
- ~~17.28.150 Area, width and yards.~~
- ~~17.28.160 Performance standards.~~
- ~~17.28.170 Signs and lighting.~~
- ~~17.28.180 Off-street parking.~~
- ~~17.28.190 Residential facility or residential home application.~~

17.28.110 Purpose.

~~This district is designed to stabilize, improve, and protect the commercial characteristics of neighborhood shopping centers and areas, and to promote the establishment of beneficial relationships between similar and complementary uses of land. (Ord. 384 §3.0S0(I), 1972).~~

17.24.120 Permitted Uses.

~~A. Business and professional offices, banks;~~

~~B. Retail stores and service establishments, including:~~

- ~~1. Personal service establishments, such as beauty and barber shops, laundrettes, clothes and laundry pickup stations;~~
- ~~2. Retail stores such as hardware stores, drugstores, antique shops, and grocery stores;~~
- ~~3. Restaurant, cafe, soda fountain, tavern, dancing, sale of liquor, beer, or other alcoholic beverages for consumption on the premises;~~
- ~~4. Light service shops such as upholsterer, picture framing studios, appliance repair, and tailoring;~~
- ~~5. Theater; provided, that such use is conducted within a building;~~
- ~~6. Commercial parking lots for passenger vehicles, subject to the requirements of Chapter 17.60;~~
- ~~7. Automobile service stations;~~

~~C. Public and quasi-public and public utility and service buildings, structures, and uses, but not including corporation, storage, or repair yards, warehouses, and similar uses;~~

~~D. Residential uses, subject to the requirements of the R-3 district; E. Residential homes;  
F. Residential facilities. (Ord. 89-07 (part), 1989; Ord. 384 §3.050(2), 1972).~~

~~17.24.130 — Conditional uses.~~

~~The following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.72:~~

- ~~A. Hotels and motels, mobile home parks;~~
- ~~B. Outdoor advertising structure. (Ord. 384 §3.050 (3), 1972).~~

~~17.24.140 — Height.~~

~~No building or structure shall exceed thirty five feet in height. (Ord. 384 §3.050 (4), 1972).~~

~~17.24.150 — Area, width and yards.~~

~~None are required except as necessary to meet the off street parking and loading requirements or as a condition of approval for a conditional use. (Ord. 384 §3.050(5), 1972).~~

~~17.24.160 — Performance standards.~~

- ~~A. No use shall be permitted and no process, equipment, or materials shall be used which are found by the planning commission to be harmful to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, or to involve any hazard of fire or explosion.~~
- ~~B. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall.~~
- ~~C. Where a site adjoins or is located across an alley from an R-1 or R-2 district, a solid wall or fence, vine-covered open fence, or compact evergreen hedge six feet in height shall be located on the property line common to such districts, except in a required front yard. (Ord. 90-01 §1, 1989; Ord. 384 §3.050 (6), 1972).~~

~~17.24.170 — Signs and lighting.~~

- ~~A. No sign or outdoor advertising structure which faces and is located directly across the street from property situated in an R-1 or R-2 district shall be directly illuminated or flashing.~~

~~B. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.~~

~~C. Out of door lighting standards and fixtures for illumination of premises shall be so designed and installed that direct rays are not toward or parallel with a public street or highway or directed toward residential uses located in the R-1 and R-2 districts. (Ord. 384 §3.050 (7), 1972).~~

~~17.24.180 — Off Street parking.~~

~~All uses shall provide off street parking facilities as required in Chapter 17.60 except when located within a special district organized to provide common public parking areas. (Ord. 384 §3.050(8), 1972).~~

~~17.24.190 — Residential facility or residential home application.~~

~~The terms of Section 17.20.080 are applicable to this chapter. (Ord. 89 :07 (part), 1989).~~

## **Chapter 17.32 – GC-2 GENERAL COMMERCIAL LIMITED DISTRICT**

### Sections:

- 17.32.010 Purpose.
- 17.32.020 ~~Permitted~~ Allowed Uses.
- ~~17.32.030 Conditional Uses.~~
- 17.32.0340 Height.
- 17.32.0450 Area, width and yards.
- 17.32.0560 Performance standards.
- 17.32.0670 Signs and lighting.
- ~~17.32.080 Off-street parking.~~
- 17.32.0790 Residential facility or residential home application.

**17.32.010 Purpose.** This district is designed to include a full range of retail sales and service establishments, generally located within an urban center or subcenter. (Ord. 384 §3. 060 (1), 1972).

### **17.32.020 Allowed Permitted Uses. ~~Permitted uses shall be as follows:~~**

#### A. Permitted Uses.

##### 1. Residential Uses

- a. Accessory Uses and Structures
- b. Family Daycare
- c. Residential Care Home
- d. Residential Care Facility

##### 2. Public and Institutional Uses

- a. Club Lodge, Fraternal Organization
- b. Community Service; includes Governmental Offices
- c. Community Garden
- d. Clinic, Outpatient Only
- e. Libraries and Museums
- f. Mortuary
- g. Non-Profit Member Organization Offices
- h. Private Utilities
- i. Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair
- j. Religious Institutions and Houses of Worship
- k. School, Preschool-Kindergarten
- l. School, Secondary

m. Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval

3. Commercial Uses

- a. Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses
- b. Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses
- c. Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks
- d. Commercial Retail Sales and Services
- e. Customer Call Center
- f. Food Services, excluding automobile-oriented uses
- g. Hotels, Motels, and Similar Overnight Accommodations
- h. Kennel
- i. Medical and Dental offices
- j. Offices
- k. Veterinary Clinic

4. Industrial and Mixed Employment Uses

- a. Finished Textile and Leather Products Manufacture
- b. Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses
- c. Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry

**B. Conditional Uses**

1. Public and Institutional Uses

- a. Automobile Parking, Public Off-street Parking
- b. Emergency Services; includes Police, Fire, Ambulance Community Service; includes Governmental Offices
- c. Hospital, including Acute Care Center
- d. Public Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
- e. Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
- f. Railroad Facilities
- g. Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval
- h. Telecommunications Equipment

2. Commercial Uses

- a. Automobile Parking, Commercial Parking

- b. Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.
- c. Drive-Through Service
- d. Golf Course
- e. Mortuary
- f. Recreational Vehicle Park

3. Industrial and Mixed Employment Uses

- a. Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving
- b. Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses
- c. Solar Array

**C. Permitted with Special Standards**

1. Public and Institutional Uses

- a. Family Daycare Center (Care for more than 12 children)

D. Permitted as an Accessory Use

1. Residential Uses

- a. Household Solar Panels

2. Industrial and Mixed Employment Uses

- a. Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses
- b. \_\_\_\_\_

~~A. Business and professional offices, banks;~~

~~B. Retail stores and service establishments, including:~~

- ~~1. Personal service establishments such as beauty and barber shops, laundrettes, clothes and laundry pickup stations;~~
- ~~2. Retail stores such as hardware stores, drugstores, antique shops and grocery stores;~~
- ~~3. Restaurant, cafe, fountain, tavern;~~
- ~~4. Service shops such as upholsterer, picture framing studios, appliance repair, and tailoring;~~
- ~~5. Theater; provided, that such use is conducted within a building;~~
- ~~6. Commercial parking lots for passenger vehicles, subject to the requirements of Chapter 17.60;~~
- ~~7. Laundry, cleaning, and dyeing establishments;~~
- ~~8. Printing, publishing, and lithography;~~
- ~~9. Bowling alleys, auditoriums, skating rinks, dancehalls, and drive-in theaters;~~
- ~~10. Automobile service stations, new and used car sales, boat, trailer, and mobile home sales;~~
- ~~11. Mortuary;~~
- ~~12. Veterinary clinic;~~

~~C. hotels and motels;~~

~~D. Residential uses, subject to the requirements of the R-3 district;~~

~~E. Public and quasi-public and public utility and service buildings, structures and uses as appropriate to and compatible with the purpose of this district;~~

~~F. Residential homes;~~

~~G. Residential facilities. (Ord. 89-07 (part), 1989; Ord. 3-8-4 § 3.060 (2), 1972).~~

~~**17.32.030** — **Conditional uses.** The following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.72:~~

~~A. Mobile home parks;~~

~~B. Outdoor advertising structures. (Ord. 384 §3.060 (3), 1972)~~

**17.32.0340 Height.**

no building or structure shall exceed fifty feet in height. (Ord. 384 §3. 060 (4), 1972).

**17.32.0450 Area, width and yards.**

None are required except as necessary to meet the off-street parking and loading requirements or as a condition of approval for a conditional use. (Ord. 384 §3.060 (5), 1972).

**17.32.0560 Performance standards.**

A. No use shall be permitted and no process, equipment, or materials shall be used which are found by the planning commission to be harmful to persons living or working in the vicinity by reason of odor, fumes., dust, smoke, cinders, dirt, refuse, water carried waste, noise, vibration, illumination, glare, or to involve any hazard of fire or explosion.

B. All business, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline stations, outdoor dining, entertainment, or recreation areas, nurseries, garden shops, Christmas tree sales lots, bus stations, automobile sales, trailer and mobile home sales or rental.

C. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall of fence six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall.

D. Where a site adjoins or is located across an alley from an R-1 or R-2 district, a solid wall or fence, vine covered open fence or compact evergreen hedge six feet in height shall be located on the property line common to such districts, except in a required front yard. (Ord. 384 §3.060 (6), 1972).

**17.32.0670 Signs and lighting.**

A. No sign or outdoor advertising structure which faces and is located directly across the street from property situated in an R-1 or R-2 district shall be directly illuminated or flashing.

B. No red, green, or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic-control device or traffic signal or official directional guide signs.

D. Out-of-door lighting standards and fixtures for illumination of premises shall be so designed and installed that direct rays are not toward or parallel with a public street or highway or directed toward residential uses located in the R-1 and R-2 district. (Ord. 384 §3.060 (7), 1972).

**17.32.0780 Off Street parking.**

~~All uses shall provide off street parking facilities as required in Chapter 17.60 except when located within a special district organized to provide common public parking areas (Ord. 384 §3.060 (8), 1972).~~

**17.32.0890 Residential facility or residential home application.**

The terms of Section 17.20.080 are applicable to this chapter. (Ord. 89-07 (part), 1989).

## **Chapter 17.36 – Downtown D District**

### Sections:

17.36. <del>0100</del>	Purpose
17.36. <del>01120</del>	<del>Allowed</del> Permitted land uses
17.36. <del>01320</del>	Building setbacks
17.36. <del>01430</del>	Lot Coverage and floor area ratio
17.36. <del>01540</del>	Block layout and building orientation
17.36. <del>01650</del>	Building height
17.36. <del>01760</del>	Architectural guidelines and standards
17.36. <del>01870</del>	Pedestrian amenities
17.36. <del>01980</del>	Special standards for certain uses

### **17.36.~~1010~~ PURPOSE.**

A city's goal is to strengthen the Downtown District as the "heart" of the community and as the logical place for people to gather and create a business center. The District is intended to support this goal through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly improvement of the Downtown District based on the following principles:

- ~~(A)~~ Efficient use of land and urban services;
- ~~(B)~~ A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;
- ~~(C)~~ Downtown provides both formal and informal community gathering places;
- ~~(D)~~ There is a distinct storefront character which identifies Downtown;
- ~~(E)~~ The Downtown District is connected to neighborhoods and other employment areas;
- ~~(F)~~ Provide visitor accommodations and tourism amenities;
- ~~(G)~~ Transit-oriented development reduces reliance on the automobile and reduces parking needs in the Downtown;
- ~~(H)~~ Design standards/guidelines maintain and enhance the city's historic architecture. (Ord. 546, passed 7-7-2003)

**17.36.01120 PERMITTED LAND USES.**

C. Permitted Uses.

1. Public and Institutional Uses

- a. Club Lodge, Fraternal Organization
- b. Community Service; includes Governmental Offices
- c. Community Garden
- d. Clinic, Outpatient Only
- e. Libraries and Museums
- f. Mortuary
- g. Non-Profit Member Organization Offices
- h. Private Utilities
- i. Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair
- j. Religious Institutions and Houses of Worship
- k. Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval

2. Commercial Uses

- a. Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses
- b. Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses
- c. Commercial Retail Sales and Services
- d. Food Services, excluding automobile-oriented uses
- e. Hotels, Motels, and Similar Overnight Accommodations
- f. Golf Course
- g. Food Services, excluding automobile-oriented uses
- h. Hotels, Motels, and Similar Overnight Accommodations
- i. Kennel
- j. Medical and Dental offices
- k. Offices
- l. Veterinary Clinic

3. Industrial and Mixed Employment Uses

- a. Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry

**D. Conditional Uses**

1. Residential Uses

- a. Bed and Breakfast

2. Public and Institutional Uses

- a. Automobile Parking, Public Off-street Parking
- b. Child Daycare Center (Care for not more than 16 children)
- c. Emergency Services; includes Police, Fire, Ambulance Community Service; includes Governmental Offices
- d. Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
- e. Hospital, including Acute Care Center Public Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
- f. Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses
- g. Railroad Facilities
- h. School, Preschool-Kindergarten
- i. School, Secondary
- j. Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval
- k. Telecommunications Equipment

3. Commercial Uses

- a. Automobile Parking, Commercial Parking

**E. Permitted with Special Standards**

1. Residential Uses

- a. Multifamily Dwelling
- b. Vacation Rental Dwellings

Allowed uses shall include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 17.32.020. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Industrial and Mixed Employment. Where Table 17.32.020 does not list a specific use, and Definitions of this code do not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section XX.XX.XXX Code Interpretations. Uses not listed in Table 17.32.020 and not found to be similar to an allowed use are prohibited.

~~(A) Permitted uses. The land uses listed in Table 17.36.110.A are permitted in the Downtown District, subject to the provisions of this chapter. Only land uses which are specifically listed in Table 17.36.110. A, and land uses which are approved as "similar" to those in Table 17.36.110, may be permitted. The land uses identified with a "CU" in Table 17.36.110.A require conditional use permit approval prior to development or a change in use, in accordance with Chapter 17.72.~~

(B) Determination of similar land use. Similar use determinations shall be made in conformance with the procedures in § 17.64.050.

<b>Table 17.36.110A: Land Uses and Building Types Permitted in the Downtown District</b>	
<b>1. Residential*</b>	
<i>Single family</i>	<ul style="list-style-type: none"> <li>a. Single family detached housing (existing housing only)</li> <li>b. Zero lot line housing (existing only)</li> <li>c. Accessory dwellings (existing only)</li> <li>d. Manufactured homes – individual lots (existing housing only)</li> </ul>
<i>Residential care</i>	<ul style="list-style-type: none"> <li>e. Residential care homes and facilities</li> <li>f. Family daycare (12 or fewer children)</li> </ul>
<b>2. Home occupations</b>	
<b>3. Bed and breakfast inns and vacation rentals*</b>	
<b>4. Public and institutional*:</b>	
<ul style="list-style-type: none"> <li>a. Churches and places of worship</li> <li>b. Clubs, lodges, similar uses</li> <li>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</li> <li>d. Libraries, museums, community centers, concert halls and similar uses</li> <li>e. Public parking lots and garages</li> <li>f. Private utilities</li> <li>g. Public parks and recreational facilities</li> <li>h. Schools (public and private)</li> <li>i. Special district facilities</li> <li>j. Telecommunications equipment (including wireless)* (CU)</li> <li>k. Uses similar to those listed above (subject to CU requirements, as applicable)</li> </ul>	
<b>5. Accessory Uses and Structures*</b>	
<p>Uses marked with an asterisk (*) are subject to the standards in § 17.36.180, "Special Standards for Certain Uses."</p> <p>Home occupations are subject to the standards in § 17.64.060 and temporary uses are subject to the standards in § 17.36.180(H).</p>	

<b>Table 17.36.110A: Land Uses and Building Types Permitted in the Downtown District</b>	
<b>6. Commercial:</b>	
a. Auto-oriented uses and facilities*	

- ~~b. Entertainment (e.g., theaters, clubs, amusement uses)~~
- ~~c. Hotels/motels~~
- ~~d. Medical and dental offices, clinics and laboratories~~
- ~~e. Mixed use development (housing and other permitted use) (CU)~~
- ~~f. Office uses (i.e., those not otherwise listed)~~
- ~~g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)~~
- ~~h. Repair services (must be enclosed within building)~~
- ~~i. Retail trade and services, except auto-oriented uses~~
- ~~j. Drive up services, including coffee stands~~
- ~~k. Temporary uses\*~~
- ~~l. Uses similar to those listed above (subject to CU requirements, as applicable)~~

**7. Industrial\* (CU):**

~~Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)~~

~~Uses marked with an asterisk (\*) are subject to the standards in § 17.36.180, "Special Standards for Certain Uses."~~

~~Home occupations are subject to the standards in § 17.64.060 and temporary uses are subject to the standards in § 17.36.180(H).~~

~~(Ord. 546, passed 7-7-2003)~~

**17.36.01230 BUILDING SETBACKS.**

In the Downtown District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown. Building setbacks are measured from the property line to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance, in accordance with Chapter 17.76.

(A) *Front yard setbacks.*

(1) *Minimum setback.* There is no minimum front yard setback required

(2) *Maximum setback.* The maximum allowable front yard setback is 20 feet. This standard is met when a minimum of 50 % of the front building elevation is placed no more than 20 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also,

Pedestrian Amenities Standards in § 17.36.170, and Architectural Standards in § 17.36.160 for related building entrance standards.)

(B) *Rear yard setbacks.*

(1) *Minimum setback.* The minimum rear yard setback for all structures shall be 0 feet for street-access lots, and 8 feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

(2) *Through-lots.* For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in division (A) shall apply.

(C) *Side yard setbacks.* There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 17.56.020 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

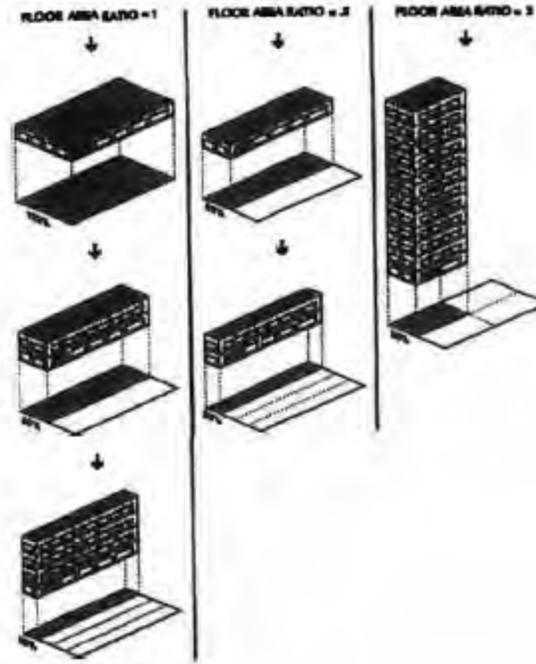
(D) *Setback exceptions.* Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by not more than one third of the distance into a required yard or into a required open space, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter 17.56 Fences and Sight Obstructions. (Ord. 546, passed 7-7-2003)

**17.36.01340 LOT COVERAGE AND FLOOR AREA RATIO.**

(A) *Lot coverage.* There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

(B) *Floor area ratio.* Floor area ratios (FARs) control the bulk and mass of development. FAR is measured by dividing the gross enclosed floor area of a building (or combination of buildings in a single development) by the land area of the development (not including street rights-of-way). For example, a 1.0 FAR equals two building stories (or approximately 25-30 feet) with 50% lot coverage. A FAR of 4.0 equals six building stories (75+ feet) with 67% lot coverage. The following standard shall be met in all commercial, industrial and mixed use (residential with non-residential) developments:

Figure 17.36.130 - Floor Area Ratio



(1) The maximum floor area shall be ~~3,400%~~ in the Downtown District.

(2) The minimum floor area ratio shall be .75 ~~5~~ in the Downtown District. (Ord. 546, passed 7-7-2003)

### **17.36.01450 BLOCK LAYOUT AND BUILDING ORIENTATION**

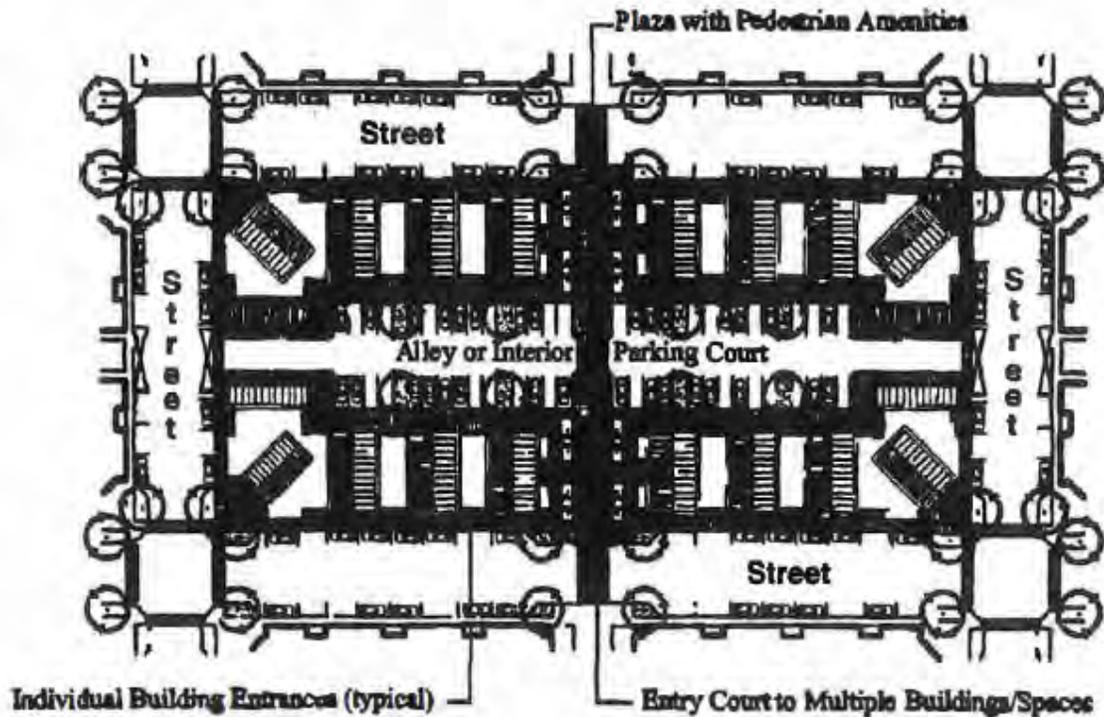
This section is intended to promote the walkable, storefront character of downtown by forming short blocks and orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street", increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, complement the front yard setback standards in § 17.36.120.

A. *Applicability.* This section applies to new land divisions and all of the following types of development (i.e., subject to Site Design Review):

1. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

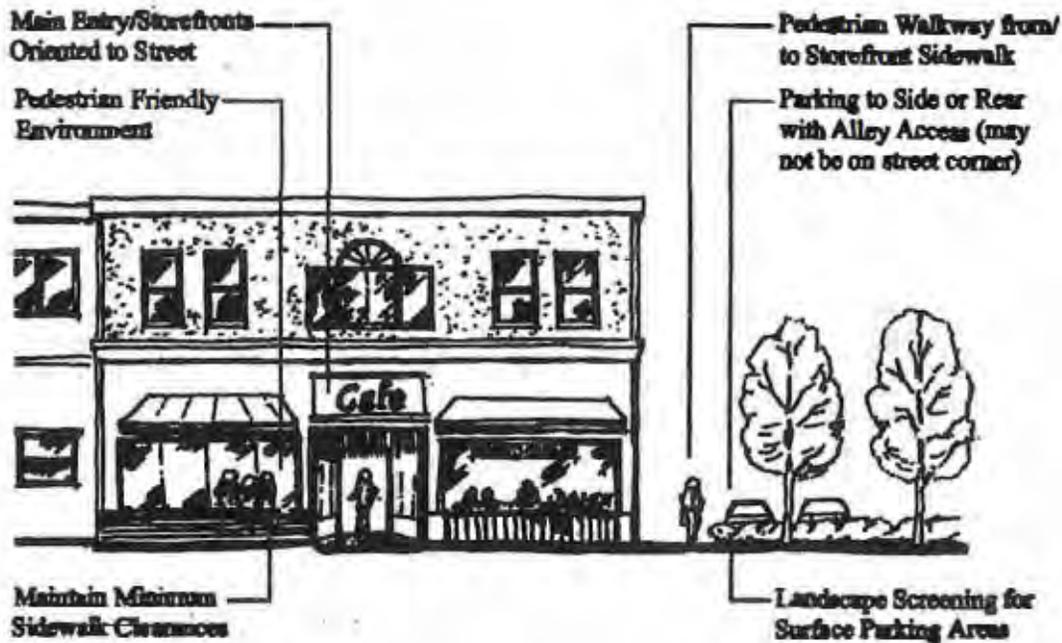
2. Commercial and mixed-use buildings subject to site design review.

Figure 17.36.140A - Block Layout (Typical)



B. *Block layout standard.* New land divisions and developments which are subject to Site Design Review shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 300 feet, and a depth not exceeding 300 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off street parking.

Figure 17.36.140 C Building Orientation (Typical)



C. *Building orientation standard.* All of the developments listed in division (A) shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. The minimum and maximum setback standards in § 17.36.120 are met;

2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/ courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 15 feet in length is provided between the building entrance and the street right-of-way.

D. *Variations.* The standards of this section shall not be changed through a Class A variance. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variations in Chapter 17.76.

(Ord. 546, passed 7-7-2003)

### **17.36.01560 BUILDING HEIGHT.**

All buildings in the Downtown District shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings with a storefront character:

Figure 17.36.150 - Building Height Diagram (Credit for Housing)



A. Maximum height. Buildings shall be no more than 2 stories or 35 feet in height, whichever is greater.

1. Buildings containing above ground floor residential units are allotted an extra 5 feet of maximum height, ultimately being no more than 2 stories or 40 feet in height.

B. Method of measurement. "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (1) is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

(Ord. 546, passed 7-7-2003)

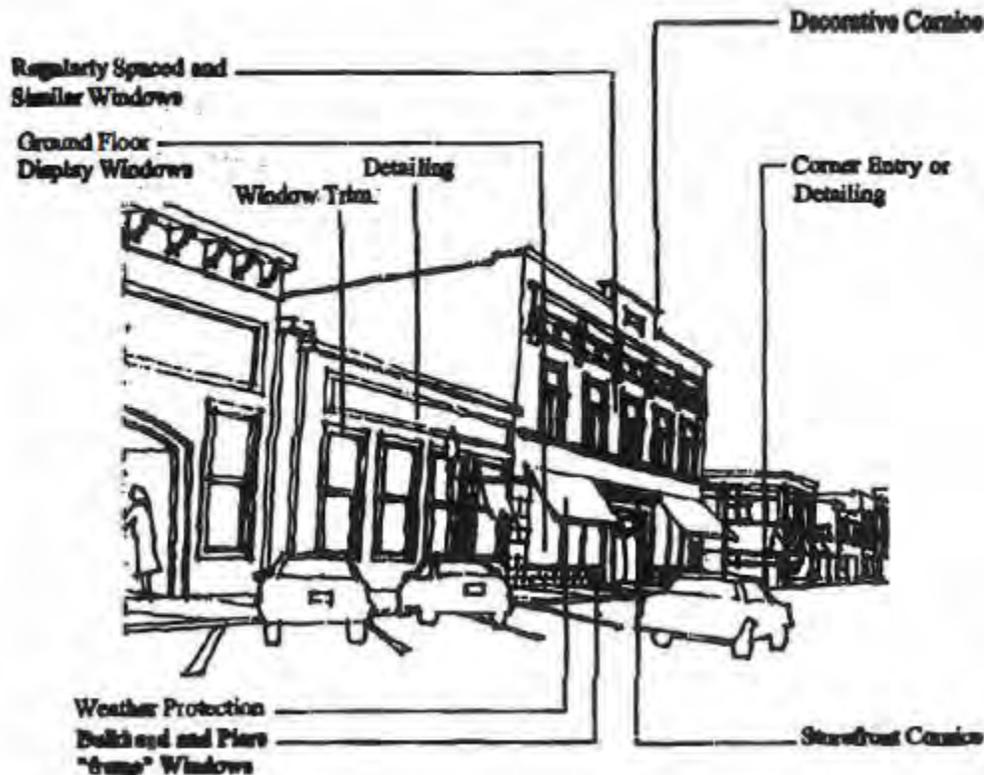
**17.36.01670 ARCHITECTURAL GUIDELINES AND STANDARDS.**

A. *Purpose and applicability.* The downtown architectural guidelines standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

1. Three or more single family attached townhomes on their own lots (i.e., townhomes subject to Site Design Review);
2. Duplex and tri-plex developments with more than one building (i.e., duplex and triplex developments subject to Site Design Review);
3. Multi-family housing;
4. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used- solely to house mechanical equipment, and similar uses); and
5. Commercial and mixed-use buildings subject to site design review.

B. *Guidelines and standards.* Each of the following standards shall be met. An architectural feature used to comply with one standard may be used to comply with another standard.

Figure 17.36.160B(1) - Downtown Building Design Elements (Typical)



1. *Detailed storefront design.* All buildings shall contribute to the storefront character and visual relatedness of downtown buildings. This criterion is met by providing all of the architectural features listed in (a) through (e) below, along the front building elevation (i.e., facing the street), as applicable. Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.

a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

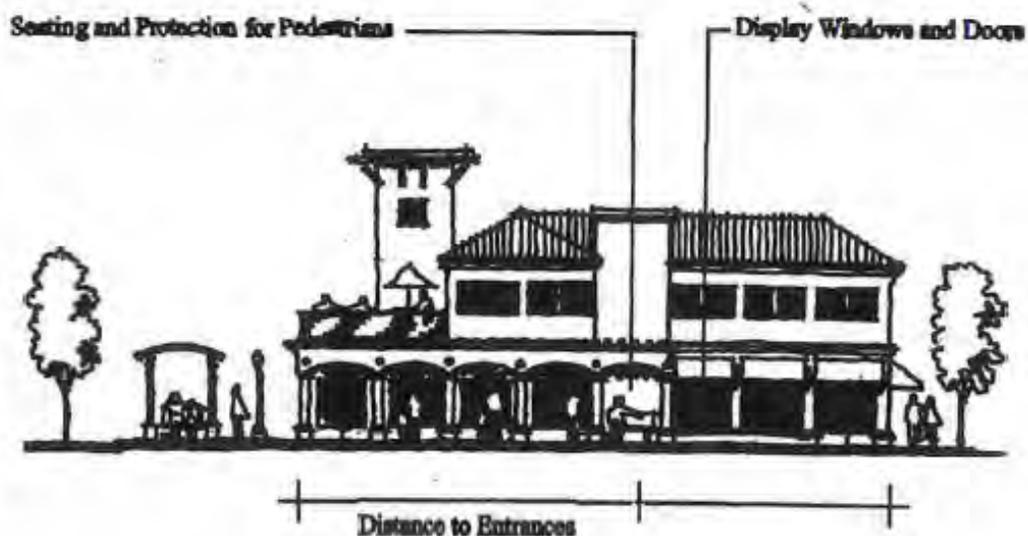
b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

c. Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown above).

d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

e. All residential buildings subject to design review shall comply with the Residential District architectural guidelines, as listed in § 17.16.180.

Figure 17.36.160B(2) - Design of Large-Scale Buildings and Developments (Typical)



2. Design of large-scale buildings and developments. The standards in subsection (c), below, shall apply to "Large-Scale Buildings and Developments", as defined in (a) through (b):

a. Buildings with greater than 10,000 square feet of enclosed ground-floor space (i.e., "large-scale"). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and

b. Multiple-building developments-with a combined ground-floor space (enclosed) greater than 20,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).

c. All large-scale buildings and developments, as defined in (a) and (b), shall provide human-scale design by conforming to all of the following criteria:

1. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.

2. Every building elevation adjacent to a street with a horizontal dimension of more than 50 feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to-provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Title 16 - Subdivisions.  
(Ord. 546, passed 7-7-2003)

§ 17.36.01780 ~~PEDESTRIAN~~ **PEDESTRIAN AND TRANSIT AMENITIES.**

*A. Purpose and applicability.* This section is intended to complement the building orientation standards in § 17 .36.140, and the street standards in Chapter 16.12 by providing comfortable and inviting pedestrian spaces within the Downtown District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the city's downtown, and contribute to a walkable district. This section applies to all of the following types of buildings:

1. Three or more single family attached townhomes on their own lots (i.e., townhomes subject to site design review);

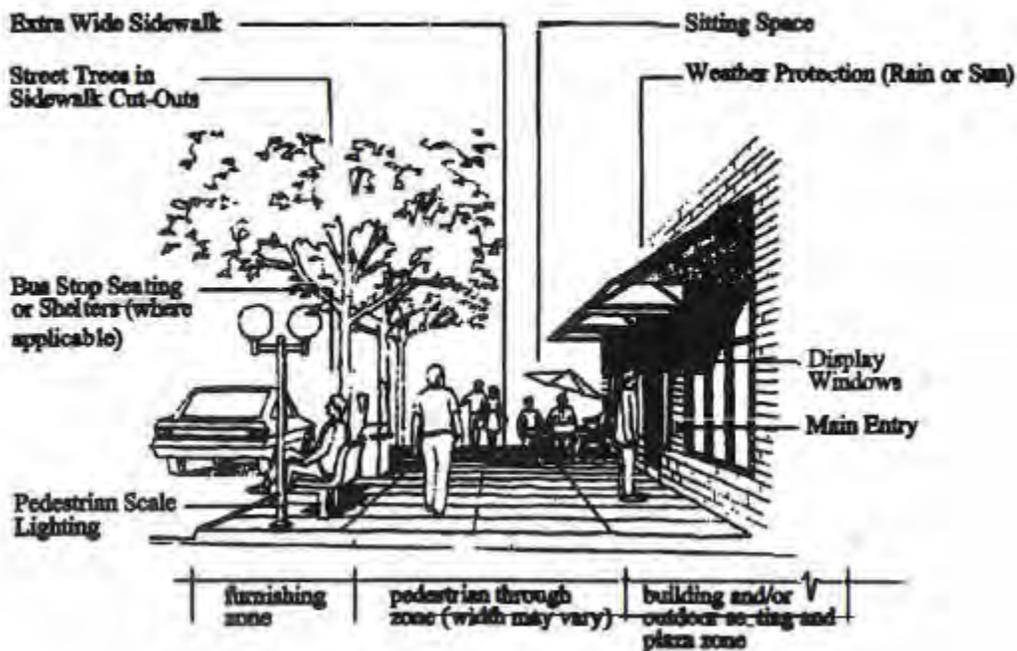
2. Duplex and triplex developments with more than one building (i, e., duplex and triplex developments subject to site design review);

3. Multi-family housing;

4. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

5. Commercial and mixed-use buildings subject to site design review.

Figure 17.36.170 - Pedestrian and Transit Amenities (Typical)



B. *Guidelines and standards.* Every development shall provide one or more of the pedestrian amenities listed in (1) through (5), below, and illustrated above. (Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other designs may be used.) Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 10 feet);

2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);

3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).

4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

5. Transit amenity, such as bus shelter or pullout.

(Ord. 546, passed 7-7-2003)

### **17.36.01890 SPECIAL STANDARDS FOR CERTAIN USES**

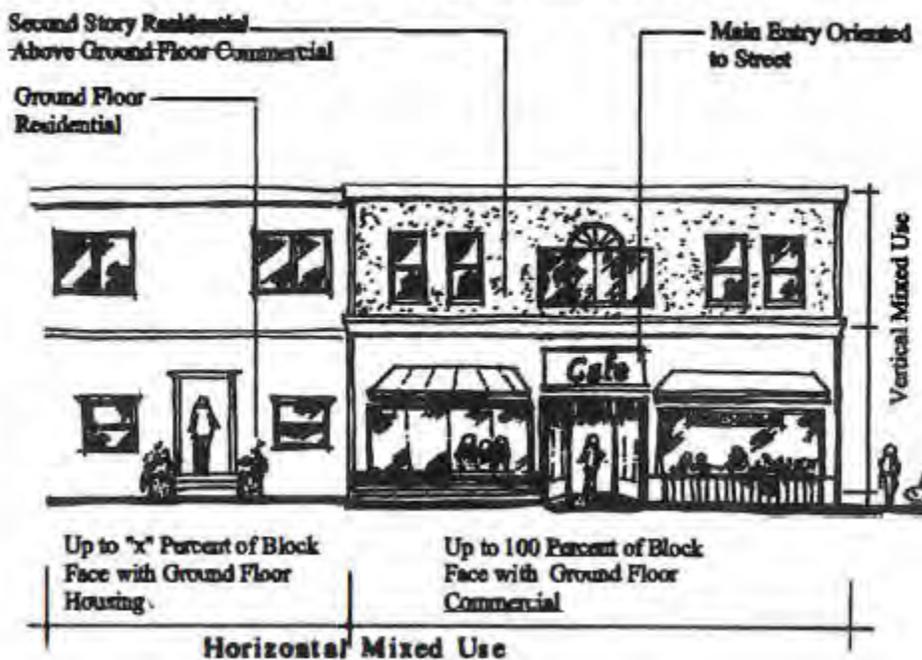
This section supplements the standards contained §§ 17.36.100 through 17.36.170. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Downtown District:

#### Multifamily Dwellings Residential Uses

- Bed and Breakfast Inns and Vacation Rentals
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display
- Light Manufacture

A. Multifamily Dwellings Residential uses. Multifamily Dwelling Residential units, when mixed with commercial uses, are permitted to encourage housing near employment, shopping and services. All multi-unit residential developments shall comply with the standards in (1) through (6), below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Structures designed and constructed as dwellings and which existed prior to the effective date of this code are exempt from this section.

Figure 17.36.180A - Mixed Use Development in the Downtown District



1. *Mixed use development required.* Residential uses shall be permitted only when part of a mixed use development (residential with commercial or public/institutional use). Only “vertical” mixed use is allowed, being that each separate use must occupy the story it resides on. I.E, a storefront can be located on the ground floor and multifamily units located on the 2nd story, but retail space cannot be located on the 2nd story as well. sep a Both "vertical" mixed use (housing above the ground floor), and "horizontal" mixed use (housing on the ground floor) developments are allowed, subject to the standards in (2) through (6).

2. *Limitation on ground street-level housing.* No multifamily dwellings may be located on the ground floor within the downtown zone. more than 20% of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, ~~or behind street level storefronts.~~ For parcels with street access at more than one level (e.g., sloping sites with 2 street frontages), the limitation on residential building space shall apply to all street frontages. This provision shall not prohibit 2nd story access such as stairs or private entries from connecting to the ground floor, so long as 75% of the store's activated frontage is preserved for commercial or public use.

3. *Density.* There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage, floor area, and building height standards.

4. *Parking, garages, and driveways.* All off street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from 2nd Avenue when access cannot be provided from an alley).

~~5. *Creation of alleys.* When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the city may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter 16.12.~~

~~56. *Common areas.* All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.~~

B ~~*Bed and breakfast inns and Short Term Vacation rentals.*~~

~~1. *Intent.* The purpose of this section is to allow short-term rentals in the city of Gold Hill with the goal of minimizing impacts to residential housing stock in the city. A short-term rental is defined as a dwelling unit that is rented to successive tenants for periods of less than 30 days'~~

duration over a 12-month period. Short-term rentals are permitted in the R-2 and Downtown zones, in both owner-occupied and leased properties; provided, that the short-term rental meets the definition as stated in GHMC 17.08, the requirements of this section, and all other applicable city, county or state laws and regulations.

2. Application Requirements-~~Standards~~. Any occupant of a dwelling unit may make an application to the community development department to operate a short-term rental. The application shall consist of the following:

a. Applicant's name, address, telephone number and email address, mailing address (if different from site address), and the assessor's parcel map number and tax lot number of the subject property. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located. The architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms shall not be increased except as may be required to meet health, safety, and sanitation requirements.

b. A written description of the subject property, including property type (single-family home, multifamily apartment, etc.), and a description of the portion (if applicable) of the dwelling to be rented.

c. Site map showing location of dwelling unit on the parcel.

d. If the property is leased, a copy of a lease agreement valid for at least six months from the date of application, plus an original, signed letter from the property owner indicating the tenant has permission to use the property as a short-term rental.

e. A one-time application fee and annual permit fee, in an amount established by resolution or ordinance of the city council.

f. A copy of the applicant's Oregon driver's license or other document indicating the applicant resides in the dwelling unit that is the subject of the application.

g. Name, address, telephone number and email address of an adult 18 years or older living within 10 miles of the short-term rental site who will be available for emergency contact if the property owner or lessee is not.

b. Off street parking shall be provided. The front yard shall not be for off street parking for temporary guests unless the parking area is screened, and found to be compatible with the neighborhood.

3. The following are the conditions that must be met in order for a short-term rental permit application to be approved:

- a. Applicant shall demonstrate that the dwelling unit is in compliance with all applicable health and safety laws and regulations, including installation of smoke and carbon monoxide detectors.
- b. Applicant shall keep a guest log recording the name, address and dates of stay for each short-term rental guest. The log shall be available for inspection by city staff at any time.
- c. No exterior signs advertising the short-term rental accommodations shall be allowed.
- d. Applicant shall prominently post rental rules and regulations in the interior of the dwelling unit where they can be seen by guests. Rules shall include reference to on-street parking prohibitions, excessive noise, disturbance of neighbors, and the emergency contact information as listed in the application.
- e. By submitting an application for a short-term rental, applicant agrees to allow city staff to inspect the dwelling unit prior to approval of the short-term rental application, should staff determine an inspection is necessary, and at any time after approval in response to complaints, upon 24 hours' notice to the applicant.
- f. Applicants shall provide evidence of a current city business license, and registration with the applicable state and local taxing authorities for purposes of paying state and local lodging taxes.
- g. Applicant shall agree to provide notice to all property owners within 250 feet of the dwelling unit that is the subject of the application that the applicant intends to use dwelling unit as a short-term rental.
- h. Room rentals to families or individuals shall not exceed 30 consecutive days

4. Level of Review. An application for a short-term rental shall be a Type I review by the community development department based on the conditions for approval set forth in this section. An administrative decision by the community development department is final on the date that it is made and cannot be appealed to the city or city officials.

5. Renewal. If a short-term rental licensee has been cited for one or more violations of the Talent Municipal Code that result in a fine during the term of the license, the licensee shall not be allowed to renew the license for a period of 12 months from the license expiration date.

a:

~~d. One on-premise sign may be approved by the city provided that such sign is compatible with residential uses and is not more than 5 square feet in size.~~

~~e. All necessary city, county, and state permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service.~~

~~t. Room rentals to families or individuals shall not exceed 30-14 consecutive days.~~

~~g. The Jackson County Health Department shall conduct01oduct a general health and safety inspection of the proposed facility. The Health Department shall impose any conditions required to ensure that all necessary health and safety standards have been met. The applicant shall not initiate any construction activity and other improvements related to the bed and breakfast facility; or begin operation of the facility prior to a determination, in writing, by the Health Department that the necessary inspections have been completed and any deficiencies have been corrected to the satisfaction of the Health Department.~~

C. *Public and institutional uses.* Public and institutional uses (as listed in Table 17.36.110.A) are allowed in the Downtown District, except that automobile-oriented uses shall comply with the standards in (E), below. Typical automobile oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment and construction materials.

D. *Accessory uses and structures.* Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Downtown District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Downtown District, as identified in Table 17.36.2.A. Accessory structures shall not exceed 120 square feet in size and shall comply with the following standards:

1. *Primary use required.* An accessory structure shall not be allowed before or without a primary use, as identified in Table 17.36.110. A.

2. *Setback standards.* Accessory structures shall comply with the setback standards in § 17.36.120, except that the maximum setback provisions shall not apply.

3. *Design guidelines.* Accessory structures shall comply with the downtown design guidelines, as provided in § 17.36 .160.

4. *Restrictions.* A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

5. *Compliance with subdivision standards.* The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

E. *Automobile-oriented uses and facilities.* Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Downtown District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. *Parking, garages, and driveways.* All off street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, placed in structures above the ground floor,

or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from Second Avenue) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of parking spaces, or one-half city block, whichever is smaller; larger parking areas shall be in multiple story garages.

2. Automobile-oriented uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:

a. Vehicle repair, sales, rental, storage, service. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment are permitted when the use is contained within an enclosed building.

b. Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive through facilities (e.g., associated with restaurants, banks, car washes, and similar uses).

c. Mobile vendors.

F. *Sidewalk displays*. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of 6 feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

G. *Light manufacture*. "Light manufacture" means production or manufacturing of small scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. Light manufacture uses shall conform to all of the following standards which are intended to protect the pedestrian-friendly, storefront character of downtown.

1. *Retail or service use required*. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use.

2. *Location*. The light manufacture use shall be enclosed within a building," or shall be located within a rear yard not adjacent to a street.

H. *Temporary and seasonal businesses*.

1. *Definitions*.

a. **MOBILE FOOD VENDOR**. Any site built or prefabricated structure that is used for the purpose of preparing, processing or converting food or beverages for immediate consumption as a drive-

in, drive through, curb or walk-up service that is a maximum of 128 square feet and is located on one site or tax lot for any period of 72 hours or more.

b. **TEMPORARY FOOD VENDOR.** Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive through, curb, or walk-up service that remains in or on any one site or tax lot for less than 72 hours.

c. **SEMI-PERMANENT STRUCTURE.** Any site built or prefabricated structure that is used for the purpose of preparing, processing or converting food or beverages for immediate consumption as a drive-in, drive through, curb or walk-up service that is a maximum of 128 square feet and is located on one site or tax lot for any period of 30 days at a site, built off site, or built on site but expected to move to other sites.

d. **SEASONAL BUSINESS.** Meaning any business or organization that is in business for a short season (summer, winter) such as rafting companies, fireworks booths, Christmas tree lots.

2. *Temporary/seasonal units - Criteria.*

a. Temporary units shall be permitted only in commercial and public zones.

b. Applicant( s) shall submit a site plan drawn to scale with temporary unit dimensions and set backs to property lines.

c. The exterior length and width dimensions of the temporary unit, when multiplied, shall enclose no more than 128 square feet.

d. If the temporary unit is located on, or adjacent to, a public or private walkway, the minimum remaining unobstructed walkway width shall be 6 feet.

e. A trash receptacle shall be located within 10 feet of the temporary unit.

f. If the temporary unit is located on property not owned by the applicant, property owner consent shall be provided.

g. A city business license is required. If the use is temporary (single weekend or special event), a day-permit shall be obtained.

h. Temporary mobile food vendors shall provide evidence of compliance with Health Department Standards and any and all state or county requirements before a business license can be issued.

i. All signage must meet the requirements of Chapter 17.41.

j. Hold-downs. All existing units that are not placed on a permanent foundation shall be equipped with a hold-down device at each corner that secures the unit to the ground. Each hold-down device shall be approved by the Building Safety Department, and shall be capable of resisting at least 300 pound uplift force. Sufficient data shall be provided by the applicant to prove the adequacy of the hold-down device.

k. Any deviation from the above standards shall require application for a conditional use permit.

l. If a unit does not have its own toilet facilities displayed on the site plan, then a letter of agreement with the property owner must be filed establishing the use of such facilities for employees during business hours that are either located in the building or in a building adjacent thereto on the same property. The agreement must contain terms requiring that the restrooms be available for use by employees during all hours in which the vendor unit is in business. The presence of a public restroom within 300 feet of the unit will satisfy this requirement.

m. Upon cessation of use the property must be restored to its original condition within 72 hours.

3. Mobile food vendor/semi permanent structure - criteria:

a. Mobile food vendor shall be permitted only in commercial zones.

b. Applicant(s) shall submit a site plan drawn to scale with the mobile food unit dimensions and setbacks to property lines.

c. The exterior length and width dimensions of the mobile food unit, when multiplied, shall enclose no more than 128 square feet.

d. The mobile unit shall be located no closer than 300 feet from another such unit.

e. If the mobile food unit is located on, or adjacent to, a public or private walkway, the minimum remaining unobstructed walkway width shall be 6 feet.

t. A trash receptacle shall be located within 10 feet of the mobile food unit.

g. If the mobile food unit is located on property not owned by the applicant, property owner consent shall be provided.

h. Mobile food vendor units shall meet all other development standards for the Commercial Zone.

i. A city business license is required. If the use is temporary single weekend or special event, a day-permit shall be obtained.

j. Mobile food vendors shall provide evidence of compliance with Health Department standards and any and all state or county requirements before a business license can be issued.

k. Any deviation from the above standards shall require application for a conditional use permit.

1. Paved vehicular access i.e., asphalt or concrete including driveway location. Paving of property in which mobile unit is to be located for vendors staying more than 30 days.

m. If a unit does not have its own toilet facilities displayed on the site plan, then a letter of agreement with the property owner must be filed establishing the use of such facilities for employees during business hours that are either located in the building or in a building adjacent there to on the same property. The agreement must contain terms requiring that the restrooms be available for use by employees during all hours in which the vendor unit is in business. The presence of a public restroom within 300 feet of the unit will satisfy this requirement.

n. Outdoor seating shall be allowed subject to the following:

1. Seating is limited to a maximum of 6 patrons.

2. Seating shall be located such that it does not impede traffic, nor utilize any of the required parking spaces.

3. Where the unit abuts, or is adjacent to a residential zone, outdoor seating shall be allowed between the hours of 8:00 a.m. and 8:00 p.m.

o. If not self-contained, all units must obtain electrical service from the local power company before occupancy is allowed.

p. Before being moved to any site, a prefabricated unit must have a valid State of Oregon Prefabricated Structure "medallion" attached.

q. All signage must meet the requirements of Chapter 17.41.

r. Hold-downs. All existing units that are not placed on a permanent foundation shall be equipped with a hold-down device at each corner that secures the unit to the ground. Each hold-down device shall be approved by the Building Safety Department, and shall be capable of resisting at least 300 pound uplift force. Sufficient data shall be provided by the applicant to prove the adequacy of the hold-down device.

s. City approved events are exempt from these requirements.  
(Ord. 546, passed 7-7-2003)

## **Chapter 17.40 – ~~LI M-1~~ Light Industrial Limited District**

### Sections:

17.40.100	Purpose
17.40.110	Permitted Land Uses
17.40.120	Development Setbacks
17.40.130	Lot Coverage
17.40.140	Building Height
17.40.150	Building Orientation
17.40.160	Architectural Guidelines and Standards
17.40.170	Special Standards for Certain Uses

### **17.40.100 PURPOSE**

The Light Industrial District accommodates a range of light manufacturing, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in downtown or main street areas. The district's standards are based on the following principles:

- Ensure efficient use of land and public services
- Provide a balance between jobs and housing, and encourage mixed-use development
- Provide transportation options for employees and customers
- Provide business services close to major employment centers
- Ensure compatibility between industrial uses and nearby residential areas.
- Provide appropriately zoned land with a range of parcel sizes for industry
- Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.

### **17.40.110 PERMITTED LAND USES**

#### A. Permitted Uses.

##### 2. Public and Institutional Uses

a. Non-Profit Member Organization Offices

b. Private Utilities

c. Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair

d. Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval

##### 3. Commercial Uses

a. Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs,

trucks, etc.

- b. Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks
- c. Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment
- d. Self-Service Storage, Commercial

4. Industrial and Mixed Employment Uses

- a. Artisanal and Light Manufacture Uses in Industrial and Public Facility zones
- b. Finished Textile and Leather Products Manufacture
- c. Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving
- d. Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses
- e. Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry

**B. Conditional Uses**

1. Public and Institutional Uses

- a. Emergency Services; includes Police, Fire, Ambulance
- b. Railroad Facilities
- c. Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval
- d. Telecommunications Equipment

2. Industrial and Mixed Employment Uses

- a. Beverage and Bottling Facility, except as allowed for Commercial Uses
- b. Cement, Glass, Clay, and Stone Products Manufacture
- c. Concrete or Asphalt Batch Plants
- d. Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses
- e. Machine Shop, and Sales, Service and Repair of Machinery
- f. Metal Plating
- g. Metal Manufacture, Welding
- h. Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses
- i. Wrecking, Demolition, Junk Yards, Recycling Centers

**C. Permitted as an Accessory Use**

1. Commercial Uses

- a. Offices

2. Industrial and Mixed Employment Uses

- a. Dwelling for a caretaker or watchman

**A. Permitted Uses.** The land uses listed in Table 17.40.110.A are permitted in the Light Industrial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 17.40.110.A, and land uses which are approved as "similar" to those in Table 17.40.110, may be permitted. The land uses identified with a "CU" in Table 17.40.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 17.72.

**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Section 17.64.050.

<b>Table 17.40.110.A</b> <b>Land Use Types Permitted in the Light Industrial District</b>
<p><b>1. Industrial*:</b></p> <ul style="list-style-type: none"> <li>● <del>Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)</del></li> <li>● <del>Research facilities</del></li> <li>● <del>Warehousing and distribution</del></li> <li>● <del>Mini-warehouse and storage</del></li> <li>● <del>Similar uses</del></li> </ul> <p><b>2. Commercial – CU*:</b></p> <ul style="list-style-type: none"> <li>● <del>Automobile-oriented uses (vehicle repair, sales, rental, storage, service, and drive-up, drive-in, and drive-through facilities)</del></li> <li>● <del>Entertainment (e.g., theaters, amusement uses)</del></li> <li>● <del>Hotels and motels</del></li> <li>● <del>Medical and dental clinics and laboratories</del></li> <li>● <del>Outdoor commercial uses (e.g., outdoor storage and sales)</del></li> <li>● <del>Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</del></li> <li>● <del>Repair services</del></li> <li>● <del>Retail trade and services, not exceeding 5,000 square feet of floor area per building</del></li> <li>● <del>Wholesale trade and services, not exceeding 5,000 square feet of floor area per building</del></li> <li>● <del>Uses similar to those listed above</del></li> </ul> <p><b>3. Public and Semi-Public Uses – [CU]*:</b></p> <ul style="list-style-type: none"> <li>● <del>Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)</del></li> <li>● <del>Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)</del></li> <li>● <del>Special district facilities (e.g., irrigation district, and similar facilities)</del></li> <li>● <del>Vocational schools</del></li> </ul>

● Uses similar to those listed above.

**14. Accessory Uses**

**15. Wireless communication equipment [CU]**

\* Land uses with an asterisk (\*) shall conform to the standards for "High Traffic-Generating Uses" when required by Section 17.40.170A. Land uses with a "CU\*" also require a Conditional Use Permit.

**Table 17.40.110.B**

**Land Uses Prohibited in Light Industrial District**

Only uses specifically listed in Table 17.40.110.A, and uses similar to those in Table 17.40.110.A, are permitted in this district. The following uses are expressly prohibited: new housing, churches and similar facilities, non-vocational schools.

**17.40.120 DEVELOPMENT SETBACKS**

Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

- A. Front Yard Setbacks.** The minimum front-yard building setback shall be 20 feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. Rear Yard Setbacks.** There is no required rear-yard setback, except that buildings shall be setback from the Residential District by a minimum of 20 feet.
- C. Side Yard Setbacks.** There are no required side-yard setbacks, except that buildings shall be setback from the Residential District by a minimum of 20 feet.
- D. Other Yard Requirements,**
  - 1. **Buffering.** A 20-foot minimum buffer zone shall be required between development and any adjacent Residential District. The buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 17.48 may require buffering other situations, as well.
  - 2. **Neighborhood Access.** Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Section 16.12.020 - Streets.
  - 3. **Building and Fire Codes.** All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

**17.40.130 LOT COVERAGE**

The maximum allowable lot coverage in the Light Industrial District is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

#### **17.40.140 BUILDING HEIGHT**

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

**A. Base Requirement.** Buildings shall be no more than 3 stories or 35 feet in height, whichever is greater.

**B. Performance Option.** The allowable building height may be increased, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent non-industrial development. Roof equipment and other similar features which are necessary to the industrial operation shall be screened, and may not exceed 35 feet in height without approval of a Conditional Use Permit.

**C. Method of Measurement.** "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. (See Figure 17 .16 for examples of measurement.) The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

#### **17.40.150 BUILDING ORIENTATION**

All of the following standards shall apply to new development within the Light Industrial district in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling.

**A. Building Entrances.** All buildings shall have a primary entrance oriented to a street. "Oriented to a street" means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway not exceeding 20 feet in length. Streets used to comply with this standard may be

public streets, or private streets that contain sidewalks and street trees, in accordance with the design standards in Chapter 16.12.

**B. Pathway Connections.** Pathways shall be placed through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Pathways shall conform to the standards in Chapter 16.12.

**C. Arterial Streets.** When the only street abutting a development is an arterial street, the building's entrance(s) may be oriented to an internal drive. The internal drive shall provide a raised pathway connecting the building entrances to the street right-of-way. The pathway shall conform to the standards in Chapter 16.12.

**D. Buffers.** The City may require a 30-foot landscape buffer between development in the Light Industrial District and adjacent Residential District(s) to reduce light, glare, noise, and aesthetic impacts.

#### **17.40.160 ARCHITECTURAL GUIDELINES AND STANDARDS**

All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the criteria in A-B.

Figure 4.A - Architectural Features (Typical)

- A. Building Mass. Where building elevations are oriented to the street in conformance with Section 17.40.150, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.
- B. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

#### **§ 17.40.170 SPECIAL STANDARDS FOR CERTAIN USES**

- A. High Traffic-Generating Uses. Uses which are likely to generate "significant" levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Chapter 17.72. "Significant traffic" means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 10 percent or greater as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 17.72.
- B. Wireless Communication Equipment. Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to

the standards for wireless communication equipment in Chapter 17. 72. Wireless communication equipment shall also comply with required setbacks, lot coverage, and other applicable standards of the Light Industrial District.

## **Chapter 17.41 – Sign Regulations For All Zones In The City**

### **Sections:**

17.41.010	Statement of purpose.
17.41.020	Conformance with chapter provisions.
17.41.030	Definitions.
17.41.040	Permit requirements.
17.41.050	Prohibited signs.
17.41.060	Special conditions and standards.
17.41.070	Permit fees.
17.41.080	Sign maintenance.
17.41.090	Nonconforming signs.
17.41.100	Nuisance signs.

### **17.41.010 Statement of purpose.**

The purpose of this chapter is to regulate such factors as the size, number, location, illumination and construction of signs. (Ord. 543 §1 (part), 2001)

### **17.41.020 Conformation with chapter provisions.**

No sign may be erected unless it conforms with the regulations of this chapter. Sign permits must be issued prior to erection of the sign. (Ord. 543 §1 (part), 2001)

### **17.41.030 Definitions.**

For the purposes of this chapter, the following terms, phrases, words and their derivations will have the meaning given herein:

~~—A.~~ "Athletic field signs" means banners or rigid signs located on the outfield fence of athletic fields.

A.

~~B.~~ "Athletic field signs electric" means scoreboard signs, time clocks or any sign requiring electricity.

—

~~C.~~ "Banner" means any sign printed or displayed upon cloth or other flexible material, with or without frames.

C.

~~D.~~ "Construction sign" means a sign, not exceeding thirty-two square feet in area, placed upon a construction job site.

D.

~~E.~~ "Directional sign" means a sign which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings. Such signs also include signs designed and installed for the purpose of traffic or pedestrian direction to an entrance or exit from premises, when such signs do not exceed 2.5 feet in height and are no larger than six square feet.

E.

~~F.~~ "Display surface area" means the net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters, and provided, however, "display surface area" will not include the structural supports for freestanding signs; provided further that only one face of a double-face sign as defined will be considered in determining the display surface area.

F.

~~G.~~ "District" or "zoning district" means a section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class or use permitted therein. References to individual zoning districts contained in this chapter will refer to the zoning districts established by this title.

G.

~~H.~~ "Flashing sign" means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

H.

~~I.~~ "Freestanding sign" means a sign which is attached to or a part of a completely self-supporting structure. The supporting structure will be set firmly in or below the ground surface and will not be attached to any building or any other structure whether portable or stationary.

I.

~~J.~~ Frontage, Business. "Business frontage" means the lineal front footage of a building or portion thereof devoted to a specific business or enterprise and having an entrance/exit open to the general public.

J.

~~K.~~ Frontage, Street. "Street frontage" means the lineal dimension in feet that the property on which a structure is built abuts a public street or streets.

K.

~~L.~~ "Garage sale signs" means signs located on the premises of the garage sale, placed on private property. Such signs will be removed within one day after the completion of the sale.

L.

~~M.~~ "Ground sign" means a freestanding sign.

M.

—N. "Illuminated sign" means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

N.

—O. "Mall" means any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

O.

—P. "Marquee" means a roof like structure or awning projecting over an entrance, as to a theater.

P.

—Q. "Memorial signs or tablets" means names of buildings and date of erection when cut into any masonry surface or when constructed of incombustible materials.

Q.

—R. "Motel unit signs" means one sign per unit, not exceeding one square foot per sign.

R.

—S. "Multi-business complex" means premises operated or developed as a unit with an undivided or nonsegregated parking area that functions and advertises as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure, is under separate ownership or is on a separate parcel.

S.

—T. "Mural" means displays painted directly on a wall and which are designed and intended as a decorative or ornamental feature.

T.

—U. "Nameplates" means professional, single-family residence, mobile home or duplex nameplates not exceeding two square feet in area.

U.

—V. "Nonconforming sign" means any sign which lawfully exists prior to the effective date of this chapter

—but, \_which due to the requirements of this chapter, no longer complies with the height, area or placement regulations or other provisions of this title.

V.

—W. "Obscene sign" means a sign that is prurient in nature, completely devoid of scientific, political, educational or social value, and violates the local community standards. If the sign meets all three of these requirements, it is obscene.

W.

—~~X.~~ "Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.

X.

—~~Y.~~ "Place signs" means signs identifying a community, public facility or historic facility.

Y.

—~~Z.~~ "Portable swinger sign", "A-frame" or "sandwich sign" means an advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

Z.

—~~AA.~~ "Portable temporary attraction sign board" means a single- or double-surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto.

AA.

—~~BB.~~ "Projecting sign" means any sign that is affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

BB.

—~~CC.~~ "Real estate sign" means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of the property.

CC.

—~~DD.~~ "Roof sign" means any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

DD.

—~~EE.~~ "Scoreboard" means a large board for displaying the score of a game or match.

EE.

—~~FF.~~ "Sign" means an identification, description, illustration or a device, except products displayed for sale, which is fixed directly to or indirectly upon a building, a structure or land. Measurement of allowable sign surface area will include:

FF.

—~~1.~~ The actual geometric area contained within the borders of the sign, including open space, as well as a sign surface;

1.

—~~2.~~ Only one side of double-faced or back-to-back signs whose surfaces diverge at less than forty-five degrees;

2.

—~~3.~~ Signs, such as those painted on the walls of buildings, having no definite border, will be calculated by measuring the size of a rectangle that would completely enclose the sign and be four inches from any portion of the sign's message.

3.

—~~4.~~ Sign area on awnings and canopies will be measured in the same fashion as wall signs.

4.

—~~GG.~~ Sign, repair. "Repair sign" means fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

GG.

—~~HH.~~ "Sign structure" means a structure specifically intended for supporting or containing a sign.

HH.

—~~H.~~ Sign, structural alteration of. "Structural alteration of sign" means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.

I.

—~~JJ.~~ "Structural trim" means the molding, battens, cappings, nailing strips, latticing and platforms which

—are attached to the sign structure.

JJ.

—~~KK.~~ "Temporary political signs" means signs, not exceeding eight square feet in area, advertising candidates or issues, that may be erected on private property, with the permission of the property owner, during the campaign for a period of sixty days prior to the election in which such candidates or issues are to be voted upon. Such signs will conform to all other applicable provisions of this chapter, and will be removed not later than the ~~seventh sixth~~ day following such election. Any such signs which have not been removed by the seventh day following such election may be removed by the city, and the owner of the property upon which the sign was erected will be charged the cost of removing such sign.

KK.

—~~LL.~~ "Temporary sign" means a sign intended to be displayed for a specified period of time only.

LL.

—~~MM.~~ "Traffic or other municipal signs" means traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency or nonadvertising signs as may be approved by the planning department.

MM.

NN. ~~NN.~~ "Wall sign" means any sign that will be affixed parallel to the wall or printed on the window or on the wall of any building in such a manner as to read parallel to the wall or window on which it

is mounted; provided, however, the wall sign shall not project above the top of the wall or beyond the end of the building. Any sign that is affixed to the face of a building marquee, building awning or a building canopy will be considered a wall sign. (Ord. 543 §1 (part), 2001)

### **17.41.040 Applicability Permit requirements.**

~~A. A. The requirements of chapter 17.41 apply to signs in all zones, except those specifically exempted, whenever a sign is altered, erected, or replaced.~~

~~Except as otherwise provided by this title, no sign shall be erected or re-erected, reconstructed, and/or structurally altered without a review and issuance of a sign permit.~~

### **B. B-Permitting**

~~1. A sign permit, granted through type 1 review pursuant to section 17.100.XXX is required in each of the following instances and prior to installing any sign to ensure compliance with City Standards.~~

~~a. Upon the erection of any sign except exempted signs.~~

~~b. To make alteration to an existing sign, including a change in the size or materials. Permits shall not be required for minor maintenance and repairs to existing signs or for changes in sign copy for conforming signs.~~

~~c. To alter an existing non-conforming sign.~~

~~d. To erect a temporary sign for a new business.~~

~~—No permit will be required for signs which are designed to be read only from within the business premises, including parking and maneuvering area and interior public spaces, such as within malls and multi-business complexes.~~

~~—C. No permit will be required for real estate signs, subject to the number, placement and size limitations of this chapter.~~

~~—D. Submission requirements. Any applicant for a sign permit will supply a scale drawing displaying or stating the following information on forms provided by the planning department:~~

~~2.~~

~~a. 1. Size, height, locationColor, description, materials, and texture description and materials of the sign;~~

~~—Size, dimensions and location of the proposed sign, as well as all other signs on the proposed property.~~

~~b.~~

~~—2. Name of manufacturer, erector, owner and reason for sign;~~

~~—3. Sketch and description of copy, Method of attachment and other structural elements; and lighting;~~

~~c.~~

d. 4. Certification by the owner and/or lessee that the information provided on the application is accurate.

3. Sign permit fee. The fee for a Sign Permit shall be as set forth in the fee schedule, as adopted by the City Council. The fee for any sign that is erected without a Sign Permit shall be double the regular sign fee.

E. Sign identification. Every sign requiring a permit must display the sign permit number in the lower right corner of the sign face or edge or on the sign standard, in a number size greater than one half inch.

F. Exempted signs. The following signs are exempt from the provisions of this chapter: athletic field signs, athletic electric scoreboard/time clock signs, construction sign, directional signs, government flags, garage sale signs, indoor window signs, kites and windsocks, memorial signs or tablets, motel unit signs, murals, nameplates, place signs, signs within buildings, temporary political signs, and traffic and municipal signs.

G. Temporary permits. The city may issue temporary permits for a time certain not to exceed sixty days. An application for such a temporary permit shall include all information necessary to determine whether the sign conforms with applicable title provisions. All such signs shall be removed no later than one day following the expiration date on the temporary permit. A request for a sign may be denied if it would obstruct a public right of way or is a threat to the public health, safety or welfare. There shall be no fee required for a temporary permit. A permit for a temporary sign may be reissued once. No more than two temporary permits may be issued per site in a calendar year. (Ord. 543 §1(part), 2001)

### **17.41.050 Exempted Signs**

A. Informational Signs. Informational signs placed or approved for installation by the City or by the State of Oregon in the publicly owned right-of-way. Collective identification or directory signs placed by the City showing the types and locations of various civic, business, recreation, historic interest areas, or other similar uses, when such signs are located on publicly owned right-of-way or on City property.

B. Memorials. Memorial tablets, cornerstones, or similar plaques not exceeding six square feet in size.

C. Flags. Flags of national, state, or local governments.

D. Historic Signs. Historic signs are exempt from some provisions of chapter 18.4.7. See section 18.4.7.130 Historic Signs.

E. Interior Signs. Signs within a building provided they are not visible to persons outside the building.

F. Signs Not Visible from Public Way. Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street, or alley.

G. Small, Incidental Signs. Small incidental signs provided said signs do not exceed two square feet in area per sign, not more than two in number on any parcel or two per business frontage, whichever is greater. Within the Downtown district, three incidental signs with a total area of seven square feet, provided no single incidental sign exceeds three square feet in area, are allowable per business frontage.

- H. **String of Lights.** Strings of lights in non-residential zones where the lights do not exceed five watts per bulb do not flash or blink in any way. Strings of lights in residential zones are not regulated.
- I. **Temporary Signs, Charitable Organization.** Temporary, non-illuminated signs not exceeding 16 square feet, for charitable fundraising events placed by non-profit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event. No more than two such events may be advertised in this manner per lot per year.
- J. **Temporary Signs, Construction.** Temporary, non-illuminated construction signs with an aggregate area not exceeding 16 square feet in residential areas or 32 square feet in commercial and industrial areas, provided said signs are removed within seven days of completion of the project. Such signs shall be limited to no more than four signs per lot and placed on the lot (i.e., not located in the street right-of-way). Freestanding temporary construction signs shall be no greater than five feet above grade.
- K. **Temporary Signs, Elections.** Temporary, non-illuminated signs not exceeding four square feet, provided the signs are erected no more than 60 days prior to and removed within seven days following an election.
- L. **Temporary Signs, Garage and Estate Sales.** Temporary, non-illuminated signs not exceeding four square feet, provided the signs are erected no more than 14 days prior to the sale removed within 1 day following the sale's conclusion.
- M. **Temporary Signs, Real Estate.** Temporary, non-illuminated real estate signs not exceeding six square feet in residential districts or 12 square feet in commercial and industrial districts, provided said signs are removed within 15 days from the sale, lease, or rental of the property. Such signs shall be limited to one sign per lot. Freestanding temporary real estate signs shall be no greater than five feet above grade.
- N. **Temporary Window Signs, Non-Residential Zone.** Temporary signs painted or placed upon a window in a non-residential zone, when such signs do not obscure more than 20 percent of such window area, and are maintained for a period not exceeding seven days. Signs that remain longer than seven days will be considered permanent and must comply with the provisions of this chapter.

### **17.41.050 Prohibited signs.**

Prohibited signs include the following:

- A. ~~A-Moving signs.~~ and Signs with moveable components or materials, whether moved by wind or mechanical power. Signs with the capability to move under certain conditions shall be securely fastened to eliminate any potential movement.
- ~~Flashing signs.~~ Signs which flash, revolve, rotate, swing or otherwise attract attention through the movement or flashing of parts, or through the impression of movement or flashing except for the portion of those signs indicating the time, and/or temperature and signs fully located within an enclosed building and are not observable from the exterior of such buildings.
- B. ~~Vehicle signs used as static displays.~~ Signs on parked vehicles: Signs placed on or affixed to vehicles and/or trailers which are placed or parked on a public right-of-way for a continuous period

~~of two days more, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to display the sign. Vehicles and equipment regularly used in conduct of the business such as delivery vehicles, construction vehicles, fleet vehicles, or similar uses, shall not be subject to this prohibition. However, this is not in any way intended to prohibit signs placed on or affixed to or in the windows of vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use or sale of the vehicle or trailer.~~

C.

~~C. Signs on trees.~~ signs which are attached or otherwise affixed to trees or other living vegetation, or painted or drawn upon a rock or some other natural feature.

D.

~~Unofficial D. Signs which imitate traffic control devices.~~ Signs which attempt to direct the movement of traffic ~~imitate, interfere with or~~ obstruct the view of any official traffic sign, ~~or can be confused with any authorized traffic control sign, signal or other device.~~

E.

~~E. Signs which create glare.~~ A All signs will be so designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon publicly dedicated roadways and surrounding property.

F.

~~F. Obscene signs.~~

~~G. Signs on undeveloped lots in the C-1, C-2, C-3 and M-1 zones.~~ For purposes of this subsection, a lot is undeveloped unless:

G.

~~1.~~ Business operations are conducted on the lot in good faith; and

1.

~~2.~~ The lot either contains development that has been approved through site plan review pursuant to Section 17.48.050 or contains development that would have been required to go through site plan review if site plan review had existed at the time the development occurred.

2.

H. ~~H.~~ **Portable Swinger Signs and A-Frame or Sandwich Board Signs.** (Ord. 543 §1 (part), 2001)

### **17.41.060 GC, D, and M-1 Zones Special conditions and standards.**

A. ~~A.~~ **Special Provisions.** Signs may be provided for businesses within the G-C, ~~C-2~~, D and M-1 zones as follows:

1. ~~1.~~ Signs attached to buildings.

a. ~~a.~~ **Number.** There shall be no limit on the number of signs attached to buildings per business subject to the aggregate total limitation below.

b. ~~b.~~ **Area.** The ~~aggregate total sign~~ area for signs attached to buildings shall not be more than one square foot of sign area for each lineal foot of legal business frontage ~~not to exceed an aggregate total of one hundred square feet per business.~~

(i) Sign area shall not exceed 100 ~~one hundred~~ square feet for any one attached sign.

(ii) For a business with less than twenty-five feet of business frontage, an aggregate sign area total of twenty-five square feet ~~of sign area~~ will be granted~~allowed~~.

(III) \_\_\_\_\_ For a business that does not have a freestanding sign, the aggregate total for signs attached to buildings may be increased by an additional one square foot for each two linear feet of business frontage in excess of one hundred linear feet, in lieu of a freestanding sign. Such signage shall not result in an aggregate sign area of more than exceed an additional aggregate total of one 200 hundred square feet. Where the aggregate total of signs attached to buildings is increased to more than one hundred square feet as provided above, no freestanding sign will be allowed until the aggregate signage attached to buildings is reduced to 100 one hundred square feet or less.

c. e. **Roof signs.** No roof sign or sign placed on the roof will be allowed.

2. 2. **Freestanding signs.**

a. a. **Number.** One sign shall be permitted for each lot with a street frontage of fifty or more lineal feet. Two or more lots of less than fifty feet may be combined for purposes of meeting the foregoing standard. Corner lots can count both street frontages in determining the lineal feet of street frontage, but only one freestanding sign is permitted on such corner lots. In the alternative to the foregoing provision applicable to corner lots, a lot with multiple street frontages each of one hundred linear feet or more, may have one freestanding sign for each such street frontage, which sign will be placed so as to read from the qualifying street frontage. In addition, one subordinate freestanding sign per street frontage is allowed where the street frontage on which the sign is located exceeds two hundred linear feet. No freestanding sign shall be installed within one hundred linear feet of another freestanding sign on the same lot.

b. b. **Area.** Signs shall not exceed an area of one square foot for each lineal foot of street frontage, with a maximum area of one hundred square feet per sign. A subordinate freestanding sign shall not exceed an area of one square foot for each two lineal feet of street frontage in excess of two hundred feet with a maximum area of one hundred square feet per sign.

c. e. **Near street intersections.** No sign or portion thereof shall be erected at the intersection of public streets with public alleys, within the triangular area formed by a line connecting points twenty-five feet from the intersection of property lines, unless the same is less than two feet in height, or the lowest portion of the display surface is at least eight feet above grade and its means of support has a cross section of not more than twelve inches.

d. d. **Near driveways.** No sign or portion thereof shall be erected within ten feet of a driveway unless the same is less than three feet in height, or the lowest portion of the display surface is at least eight feet above grade and its means of support has a cross section of not more than twelve inches.

e. e. **Height.** The maximum height of a freestanding sign shall be twenty feet. The height shall be measured as the vertical distance from the highest point of the sign, including any vertical projection thereof, to the level of the street upon which the sign faces, or the adjoining ground level, if such ground level is above the street level.

f. f. **Grade Alteration to Create Non-conforming Height.** Where the adjoining ground level has been used as a reference in determining the permissible height of a freestanding sign, it is unlawful to alter the grade or ground level below the sign so as to render the sign nonconforming as to the height limitations.

A. 3. **Real estate signs.** ~~In addition to the other signs allowed in these zones, one real estate sign, not to exceed thirty two square feet in size is allowed per lot.~~

B. In R-1, R-2, R-3 zones, the following signs are allowed:

- ~~1. A name plate or sign not exceeding two square foot in area for each dwelling;~~
- ~~2. One or two real estate signs, not exceeding seven square feet each in size;~~
- ~~3. Subdivision may have a freestanding sign not exceeding forty two square feet in area, at the entrance to the subdivision;~~
- ~~4. Traffic or directional signs;~~
- ~~5. In an R-3 zone, sites with three or more residential units in a building will be allowed one sign not to exceed twenty square feet. Additionally, each such building will be allowed one sign per building, which sign will not exceed ten square feet for each sign;~~
- ~~6. Any lighting provided for the above signs must be indirect. No flashing lights, electronic message centers or moving or rotating parts will be allowed on signs in these zones;~~
- ~~7. A sign not exceeding fifty square feet in area identifying a nonresidential use.~~

#### **17.41.060 R-1, R-2, and R-3 Zones**

A. **Special Provisions.** Signs may be placed within the R-1, R-2, and R-3 zones as follows:

1. A name plate or sign not exceeding two square foot in area for each dwelling;
2. Subdivision may have a freestanding sign not exceeding forty-two square feet in area, at the entrance to the subdivision;
3. Traffic or directional signs;
4. In an R-3 zone, sites with three or more residential units in a building will be allowed one sign not to exceed twenty square feet. Additionally, each such building will be allowed one sign per building, which sign will not exceed ten square feet for each sign;
5. Any lighting provided for the above signs must be indirect. No flashing lights, electronic message centers or moving or rotating parts will be allowed on signs in these zones;
6. A sign not exceeding fifty square feet in area identifying a nonresidential use.

#### **17.41.070 All Zones**

A. ~~C.~~ **Special Provisions.** Signs may be placed in all zones as follows :

- ~~1.~~ ~~1.~~ The maximum protrusion of a sign over a street or alley or public property will be twenty-four inches. The sign must be at least eight feet above grade. No sign shall be constructed, erected or maintained within the public right-of-way, except as installed by a duly constituted governmental entity.
- ~~2.~~ ~~2.~~ Light from a sign will be directed away from all residential zones and will not detract from a motorist's view of any traffic control device.
- ~~3.~~ ~~3.~~ Illuminated signs must conform to electrical code and the permit fees required thereunder.  
~~—4. The maximum sign size for any sign requiring a permit under the provisions of this chapter is one hundred square feet. (Ord. 543 §1 (part), 2001)~~

**17.41.070 — Permit fees.**

~~A. Application fees. The application for a new sign permit shall be accompanied by a fee set by resolution of council.~~

~~B. Nonconforming signs. If an existing nonconforming sign that was previously permitted under a prior ordinance is brought into conformity with this chapter or replaced with a sign meeting the requirements of this chapter, a permit will be required but no fee will be charged. (Ord. 543 §1 (part), 2001)~~

**17.41.080 Sign maintenance.**

~~A. Maintenance of permit Number. Every sign will maintain the permit number so as to be visible from the ground.~~

~~A. B. Premises maintenance.~~ All free-standing signs and the premises surrounding the same will be maintained by the owner thereof in a clean and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

~~B. C. Unsafe and unlawful signs.~~ If the city finds that any sign or other advertising structure regulated in this chapter is unsafe or insecure, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the city will give written notice to the permittee or property owner thereof as specified in the nuisance provisions of this code. If the permittee or property owner fails to remove or alter the sign so as to comply with the standards in this chapter within the time specified in such notice, such sign may be removed or altered by the city. Any expense incurred in such removal or alteration will be charged to the owner of the property upon which the sign is located and will constitute a lien on the property. The city may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily without notice. Such signs or other advertising structures are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or lessee thereof will have the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign. (Ord. 543 §1 (part), 2001)

**17.41.090 nonconforming signs.**

Any sign lawfully existing or lawfully permitted and constructed within the time allowed by the sign permit but which is made nonconforming by adoption or amendment of this chapter is a nonconforming sign. Nonconforming signs are not subject to the provisions of Chapter 17.68. Nonconforming signs are subject to the following provisions:

A. Special Provisions. Non-conforming signs are subject the following provisions.

1. Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed;
2. No nonconforming single-sided sign may be converted to a two-sided or double-faced sign. (Ord. 543 §1 (part), 2001)

B. Compliance Required. A non-conforming sign must be removed or brought into compliance if any of the following occur:

- ~~A. Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed;~~
1. ~~B.~~ Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations;
    - a. A sign required to be moved, replaced, or structurally altered in order to accommodate a public project shall not necessitate the sign be brought into compliance.
  2. ~~C.~~ Where the cost of repair of a nonconforming sign exceeds fifty percent of the cost of replacing the sign with a conforming sign, the sign must be brought into conformance with the provisions of this code;
  3. The use of the property where the non-conforming sign is located changes to a different use. For purposes of this section, a change in use includes situations in which services or goods offered or provided on the property are changed.
  4. ~~D.~~ Any nonconforming sign utilized only by an individual entity at a site must be brought into conformance prior to any expansion or change in use which requires a building permit at that site. A nonconforming sign used by multiple entities at a multi-business complex must be brought into conformance prior to any expansion of the multi-business complex which requires site plan or planning commission review. No such permits for new construction may be issued until this provision is complied with;
- ~~E. No nonconforming single-sided sign may be converted to a two-sided or double-faced sign. (Ord. 543 §1 (part), 2001)~~

#### **17.41.100 Enforcement Nuisance signs.**

- A. Violations.** Any sign that is located, constructed, maintained, repaired or used in violation of this ordinance, constitutes a nuisance, with each new day constituting a new violation. The city may take action against such signs as provided in Chapter 17.96. (Ord. 543 §1 (part), 2001)
- B. Confiscation.** The City may remove any sign installed or placed on public rights-of-way or on City property in violation of this chapter. The City shall have the right to recover from the owner or person placing such a sign all costs of removal and disposal of a sign removed under this section, in addition to other remedies within this chapter.

## **Chapter 17.42 – HISTORIC PRESERVATION ~~OVERLAY ZONE~~**

### Sections:

- 17.42.010 Description and purpose.
- 17.42.020 Definitions.
- 17.42.030 Historic review.
- 17.42.040 Designation of historic building or sites.
- 17.42.050 Exterior remodeling of an historic building.
- 17.42.060 Demolition and condemnation of historic building.
- 17.42.070 General provisions.

### **17.42.010 Description and purpose.**

It is public policy of the city that the protection, enhancement, perpetuation and continued use of sites and improvements of a special historical or aesthetic interest or value is in the best interests of the community. Also, the preservation of significant historic sites and buildings is a community responsibility and related implementing measures are required by the state and by statewide planning goal #5. The purposes of this section are to:

- ~~—A.~~ Provide for preservation and protection of sites and improvements within the community of Gold Hill that reflect or represent elements of the city's cultural, social, economic, political or architectural history;
- ~~A.~~
- ~~—B.~~ Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and areas;
- ~~B.~~
- ~~—C.~~ Complement the efforts of the Southern Oregon Historical Society, State of Oregon, and other organizations or individual efforts aimed at historical preservation;
- ~~C.~~
- ~~—D.~~ Foster civic pride in the beauty and accomplishments of the past;
- ~~D.~~
- ~~E.~~ ~~E.~~ Carry out the provisions of LCDC Goal #5. (Ord. 525 (part) , 1985) .

### **17.42.020 Definitions.**

For the purposes of this chapter, the following terms are defined as follows:

- ~~—A.~~ "Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a landmark or structures in an historic district, including signs.
- ~~A.~~
- ~~—B.~~ "Architectural significance" means to have architectural significance, the site or structure:
- ~~B.~~
  - ~~—1.~~ Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
  - ~~1.~~

—~~2.~~ Embodies those distinguishing characteristics of an architectural-type specimen;

2.

—~~3.~~ Is work of an architect or ~~builder-master building~~ whose individual work has influenced the development of the city; or

3.

—~~4.~~ Contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

—~~e.~~ Board. The word "board" means the historic review board.

c.

—~~D.~~ "Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated landmark or structure in an historic district or elsewhere in the community.

D.

—~~E.~~ "Exterior" means any portion of the outside of a landmark or building or structure, or any addition thereto. Any portion of the building that is visible from the outside.

E.

—~~F.~~ "Historical significance" means the structure or district:

F.

—~~1.~~ Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state, or nation;

1.

—~~2.~~ Is the site of an historic event with an effect upon society or of notable interest;

2.

—~~3.~~ Is identified with a person or group of persons who had some influence on society; or

3.

4. ~~4.~~ Exemplifies the cultural, political, economic, social or historic heritage of the community. (Ord. 525 (part), 1985).

### **17.42.030 Historic review.**

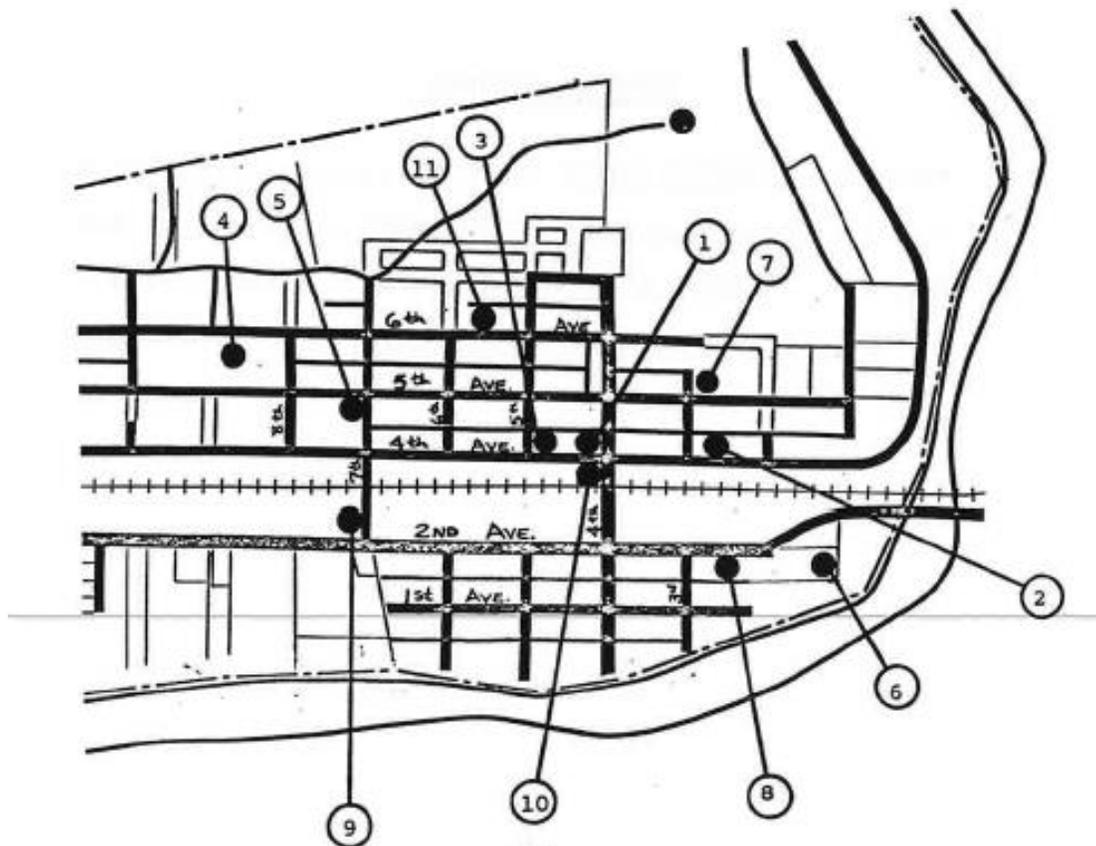
The planning commission will function in the capacity of historic review board, until such time as the city council determines that a separate body is needed for this purpose. The planning commission will accept and schedule items of historical interest on its regular meeting agenda and act on them accordingly. (Ord. 525 (part), 1985).

Fig. F-1

LOCATION MAP

HISTORIC SITES & STRUCTURES

1. Gold Hill Hotel
2. Carter's Opera House
3. I.O.O.F. Hall
4. Hanby School
5. Chavner House
6. Netzel House
7. Cain House
8. Erickson House
9. Brick House
10. Railroad Depot (Site)
11. Chavner (Relative's) House



**17.42.040 Designation of historic building or sites.**

~~A.~~ All sites listed in Section F, historic resources, of the Gold Hill comprehensive plan as historic site and structures and included on the city's historic inventory map (Fig. F-1) are considered to be designated buildings or sites in Gold Hill.

~~A.~~

~~B.~~ The city council, after recommendation by the historic review board, may designate new historic buildings or sites and direct that they be included on the historic inventory map. New designations shall be made through the following procedure:

~~B.~~

~~1.~~ Upon receipt of a request to have a particular building or site designated a site of historical significance, the board shall schedule a public hearing, shall advertise the hearing in a newspaper of local distribution, and shall notify the owners of all tax lots that fall within a radius of two hundred feet of the subject property by letter.

~~1.~~

~~2.~~ The historic review board shall conduct the public hearing and provide adequate opportunity for comments from all interested parties. Any written correspondence pertaining to the issue shall also be entered into the record and considered by the board.

~~2.~~

~~3.~~ The board shall consider the proposal based on the five ~~provisions~~ ~~criteria~~ listed as the purposes of this chapter under Section 17.42.010 and shall submit its recommendation to the city council, along with minutes of the meeting and any additional documentation.

~~3.~~

~~B. 4.~~ ~~4.~~ The city council may conduct a public hearing or choose to agree with the findings and recommendation of the board in lieu of a public hearing. If the city council determines that the building or site meets the review requirements set forth in Section 17.42.010 it may designate the building or site as historic.

~~5.5.~~ Following designation of a new building or site, city staff shall add that building or site to the city's historic inventory map in Section F of the comprehensive plan in accordance with the city's minor amendment procedures and schedule.

6. City designation of an historic site or structure shall not be interpreted as a recommendation for state, national or other formal recognition as an historic site or structure. (Ord. 525 (part), 1985).

**17.42.050 Exterior remodeling of an historic building.**

A. Before a building permit is issued for the enlargement or any exterior alteration or remodeling of any designated historic building, including single-family homes, the applicant shall be subject to a site plan review in accordance with the requirements and procedures of Chapter 17.48 and conducted by the historic review board. If the board determines that the proposed alterations constitute a significant change in the appearance of the building that may conflict with its original character or architectural style, the board may schedule a public hearing in accordance with Section 17.42.040B.

B. When required to submit an application for site design review for the purpose of historical preservation~~At least fourteen days prior to the scheduled site review~~, the applicant shall submit at the very least a plan illustrating~~three copies of plans drawn to scale and showing~~ the following:

1. Architectural rendering showing the exterior appearance of the building following the remodeling or alterations;
2. Floor plans and list of materials and specifications of work to be done;
3. Plans and photos or renderings of all exterior landscaping, lighting (location, direction and type) and signing.

C. The board shall render a decision to grant, grant with conditions, or deny the remodeling proposal. The decision shall be based on findings that pertain to the criteria listed in Section 17.42.010 of this chapter. Failure of the board to act and make a decision on this request within 120~~forty-five~~ days of submittal of a complete application shall constitute approval of the plans as submitted by the applicant.

D. All modifications or enlargements or other exterior alterations to an historic building shall include designs, materials and finishes that are of a type that will be similar to the original design, materials or finishes and that will enhance or preserve the historic character and value of the building.

E. Plans approved shall apply until work is completed. Any changes in approved plans shall be submitted to the city for consideration by the board.

F. The applicant may appeal a decision of the historic review board to the city council, if the appeal is in writing and submitted within twelve~~fifteen~~ calendar days of the board's decision.

G. An appeal may also be made to the city council of a board decision by a person or persons other than the applicant, if presented in the same manner as specified in subsection F above. Building permits shall not be issued during the twelve~~fifteen~~-day appeal period. (Ord. 525 (part), 1985").

### **17.42.060 Demolitions and condemnation of historic building.**

A. No historic building or other structure shall be demolished unless so authorized by the city council in accordance to type IV procedure. The applicant for the demolition of an historic structure shall submit the following items to the city as part of the application:

1. Names and addresses of the applicant, owners of the structure, owners of the property, and other persons involved;
2. Tax lot description and map showing the location of the structure within the city;
3. A statement explaining the reason or reasons why the building is proposed for demolition;
4. Photographs of each elevation (side) of the building with the dates the photographs were taken.

One copy is sufficient.

B. The historic review board shall schedule and conduct a public hearing to consider the request and to provide opportunities for public input.

C. The board, in arriving at its decision, shall take into consideration at least the following criteria:

1. The present state of repair of the buildings and the reasonableness of estimated restoration costs;

2. The character of the neighborhood in which the structure is located and its influence on or importance to other historic structures;

3. The city's comprehensive plan for the area and the importance to the community of other planned land uses;

4. Alternatives to demolition, including preservation and relocation.

D. The board will submit its decision, recommendations, findings, and other supporting documentation to the city council, which will either:

1. Permit the building to be demolished; or

2. Suspend issuance of permission to demolish for a fixed number of days not to exceed one hundred twenty days from the date of application when it is determined that:

a. It is in the best interests of preserving community historical values; and

b. There is reason to believe that a program or project may be undertaken which could result in public or private acquisition of the building or which could cause the building to be restored or preserved.

E. The city council, upon request, may extend the suspension period of an additional one hundred eighty days, if there is reason to believe that a program or project may be undertaken to save the historic structure.

F. If the suspension period has elapsed and the applicant has not withdrawn the application to demolish, then the applicant may demolish the historic building in accordance with city ordinances pertaining to demolition and public safety.

G. If a historic building for which permission has been granted for demolition, has not been demolished within one year from the date permission was granted, then permission to demolish has become null and void and the applicant may request an extension of time for a period not to exceed six months from the date the permission becomes null and void. (Ord. 525 (part), 1985).

[H. Unless replaced with a similar or honorific structure, demolish of a historically registered building shall result in its removal from the Gold Hill Historic inventory.](#)

#### **17.42.070 General provisions.**

A. Condemnation. Before the city takes any action to condemn a building or structure designated as an historic building, the historic review board shall review the report of the city council relating to the building's condition. The board shall then provide a recommendation to the city council prior to the council's final decision.

B. Records of Demolished Buildings. historic building is to be demolished, the city shall first:

1. Attempt to gather a pictorial or graphic history of building or site with any additional data as may be available.

2. Upon permission of the owner, obtain artifacts from the building or site which it deems worthy of preservation. Such items may be submitted to a museum or other appropriate location.

3. Notify persons or agencies, such as the Jacksonville Museum, or the Southern Oregon Historical Society, who may be interested in the historical significance of the building.

C. Removal of Designation. Removal of an historic site or building from the list or historic inventory map of Section F of the comprehensive plan shall be subjected to the provisions of Section 17.42.040 and shall include public hearings, as determined by the board.

D. Signs and Plaques. The owner of a designated historical building or site may install, or approve the installation, of an identification plaque or marker indicating the name, date, architect or other

appropriate information about the property, provided that the size, materials, design, location and text of such plaque or marker is approved by the historic review board. (Ord. 525 (part), 1985).

## **Chapter 17.44 – YARDS AND LOT ACCESS**

### Sections:

17.44.010	Front yard exceptions.
17.44.020	Projections.
17.44.030	Access.
17.44.040	Roofing material.

### **17.44.010 Front yard exceptions.**

- A. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwelling.
- B. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard need not exceed a depth one-half of the way between the depth of the abutting lot and the required front yard depth. (Ord. 384 §4.100, 1972).

### **17.44.020 Projections.**

Bay windows, cornices, eaves, canopies, sun shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than one-third of the distance into a required yard or into a required open space as established by coverage standards. (Ord. 91-01, 1991; Ord. 384 §4.120, 1972).

### **17.44.030 Access.**

Each lot shall abut a minimum frontage of forty feet upon a public street, (other than an alley) except in the case of lots which abut a street having a centerline radius of one hundred fifty feet or less. In no case shall a lot abut upon a street for a width of less than twenty-five feet. (Ord. 384 §4.150, 1972).

### **17.44.040 Roofing material.**

Dwellings shall have roofs that meet or exceed the Underwriting Laboratory Class "B" fire retarding roofing material standard. The requirement shall apply to new construction commenced after the effective date of the ordinance codified in this section and to total roof replacements. (Ord. 91-02, 1991).

## **Chapter 17.48 – SITE DESIGN, LANDSCAPING AND CONSTRUCTION PLAN APPROVAL**

### Sections:

17.48.010	Purpose
17.48.020	Required
17.48.030	Application
17.48.040	Application Fee
17.48.050	Standards
17.48.060	Commission decision
17.48.070	Appeal
17.48.080	Construction plans
17.48.090	Commission decision
17.48.100	Delegation of authority

### **17.48.010 Purpose.**

The purpose of site plan, landscaping and construction plan approval is to review the site plan, landscaping plans and construction plans of the proposed use, structure or building, in order to:

- (A) Determine compliance with the ordinances of the city;
- (B) Determine impact upon the neighboring properties;
- (C) ~~Determine impact upon the city's public services and facilities~~Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- (D) Promote the orderly and harmonious development of the city;
- (E) Promote the stability of land values and investments;
- (F) Promote aesthetic values. (Ord. 486 §1(part), 1981)

### **17.48.020 ~~Required.~~ Applicability.**

Site Design Review approval is required for new development. Site Design Review approval is also required to expand a non-conforming use or development. Except as specified by a condition of approval of a prior City decision, or as required for uses subject to Conditional Use Permit approval, Site Design Review is not required for the following:

- A. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development;
- B. Single-family detached dwelling (including manufactured homes) on its own lot  
~~B.~~
- C. A single duplex;
- D. Non-residential building addition of up to 500 square feet or 10 percent, whichever is greater;
- E. Home occupation, except for uses requiring a Conditional Use Permit;
- F. Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application, provided that modifications to such plans may require Site Design Review, pursuant to Chapter 4.7;
- G. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official, except where a condition of approval requires Site Design Review; and
- ~~A. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair. Approval of the site plan, landscaping plans and construction plans shall be made by the planning commission under this chapter for the construction, reconstruction or repair of any improvement or improvements requiring a building permit under the ordinances of the city, provided that approval under this chapter shall not be required for the construction of subdivisions in accordance with Title 16 of this code.~~
- ~~B. (Ord. 552, passed 12-3-2003; Ord. 496 §1, 1982; Ord. 486 §1 (part), 1981)~~

#### **17.48.020 Review Procedure**

Site Design Review shall be conducted using the Type II procedure in Section 17.104.030, except that proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in Section 17.104.040:

- A. The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual.
- B. The use exceeds [5,000 square feet of gross leasable floor area; or the project involves more than one acre total site area];

- C. The proposal involves a Conditional Use (new or expanded);
- D. The proposal involves a variance;
- E. The proposal involves expansion of a non-conforming use; or
- F. The City Planning Official determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.

### **17.48.030 Application Submission Requirements.**

All of the following information is required for Site Design Review application submittal, except where the City Planning Official determines that some information is not pertinent and therefore is not required. An application shall be filed with the city recorder on a form prescribed by the planning commission which shall include the following information:

#### **A. General Submission Requirements**

1. Information required for Type II or Type III review, as applicable (see Chapter 17.104).
2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(5).

#### **B. Site Design Review Information**

In addition to the general submission requirements an applicant for Site Design Review shall provide the following information, as deemed applicable by the City Planning Official. The City Planning Official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

1. Site analysis map. The site analysis map shall contain all the following information, as the City Planning Official deems applicable:
  - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;

- b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;
- c. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
- d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
- e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, county, or state as having a potential for geologic hazards;
- f. Areas subject to overlay zones;
- g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
- h. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;
- i. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and
- j. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

**2. Proposed site plan.** The site plan shall contain all the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area;
- b. Features identified on the existing site analysis maps that are proposed to remain on the site;
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

- e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- i. Loading and service areas for waste disposal, loading, and delivery;
- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- k. Location, type, and height of outdoor lighting;
- l. Location of mail boxes, if known;
- m. Name and address of project designer, if applicable;
- n. Locations of bus stops and other public or private transportation facilities; and
- o. Locations, sizes, and types of signs.

**3. Architectural drawings.** Architectural drawings shall include as applicable.

- a. Building elevations with dimensions;
- b. Building materials, colors, and type; and
- c. Name and contact information of the architect or designer.

**4. Preliminary Grading Plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

**5. Landscape Plan.** Where a landscape plan is required, it shall show the following,

pursuant to Chapter 3.4:

- a. The location and height of existing and proposed fences, buffering, or screening materials;
  - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - c. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - d. Existing and proposed building and pavement outlines;
  - e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and
  - f. Other information as deemed appropriate by the City Planning Official. An arborist’s report may be required for sites with mature trees that are to be retained and protected.
- 6. Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.
- 7. Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050.
- 8. Traffic Impact Analysis,** when required by Section 3.6.020.A(5)
- 9. Other information** determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal’s conformance with this Code.

- ~~A. Name and address of applicant;~~
- ~~B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;~~
- ~~C. Address and legal description of the property for which the application is sought (subject property);~~
- ~~D. An accurate scale drawing of the site plan, land-scaping plan, and a plan or rendering sufficient to show the architecture of the buildings and other improvements proposed. The site plan shall be on a scale of one inch to ten feet and shall show the location of all public improvements and all~~

~~public utilities together with their capacity at the subject site, and all accesses to public streets and provisions for circulation of foot and vehicular traffic on the site. If the planning commission determines that the plans submitted with the application are insufficient to enable a determination to be made as required by this chapter, the applicant shall submit such other plans and information as shall be required by the planning commission for that purpose. (Ord.496 §2, 1982: Ord. 486 §1(part), 1981).~~

### **17.48.040 — Application Fee.**

~~Applications shall be accompanied by a fee of two hundred fifty dollars. In the event the city is required to incur expenses in processing the proposal which shall exceed the fee, payment to the city of such expenses in excess of the fee shall be a condition of approval or conditional approval of the application. (Ord. 496 §3, 1982: Ord. 489 §1, 1982: Ord. 486 §1(part), 1981).~~

### **17.48.0450 Approval Criteria Standards.**

The planning commission, or the city council on appeal, may approve, conditionally approve, or deny the application for site design review, provided it meets all of the following criteria. ~~plans submitted. In review of the site plan, landscape plan or architecture, the following standards shall be considered:~~

A. The application is deemed complete by city staff, in accordance to 17.48.030, above;

A.B. The application complies with all of the applicable provision of the underlying Land Use District, including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;~~The site plan, landscaping and architecture of the proposed improvement shall not substantially interfere with the architectural or landscaping scheme of the neighborhood, and landscaping and fencing may be required to screen such activities and sites as might be heterogeneous to existing neighborhood uses.~~

C. The proposal complies with all of the Development and Design Standards of Title 17, as applicable, including, but not limited to: Design, number and location of points of ingress and egress shall be such as will avoid interference, and if possible, improve traffic flow on public streets.

a. Chapter 17.41 Signs

b. Chapter 17.44 Yards & Lot Access

c. Chapter 17.56 Fences, Walls, and Sight Obstructions

d. Chapter 17.60 Parking and Loading

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~~2. Off-street parking and loading facilities shall be provided to avoid interference with, and if possible improve, traffic flow on public streets.~~

~~3. Signs and other outdoor advertising structures shall not conflict with or deter from traffic control signs or devices.~~

~~B.D.~~ Consideration shall be given to the accessibility and sufficiency of firefighting facilities to such a standard as to provide for the reasonable safety of life, limb and property, including, but not limited to, suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus.

~~4. All improvements shall comply with such architectural and design standards as to provide aesthetic acceptability in relation to the neighborhood and the Gold Hill area and its environs. The architecture and design standards of the proposed improvement may be rejected by the planning commission when the same substantially diverge from the general architecture and design standards of the Gold Hill area and its environment.~~

~~C.E.~~ All improvements shall comply with all applicable city, state and federal laws and regulations. (Ord. 496 §4, 1982: Ord. 486 §1(part), 1981).

### **17.48.060 Commission decision.**

The planning commission shall approve, conditionally approve or deny the proposed application for site design review site plan, landscape plan and architecture plan within 120 forty five days of the application being deemed complete. receipt thereof. (Ord. 496 §5, 1982: Ord. 486 §1 (part), 1981).

### **17.48.070 Appeal.**

An applicant dissatisfied with the action of the planning commission under this chapter may appeal to the city council as provided in Chapter 17.88. (Ord. 486 §1(part), 1981).

### **17.48.080 Compliance With Conditions, Permit Expiration, and Modifications.**

Development shall not commence until the applicant has received all applicable land use and development approvals. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require bonding or other assurances for improvements. Site Design Review approvals are subject to all of the following standards and limitations:

**A. Approval Period.** Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or
2. Construction on the site is in violation of the approved plan.

**B. Extension.** The City Planning Official, upon written request by the applicant, may grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant can show intent of initiating construction on the site within the one-year extension period;
3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new Site Design Review shall be required; and
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

**C. Modifications to Approved Plans and Developments.** Modifications to approved plans are subject to City review and approval under Chapter 4.5.

### **17.48.0980 Construction plans.**

Upon site plan approval, the applicant shall submit construction plans for the proposed improvements to the planning commission within sixty days after site plan approval. The planning commission shall, with the assistance of appropriate members of the city staff, determine whether or not the proposed construction plans comply with all city, state and federal ordinances, laws and regulations relating to such construction. If the planning commission determines that the plans submitted are insufficient to enable the planning commission to make such a determination, the applicant shall submit such other plans and information as shall be required by the planning commission for that purpose. (Ord. 496 §6, 1982).

### **17.48.090 Commission decision**

- A. The planning commission shall approve, conditionally approve or deny the construction plans within forty-five days of the receipt thereof. No building permit will be issued for the construction without the prior approval of the planning commission which will be noted on the first page of the plans. One copy of the plans shall be retained by the city and one set so approved shall be given to the developer or owner. A precondition to approval will be approved by the State Fire Marshal as required by state law.

- B. Any change or deviation from the plans as approved by the planning commission without planning commission approval will be deemed a violation of the ordinance codified herein and punishable under the general penalty ordinance of the city. (Ord. 496 §7, 1982).

**17.48.100 Delegation of authority**

The city council may by contract delegate authority for construction plan review and/or building inspection to the Jackson County building department or to a private contractor providing such service, upon such terms and conditions as the council deems appropriate. (Ord. 496 §8, 1982)

## **Chapter 17.52 – MANUFACTURED HOUSING MOBILE DEVELOPMENTS HOMES AND PARKS<sup>1</sup>**

### **Sections:**

17.52.010	Purpose
17.52.010	Conformance to ORS 446
17.52.010	Permitted where.
17.52.020	Court – Size.
17.52.030	Court – Density
17.52.040	Site Size
17.52.050	Court – Roadways
17.52.060	Court – Parking.
17.52.070	Court – Recreation area.
17.52.080	Court – Landscaping and fencing.
17.52.090	Court – Fire Protection.
17.52.100	Court – Utilities.
17.52.110	Storage – Home premises.
17.52.120	Storage – On street.
17.52.130	Temporary occupancy.

### **17.52.010 Purpose**

The purpose of this section is to encourage the most appropriate use of land for manufactured housing development purposes, to encourage design standards which will create pleasing appearances, to provide sufficient open space for light, air, and recreation, to provide adequate access to and parking for manufactured housing sites, and to refer minimum utility service facilities to appropriate City codes.

### **17.52.020 Conformance to ORS 446**

In addition to the requirements of this chapter, all manufactured housing developments shall conform to the regulations of ORS 446, together with such administrative rules as may be adopted from time to time, except where such regulations are exceeded by the requirements of this chapter, in which case the more stringent requirements shall apply.

### **17.52.0310 Permitted where**

Manufactured housing development may be located within R-1, R-2, and R-3, while manufactured housing courts may be sited within R-2 zone in conformance with applicable special use standards; All occupied mobile homes shall be within mobile home parks. Mobile home parks are permitted as

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<sup>1</sup> For statutory provisions on mobile home parks, see ORS 446.003 et seq.

~~conditional uses in certain zoning districts as provided in the district regulations found elsewhere in this title;~~ in addition, the minimum standards set forth in this chapter shall apply. (Ord. 384 §4.050(part), 1972).

**17.52.0420 CourtPark – Size.**

A manufactured housing court shall occupy a site of not less than ~~onefour~~ acres in area. (Ord. 384 §4. 050(1), 1972).

**17.52.0530 CourtPark – Density.**

The maximum density permitted shall be ten manufactured homes per acre. (Ord. 384 §4.050(2), 1972).

**17.52.0640 Site Size.**

No manufactured home site shall be less than thirty- five feet in average width and sixty feet in average length. (Ord. 384 § 4.050(3), 1972).

**17.52.050 Court – Roadways.**

All roadways shall be paved with a permanent material and shall have a minimum width of twenty feet where parking is prohibited; ~~thirtytwenty-eight~~ feet minimum is required when parking is provided on one side; thirty-~~eightsix~~ feet minimum is required when parking is provided on both sides. (Ord. 384 §4.050(4), 1972).

**17.52.060 Court – Parking.**

Provisions shall be made for not less than one paved off-roadway parking space on or adjacent to each manufactured home site and a total of not less than two paved parking spaces per each manufactured home site shall be provided within the park. (Ord. 384 §4.050(5), 1972).

**17.52.070 Court – Recreation Area.**

In addition to the space devoted to each manufactured home site, there shall be an area, or areas, dedicated to open space or recreation, sized for at least 200 square feet of area per Manufactured Home site. Each recreation area shall have not less than 2000 square feet of space and be of such design as to permit efficient utilization. (Ord. 384 §4.050(6), 1972).

**17.52.080 Court – Landscaping and fencing.**

Landscaping and fencing shall conform to the following minimum requirements:

- A. All areas of a court not occupied by paved parking areas, roadways, or pathways, and not otherwise occupied by manufactured home s or other facilities, shall be landscaped.

- B. Manufactured home sites along the exterior boundaries of a court shall be so designed that any part of a manufactured home shall be set back at least twenty feet from a public street and at least five feet from any other property line. (Ord. 384 §4.050(7), 1972).

**17.52.090 Court – Fire protection.**

Fire hydrants of a size and type approved by the general rules, regulations, ordinances, and laws in force in the city shall be located within two hundred fifty feet of each manufactured home site. (Ord. 384 §4.050(8), 1972).

**17.52.100 Court – Utilities.**

Provisions for electric, water, and sanitary service shall be made in accordance with established city procedures and law, including number, size, quality, and location of fixtures, connections, and facilities. Telephone and electric lines shall be placed underground. (Ord. 384 §4.050(9), 1972).

**17.52.110 Storage – Home premises.**

Nothing in this title shall be deemed to prohibit the storage of any manufactured home on the home premises of the owner for any length of time when not used for living purposes, provided, that the units stored abide by the applicable setbacks. (Ord. 384 §4.060(1), 1972).

**17.52.120 Storage – On street.**

No manufactured home shall be stored on a public street except for temporary maneuvering purposes. (Ord. 384 §4.060(2), 1972).

**17.52.130 Temporary Occupancy**

Temporary occupancy of a manufactured home as a residence on the premises of a residence may be permitted for a period not to exceed thirty calendar days upon the granting of a permit by the city building inspector, such permit shall be granted upon proof that the permit complies with all requirements of this title. Said permit shall not be renewable within a six-month period beginning at the first date of issuance, except with the approval of the city planning commission. (Ord. 384 §4.060(3), 1972).

## **Chapter 17.56 – FENCES, WALLS, AND SIGHT OBSTRUCTIONS**

### Sections:

<u>17.56.010</u>	<u>Purpose Fences</u>
<u>17.56.020</u>	<u>Applicability Clear Vision Area—Establishment</u>
<u>17.56.030</u>	<u>Height Clear Vision Area—Measurement</u>
<u>17.56.040</u>	<u>Maintenance</u>
<u>17.56.050</u>	<u>Height</u>
<u>17.56.060</u>	<u>Clear Vision Area – Establishment</u>
<u>17.56.070</u>	<u>Clear Vision Area – Measurement</u>

### **17.56.010 PURPOSE**

This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.

### **17.56.020 APPLICABILITY**

Section 17.56 applies to all fences, and walls that are not part of a building, including modifications to existing fences and walls.

### **17.56.0310 HEIGHT FENCES**

**A. Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following heights above grade, where grade is measured from the base of the subject fence or wall:

1. **Front yard:** Fences, walls, hedges and screen planting may be located in any required front yard, provided they do not exceed four feet in height.
  - a. A front yard fence may be constructed to a maximum height of six feet where the fence is of open chain link or other “see-through” composition that allows 90 percent light transmission.
2. **Interior Side yard:** fences, walls, hedges, and screen planting may be located in any side yard, provided they do not exceed six feet in height.
3. **Street Side Yard:** fences, walls, hedges, and screen planting may be located in any street-side yard, provided they do not exceed four feet in height.
  - a. A street side yard fence may be constructed to a maximum height of six feet where the fence is of open chain link or other “see-through” composition that allows 90 percent light transmission.
4. **Rear yard:** fences, walls, hedges, and screen planting may be located in any rear yard, provided they do not exceed six feet in height.
5. **Garden or Ornamental Structure:** One incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within a front or street-facing

yard provided it does not encroach into a required clear vision area.

**B. Nonresidential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall:

- 1. Front yard:** Fences, walls, hedges and screen planting may be located in any required front yard, provided they do not exceed four feet in height.
  - a. A fence or wall may be constructed to a maximum height of six feet where the fence is setback behind the front or street side property line behind a five-foot deep landscape buffer.
  - b. A fence or wall may be constructed to a maximum height of eight feet where the fence is setback behind the front or street side property line behind a ten-foot deep landscape buffer.
  - c. Where approved by the City Planning Official, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.
- 2. Interior Side yard:** fences, walls, hedges, and screen planting may be located in any interior side yard, provided they do not exceed eight feet in height.
- 3. Street Side yard:** Fences, walls, hedges and screen planting may be located in any required street-side yard, provided they do not exceed four feet in height.
  - a. A fence or wall may be constructed to a maximum height of six feet where the fence is setback behind the front or street side property line behind a five-foot deep landscape buffer.
  - b. A fence or wall may be constructed to a maximum height of eight feet where the fence is setback behind the front or street side property line behind a ten-foot deep landscape buffer.
  - c. Where approved by the City Planning Official, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.
- 4. Rear yard:** fences, walls, hedges, and screen planting may be located in any rear yard, provided they do not exceed eight feet in height.

Fences, walls, hedges, and screen planting may be located as follows:

- E. Said fences, walls, hedges and screen planting may be located in any required front yard, provided they do not exceed three and one half feet in height.
- F. Said fences, walls, hedges, and screen planting may be located in any rear yard or side yard, provided they do not exceed six feet in height.
- G. On a corner lot, no fence, wall, hedge, or screen planting over three and one half feet in height shall be constructed within the yards required adjacent to the streets.
- H. The height of fences, walls, hedges, and screen planting referred to in subsections A and C shall be measured from the established curb grade; the height of fences, walls, hedges, and screen planting referred to in subsection B shall be measured at ground level. (Ord. 384 §4.070, 1972).

### **17.56.040 MAINTENANCE**

Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

### **17.56.0520 CLEAR VISION AREA – ESTABLISHMENT**

A clear- vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from top of the curb, or where no curb exists, from the established street centerline grade except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade. (Ord. 384 §4.130, 1972).

### **17.56.0630 CLEAR VISION AREA – MEASUREMENT**

A clear- vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of inter- section, and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. The following measurements shall establish clear-vision areas:

Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

- A. In any R district, the minimum distance shall be twenty-five feet, or at intersections including an alley, ten feet;
- B. In all other districts except the D-C-3 district, the minimum distance shall be fifteen feet or, at intersections including an alley, ten feet. When the angle of ~~inter-section~~ intersection between streets, other than an alley, is less than thirty degrees, the distance shall be twenty-five feet. (Ord. 384 §4.140, 1972).

**Chapter 17.60 – Off-Street Parking and Loading**

Sections:

- 17.60.010 Loading – Considerations Area requirements.
- ~~17.60.020 Loading berth size.~~
- ~~17.60.030 Loading Existing Uses~~
- ~~17.60.040 Loading Parking not to be used.~~
- 17.60.050 Parking – None Required.
- 17.60.060 Parking – Maximum Number of spaces ~~required.~~
- 17.60.070 Parking – Multiple uses.
- ~~17.60.080 Parking Transferral prohibited.~~
- ~~17.60.0890~~ Parking – Partial space.
- ~~17.60.1090~~ Parking – Design requirements.

**17.60.010 LOADING – CONSIDERATIONS AREA REQUIREMENTS**

Buildings or structures to be built or substantially altered that receive and distribute materials and merchandise by trucks shall consider providing and maintaining off-street loading berths. Off-street parking areas used to fulfill requirements of this Code must not be used for loading and unloading operations except during periods of the day when not required to meet parking needs.

~~In all districts, except those specifically excepted and noted, for each use for which a building is to be erected or structurally altered to the extent of increasing the floor area to equal the minimum floor area required to provide loading space, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, there shall be provided off-street loading space on the basis of minimum requirements as follows:~~

~~A. Commercial, industrial, and public utility uses which have gross floor area of five thousand square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:~~

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 5,000	0
5,000 to 30,000	1
30,001 to 100,000	2
100,001 and over	3

~~B. Office buildings, hotels, motels, hospitals, institutions, schools, public buildings, recreational or entertainment facilities, and any use which has a gross floor area of thirty thousand square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:~~

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 30,000	0

30,001 to 100,000	2
100,001 and over	3

(Ord. 384 §5.010(1), 1972).

**17.60.020 – LOADING – BERTH SIZE**

A loading berth shall be not less than ten feet wide, thirty five feet long, and have a height clearance of twelve feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased. (Ord. 384 §5.010(2), 1972).

**17.60.030 – LOADING – EXISTING USE**

If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. (Ord. 384 §5.010(3), 1972).

**17.60.040 – LOADING – PARKING TO NOT BE USED**

Off-street parking areas used to fulfill the requirements of this title shall not be counted as required loading spaces and shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs. (Ord. 384 §5.010(4), 1972).

**17.60.0250 PARKING – NONE REQUIRED**

In order to ensure the most efficient use of land within the City of Gold Hill, developments are not required to provide a minimum number of onsite spaces within their site. The city encourages developers to realistically assess the need for on-site parking for their customers or potential residents, while also utilizing this provision to maximize buildable area. To prevent developments from providing surplus parking, some land uses have an identified maximum parking ratio, as listed in table 17.60.030. all districts, except those specifically excepted and noted, in connection with any use whatsoever, there shall be provided, at the time any building or structure is erected, or is enlarged or increased in capacity, or the use is changed or increased in intensity, off-street parking spaces for automobiles for the enlarged

**17.60.0350 PARKING – MAXIMUM NUMBER OF SPACES REQUIRED**

The following shall be the basis for determining the ~~maximum~~ minimum parking space requirements for various types of land uses. Uses not listed will be compared to the most similar listed use, as determined by the planning commission.

	<u>Use</u>	<u>Standard</u>
A.	<u>Residential</u>	
	1. Single-family dwellings	<u>No Parking Maximums</u>
	2. Two-family dwellings	<u>No Parking Maximums</u>
	3. Multifamily dwellings	<u>Two One and one-half</u> spaces for each dwelling unit.

<p><del>4.</del> Retirement housing</p>	<p><del>One-half (.5) spaces for each dwelling unit plus one space for each employee at maximum shift. Two <del>One</del> spaces for each guest accommodation plus one space for the owner or manager.</del></p>
<p>4. Rooming or boarding house, residential hotel</p>	<p><u>No Parking Maximums</u></p>
<p>5. <u>Residential units smaller than 750 square feet</u></p>	<p><u>No Parking Maximums</u></p>
<p>6. <u>Single-room occupancy housing.</u></p>	<p><u>No Parking Maximums</u></p>
<p>7. <u>Affordable housing, as defined in OAR 660-039-0010.</u></p>	<p><u>No Parking Maximums</u></p>
<p>8. <u>Publically supported housing as defined in ORS 456.250</u></p>	<p><u>Standard</u></p>
<p><u>Use</u></p>	<p><u>No Parking Maximums</u></p>
<p><b>B.</b> <u>Care Facilities</u></p>	<p><u>No Parking Maximums</u></p>
<p>1. <u>Child care facility as defined in ORS 329A.250</u></p>	<p><u>No Parking Maximums</u></p>
<p>2. <u>Emergency and transitional shelters</u></p>	<p><u>No Parking Maximums</u></p>
<p>3. <u>Domestic violence shelters</u></p>	<p><u>No Parking Maximums</u></p>
<p>1. <u>Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400</u></p>	<p><u>No Parking Maximums</u></p>
<p><b>B.C.</b> <u>Commercial Lodging</u></p>	<p><del>One <del>.75</del> 1.5 spaces for each guest room or suite plus one additional space for the owner or manager.</del></p>
<p>1. Hotel or motel</p>	<p><u>No Parking Maximums</u> <del>1.5 spaces per 75 square feet to meet the combined requirements of the uses being conducted such as hotel restaurant, auditorium, etc.</del></p>
<p>2. Club; lodge</p>	<p><u>No Parking Maximums</u> <del>One space for each five beds for patients or inmates.</del></p>
<p><b>C.D.</b> <u>Institutions</u></p>	<p><del>One space for each two beds for patients or residents.</del></p>
<p>1. Welfare or correctional institutions</p>	<p><u>two spaces per 300 square feet for each three beds plus one space for each employee at maximum shift.</u></p>
<p>b. <del>Convalescent hospital, nursing home, sanitarium hospital</del></p>	
<p>2. Hospital</p>	
<p><b>D.E.</b> <u>Places of Public Assembly</u></p>	

1. ~~Church~~ Religious Institution
2. Library, reading room, museum, art gallery
3. Preschool nursery, kindergarten
4. Elementary and Junior High
5. High School
6. Auditorium or other place of public assembly

~~Two One~~ spaces per 75 square feet of main assembly area for each four seats or eight feet of bench length in the main auditorium.  
~~No Parking Maximums One space for each four hundred square feet of floor area.  
two One spaces per classroom for each teacher plus one offstreet loading space for each six students.  
two One spaces per classroom for each staff member plus one space for each two classrooms.  
Fourteen Seven One spaces per classroom for each employee plus one space for each five unbussed students.~~  
~~One Two~~ spaces per 75 square feet for each classroom; one space for each four seats or eight feet of bench length; if no permanent seats are provided, one space for each one hundred square feet of floor area.

~~E.F.~~ Commercial Amusement

1. Stadiums, arenas, theaters
2. ~~Large Scale Indoor Recreation Dance hall, skating rink~~

~~Two spaces per 50 square feet One space for each four seats or eight feet of bench length.  
Five spaces for each alley, plus one space for each employee at maximum shift.  
Two One spaces for every each one hundred square feet of floor area.~~

~~F.G.~~ Commercial

1. Retail store (except as otherwise provided in this subsection)
2. Retail store exclusively handling bulky merchandise such as automobiles, furniture and large appliances
3. Service or repair shop
4. Bank; office (except medical and dental)
5. Medical or dental office
6. Mortuary
7. Eating and drinking establishments

~~Two One spaces per for each 400 two hundred square feet of floor area.  
Two One spaces per for each six hundred 1000 square feet of floor area.  
Two One spaces per for each three hundred 300 square feet of floor area.  
Two One spaces per for each three hundred 500 square feet of of floor area.  
Two One spaces per for every two hundred 250 square feet of floor area.  
Two One spaces per 300 square feet of floor area. Twelve spaces plus four spaces for each room in excess of two which can be used as a parlor or chapel.  
Two One spaces per 200 square feet of floor area. for each three seats or one space for each one hundred square feet of floor area, whichever is~~

greater.

**G.H. Industrial**

1. Manufacturing establishment

~~Two One spaces per 1000 square feet of floor area. Two spaces for every three employees on the two adjacent shifts or one space for every five hundred square feet of floor area, whichever is greater.~~

2. Wholesale warehouse, freight depot

~~Two One spaces per 2000 square feet. Two spaces for every three employees on two adjacent shifts or one space for every one thousand square feet of floor area, whichever is greater.~~

**H.I.** Other uses not specifically listed above shall ~~not provide furnish~~ parking ~~in excess~~ as required by the planning commission. In determining the off-street parking requirements for said uses, the planning commission shall use the above requirements as a general guide, and shall determine the ~~maximum minimum~~ number of parking spaces required to avoid undue interference with the public of streets and alleys. (Ord. 91-22 §1, 1991; Ord. 91-03, 1991; Ord. 384 §5.020(2), 1972).

### **17.60.0470 PARKING – MULTIPLE USES**

Where more than one use is included within any one building or on any single parcel, the parking ~~maximum requirements~~ shall be the sum total of the requirements of the various uses, such that the hours of operation or uses complement each other insofar as the parking demand is concerned, the planning commission may authorize ~~an increase to reduction in~~ these requirements. (Ord. 384 §5.020(3), 1972).

### **17.60.0580 PARKING – TRANSFERRAL PROHIBITED**

~~Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements if another parking area is provided at another location. (Ord. 384 §5.020(4), 1972).~~

### **17.60.0590 PARKING – DESIGN REQUIREMENTS**

All parking shall meet the following design requirements:

- A. Surfacing:** ~~All required parking areas, aisles, turn-arounds, and driveways shall be paved with concrete, asphaltic, porous solid surface, or comparable surfacing, constructed to standards on file in the office of the City Engineer. Except for single-family dwellings, all surfacing shall be a minimum of two inches of Class "b" asphaltic concrete surface.~~
- B. Access:** There shall be adequate provisions for ingress and egress to all parking spaces from a public street. An alley shall not be used as the primary access to and from any required parking space.
- C. Handicapped Accessible parking:** ~~Accessible Handicapped~~ parking shall be provided ~~consistent with the requirements of the as required by the state and the Uniform Bbuilding Ccode,~~ ~~Including but not limited to the minimum number of number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements. Accessible parking shall be included and indentified on the planning~~

application submittals.

~~K. Parking, required front yard: In any residential zoning district, required parking or loading shall not be located within the required front yard. Within any commercial or industrial zoning district, there shall be a minimum of a five-foot landscaped area between the parking area and any property line, except those areas used for access.~~

D. Aisles: Except for single-family and two-family dwellings, groups of three or more parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

E. Parking lot dimension standards:

a.	b.	c.	d.	e.	f.
50 Deg.	9'	19.4'	12'	11.7'	50.8'
	9'6"	19.7'	12'	12.4'	51.4'
	10'	20'	12'	13.1'	52'
60 Deg.	9'	20'	18'	10.4'	58'
	9'6"	20.2'	18'	11'	58.4'
	10'	20.5'	18'	11.5'	59'
70 Deg.	9'	20'	19'	9.6'	59'
	9'6"	20.2'	18.5'	10.1'	58.9'
	10'	20.2'	18'	10.6'	58.4'
80 Deg.	9'	19.3'	24'	9.1'	62.3'
	9'6"	19.4'	24'	9.6'	62.4'
	10'	19.5'	24'	10.2'	63'
90 Deg.	9'	18'	24'	9'	60'
	9'6"	18'	24'	9.5'	60'
	10'	18'	24'	10'	60'

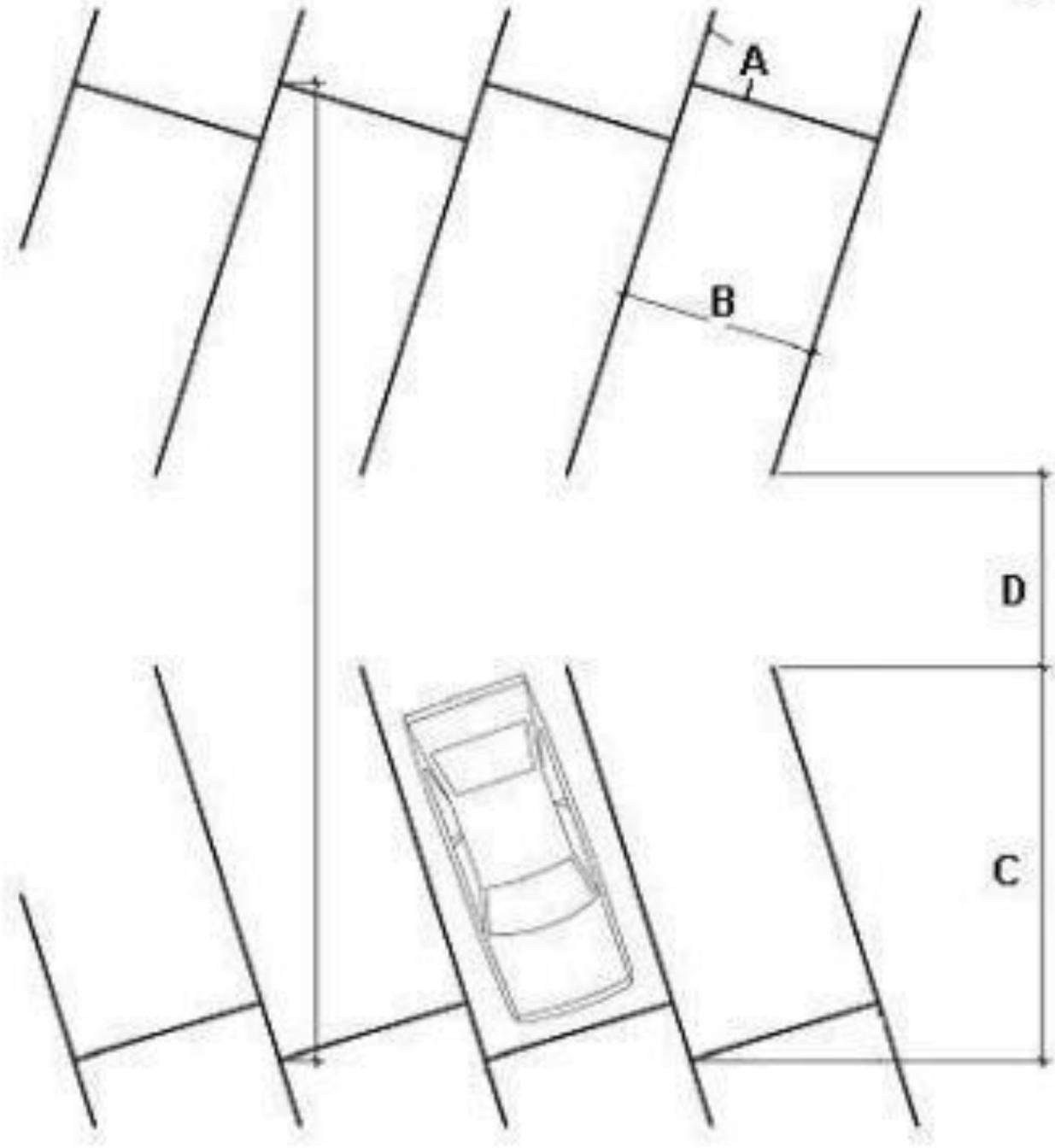
Table 17.60.050 E: Parking Lot Dimension Standards

Parking Angle	Stall Width	Stall Depth	One-way Aisle Width	Curb Length	Bay Width <sup>2</sup>
0	9'- 0"	9.0'	12.0'	22.0'	30.0'
	9'- 6"	9.5'	12.0'	22.0'	31.0'
	10'- 0"	10.0'	12.0'	22.0'	32.0'
45	9'- 0"	19.8'	13.0'	12.7'	52.5'
	9'- 6"	20.1'	13.0'	13.4'	53.3'
	10'- 0"	20.5'	13.0'	14.1'	54.0'
60	9'- 0"	21.0'	18.0'	10.4'	60.0'
	9'- 6"	21.2'	18.0'	11.0'	60.4'
	10'- 0"	21.5'	18.0'	11.9'	61.0'
70	9'- 0"	21.0'	19.0'	9.6'	61.0'
	9'- 6"	21.2'	18.5'	10.1'	60.9'
	10'- 0"	21.2'	18.0'	10.6'	60.4'

<sup>2</sup> Parking areas with only 1 row of stalls may use C + D for minimum bay width instead of the usual standard.

	<u>9'-0"</u>	<u>20.0'</u>	<u>24.0'</u>	<u>9.0'</u>	<u>64.0'</u>
<u>90</u>	<u>9'-6"</u>	<u>20.0'</u>	<u>24.0'</u>	<u>9.5'</u>	<u>64.0'</u>
	<u>10'-0"</u>	<u>20.0'</u>	<u>24.0'</u>	<u>10.0'</u>	<u>64.0'</u>

Figure 17.60.050 E: Parking Lot Dimension Key



## **Chapter 17.64 – SPECIAL USES AND EXCEPTIONS**

### Sections:

17.64.010	Commercial excavation
17.64.020	Utilities
17.64.030	Accessory buildings
17.64.040	Building height exceptions
17.64.050	Similar use authorization
17.64.060	Home occupations
17.64.070	Manufactured homes

### **17.64.010 Commercial excavation**

- A. Before a conditional use permit for the commercial excavation and removal of earth products can be granted, plans and specifications showing the location of premises, grading plan, existing and proposed drainage, proposed truck access, and details of regrading and revegetation of the site shall be submitted to and approved by the planning commission.
- B. Any deviation from the plans as approved will serve as grounds to revoke the conditional use permit.
- C. In reviewing the application, the commission shall consider and be bound by considerations of the most appropriate use of the land, distances from the property lines, the protection of pedestrians and vehicles, the prevention of the collection and stagnation of water at all stages of the operation, and the rehabilitation of the land upon termination of the operation.
- D. A bond, or cash deposit in lieu thereof, shall be deposited in an amount equivalent to the estimated maximum damage that will ensue as a result of failure on the part of the applicant to excavate according to the conditional use permit. Said bond, or cash deposit, shall indemnify damage to all properties proximate to the excavation where such damage is caused by failure to excavate according to the provisions of the permit, and the owners of said properties shall be considered to be third party beneficiaries to said bond, or in case of cash deposit, said deposit shall be held by the city of Gold Hill for that purpose.
- E. Nothing contained in this section is intended to waive any governmental immunity held by the city. (Ord. 384 §4.020, 1972).

### **17.64.020 Utilities**

The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, towers,

wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district. Utility transmission and distribution lines, poles, and towers may exceed the height limits otherwise provided for this title. (Ord. 384 §4.030, 1972).

### **17.64.030 Accessory buildings**

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. A greenhouse or hothouse may be maintained accessory to a dwelling in an R district.
- B. A guesthouse may be maintained accessory to a dwelling provided there are no cooking facilities in the guesthouse.
- C. Regardless of the side and rear yard requirements of the district in a residential district a side or rear yard not adjoining a street may be reduced to three feet for an accessory structure erected more than fifty-five feet from the street on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more. (Ord. 384 §4.040, 1972).

### **17.64.040 Building height exceptions**

Height limitations set forth elsewhere in this ordinance shall not apply to:

- A. Church spires, belfries, cupolas, and domes; smoke- stacks; flagpoles; elevator penthouses; cooling towers; grain elevators, parapet walls extending not more than four feet above the limiting height of the building; outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater;
- B. Places of public assembly in churches, schools, and other permitted public and semipublic buildings; provided, that these are not more than one story in height, and provided that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district and shall not occupy more than twenty-five percent of area of the lot and shall be distant not less than twenty-five feet in all directions from every lot line not a street lot line. (Ord. 384 §4.090, 1972).

### **17.64.050 Similar use authorization**

The planning commission may rule that a use, not specifically named in the examples of allowed uses of a district, shall be included among the allowed uses if the use is of the same general type and is similar to the listed uses. (Ord. 384 §4.160, 1972).

### **17.64.050 Home occupations**

Home occupations shall comply with the following regulations:

- A. The occupation shall be carried on within a dwelling or building normally accessory thereto, only by members of the family occupying the dwelling;
- B. The residential character of the building shall be maintained and the occupation conducted in such manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term;
- C. No sign larger than one square foot in area identifying the business shall be permitted except as required by law;
- D. No occupation creating loud and unusual sounds, or causing smoke or odors or other nuisances detrimental to the residential character of the neighborhood shall be permitted. (Ord. 495, 1982: Ord. 476, 1981: Ord. 384 §4.200, 1972).

### **17.64.060 Manufactured homes**

A manufactured home is permitted on an individual lot in all residential zones, subject to the following:

- A. A manufactured home is a transportable, single-family dwelling conforming to the construction standards set forth in the National Home Construction and Safety Act of 1974 and intended for permanent occupancy which arrives at a site complete and ready for occupancy so that it may be used with or without a permanent foundation.
- B. No more than one manufactured home shall be placed upon an individual lot, with the exception of a mobile home park permit, nor shall the lot be less than the minimum lot size for the zoning district.
- C. No manufactured home shall be placed upon a lot unless the owner of the manufactured home is also the owner of the lot. The term "owner of the lot" shall include the person in whom the title is vested or the person who is a contract purchaser whose land sale contract or memorandum thereof is recorded.
- D. Manufactured homes are subject to the following standards and criteria:

1. The manufactured home must be multisectional, no less than twenty feet in width, enclose a minimum of one thousand square feet, excluding garages; and
  2. Must be located not more than eighteen inches above grade on an excavated and back-filled foundation which is enclosed at the perimeter with either concrete or concrete block foundation skirting; and
  3. Have a minimum roof slope of a nominal 3:12 pitch, with either a composition, tile or metal roof, excluding 2.5 corrugated metal roofing as per ordinance; and
  4. Have exterior siding consisting of painted or stained wood, aluminum or fiberglass, with lapped siding, board and batt, board on board, or stucco motif; and
  5. No manufactured home shall be placed on a lot unless provision for off-street parking is provided for in accordance with the requirements of the zoning ordinance. The garage or carport shall be constructed of like materials and be prepared to appear similar to the manufactured home; and
  6. No manufactured home shall be occupied until it is connected with the city water and sanitary sewer systems.
- E. No additions or outbuildings shall be constructed, added to, or placed upon said lot which do not conform in all respects to the Uniform Building Code and OAR 814.23.070. No accessory building or addition shall exceed in height a one-story building, which for the purposes of this section is established at thirteen feet, or the roofline of the manufactured home, whichever is greater, excepting that this height shall exclude any antenna or cooler.
- F. Application shall be made to the public works department for approval of the placement of the manufactured home. (Ord. 94-01, 1994).

## **Chapter 17.68 – Nonconforming Situations Uses**

### Sections:

- 17.68.010 Purpose and Applicability ~~Existing use continuance.~~
- 17.68.020 Nonconforming Use Maintenance
- 17.68.030 Nonconforming Development ~~Movement, alteration or enlargement prohibited.~~
- 17.68.040 Nonconforming Lot Space ~~enlargement prohibited.~~
- ~~17.68.050 Use change.~~
- ~~17.68.060 Abandonment.~~
- ~~17.68.070 Structure damage.~~
- ~~17.68.080 Existing building permit.~~
- ~~17.68.090 Existing lot.~~

### **17.68.010 Purpose and Applicability.**

Chapter 17.68 provides standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with current Code standards (“non-conforming situations”). The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections, as follows:

- A. Non-conforming uses** (e.g., industrial use in residential zone) are subject to Section 17.68.020.
- B. Non-conforming developments** (e.g., structure does not meet setback or height standards) are subject to Section 17.68.030.
- C. Non-conforming lots.** (e.g., lot is smaller than minimum area standard) are subject to Section 17.68.040.

### **17.68.020 Nonconforming Use.**

Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

- A. Expansion of Non-conforming Use Limited.** Expansion of a non-conforming use shall not exceed twenty (20) percent of the subject site or building, and not more than 1000 square feet of building area footprint, cumulatively, whichever is less, that existed as of 2023. Expansion of a non-conforming use requires approval of a Conditional Use Permit under Chapter 17.72.
- B. Location of Non-conforming Use.** A non-conforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.
- C. Discontinuation or Abandonment of Non-conforming Use.** Except as provided by Section 17.68.020.E, A non-conforming use that is discontinued for any reason other than fire or other catastrophe beyond the owner’s control for a period of more than eighteen (18) months shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the

eighteen (18) month period, a use is discontinued when:

1. the use of land is physically vacated;
2. the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;
3. any lease or contract under which the non-conforming use has occupied the land is terminated;
4. a request for final reading of water and power meters is made to the applicable utility districts;
5. the owner's utility bill or property tax bill account became delinquent; or
6. an event occurs similar to those listed in subsections 1-5, above, as determined by the Planning Commission.

**D. Application of Code Criteria and Standards to Non-conforming Use.** Once the City deems a use abandoned pursuant to subsection 17.68.020.C, any subsequent use of the subject lot shall conform to the current standards and criteria of this Code. After the City has deemed a non-conforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership or management; any such activity is a violation of this Code and subject to enforcement proceedings under Chapter 17.96.

—Extension of Non-Conforming Status for Discontinued Use. Notwithstanding the provisions of subsection 18-1.4.020.C, a non-conforming use that is discontinued shall not be considered abandoned where, through a Type III procedure, the Planning Commission approves an extension for repair, including as applicable ongoing, active renovation and efforts to lease the subject property. The owner must request the extension within the six-month period of discontinuance.

—17.68.010 Existing use continuance. A use lawfully occupying a structure or site on the effective date of the ordinance codified in this title or of amendments thereto, which does not conform to the use regulations for the district in which it is located, shall comply to the regulations set forth in this chapter. (Ord. 384 §4. 010 (part), 9 2).

—17.68.020 Maintenance. Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming. (Ord. 384 §4.010(1), 1972).

—17.68.030 Movement, alteration or enlargement prohibited. No structure, the use of

~~which is nonconforming, shall be moved, altered, or enlarged unless required by law or unless the moving, alteration, or enlargement will result in the elimination of the nonconforming use. (Ord. 384 §4.010(2), 1972).~~

~~**17.68.040 — Space enlargement prohibited.** No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. (Ord. 384 §4.010(3), 1972).~~

**E.**

~~**17.68.050 — Use change.** The planning commission may grant an application for a change of use, filed in accordance with Chapter 17.72, if, on the basis of the application and the evidence submitted, they make the following findings:~~

- ~~—A. That the proposed use is classified in a more restricted category than the existing or preexisting use by the district regulations of this title. The classification of a nonconforming use shall be determined on the basis of the district in which it is first permitted; provided, that a conditional use shall be deemed to be in a less restricted category than a permitted use in the same district;~~
- ~~—B. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or preexisting use;~~
- ~~—C. That the change of use will not result in the enlargement of the space occupied by a nonconforming use, except that a nonconforming use of a building may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use of the building became nonconforming provided that no structural alterations, except those required by law are~~
- ~~—made therein. (Ord. 384 §4.010 (4), 1972).~~

~~**17.68.060 — Abandonment.** If a nonconforming use has been changed to a conforming use, or if the nonconforming use of a building, structure, or premises ceases for a period of six months or more, said use shall be considered abandoned, and said building, structure, or premises shall thereafter be used only for uses permitted as a matter of right or as a conditional use in the district in which it is located. (Ord. 384 §4.010 (5), 1972).~~

~~**17.68.070 — Structure damage.** If a structure containing a nonconforming use is destroyed by any cause to an extent exceeding fifty percent of the appraised value as determined by the records of the county assessor, a future structure or use on the property shall conform to the regulations for the district in which it is located. (Ord. 384 §4.010(6), 1972).~~

~~**17.68.080 — Existing building permit.** Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a valid building permit existed prior to the adoption of the ordinance codified in this title, and subsequent amendments thereto, except that if the designated use will be nonconforming, it shall, for the purpose of Section 17.68.060 be~~

~~a discontinued use if not in operation within two years of the date of issuance of the building permit. (Ord. 384 §4.010(7), 1972).~~

~~**17.68.090 — Existing lot.** If a lot or the aggregate of contiguous lots or land parcels held in single ownership and recorded in the office of the clerk of Jackson County at the time of passage of the ordinance codified in this title has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the district subject to all other requirements, provided it complied with all ordinances when it was recorded. (Ord. 384 §4.080, 1972).~~

### **17.68.030 Nonconforming Development.**

Section 17.68.030 regulates non-conforming development. Non-conforming development includes situations where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of the Code today, for example, by reason of restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, equipment, access, parking, landscaping, or other physical restriction or requirement. If the development was lawful when constructed, it may remain on the site so long as it remains otherwise lawful and complies with the following regulations:

- A. Alterations.** Any expansion of a non-conforming development shall not exceed twenty (20) percent of the subject building area or development area, as applicable; for example, such area may include floor area or other surface area, paving, parking spaces, landscaping, outdoor storage, signage, lighting, or other developed areas that existed as of July 1<sup>st</sup> 2023. Expansion of a non-conforming use requires approval of a Conditional Use Permit under Chapter 17.72. A non-conforming development shall not be enlarged or altered in a way that increases its non-conformity by more than twenty (20) percent. Approval of a variance is required to increase a development's non-conformity, and not more than one such variance shall be approved to expand the same development. A development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or moves in the direction of conformity.
- B. Destruction.** Should a non-conforming development or non-conforming portion of a development be destroyed by any means to an extent more than forty (40) percent of its square footage, it shall be reconstructed only in full conformity with this Code. This does not preclude the reestablishment of a non-conforming use after fire or other catastrophe as allowed under Section 17.68.020.
- C. Roadway Access.** The owner of a non-conforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the non-conforming access into conformance with the standards of the applicable roadway authority.
- D. Relocation or Removal.** Once a non-conforming structure or a portion of a non-conforming structure or development is moved it shall thereafter conform to current Code standards.

### **17.68.040 Nonconforming Lot.**

A legal lot or lot of record, with an area or dimensions that do not meet the standards of the zoning district in which the property is located, may be occupied by a use permitted in the zone, subject to other requirements of the zone. If there is a lot area deficiency, residential use shall be limited to a single-family dwelling and accessory dwelling unit.

## **Chapter 17.72 – CONDITIONAL USE PERMITS**

### Sections:

- 17.72.010 ——— Purpose
- [17.72.020 Approvals Process](#)
- 17.72.0320 ——— Application [Submission Requirements](#)
- ~~17.72.030~~ ——— ~~Hearing~~
- 17.72.040 ——— Findings and conditions
- 17.72.050 ——— Approval and issuance of permit
- 17.72.060 ——— Expiration
- 17.72.070 ——— Revocation
- 17.72.080 ——— Appeal
- 17.72.090 ——— Building permit issuance
- 17.72.100 ——— Reapplication
- 17.72.110 ——— Mapping
- 17.72.120 ——— Transferability
- 17.72.130 ——— Disclaimer

### **§ 17.72.010 ——— Purpose**

In certain districts, conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special attributes of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of the zoning ordinance and their effect on surrounding properties. The city planning commission is empowered to grant, and to deny, and to impose reasonable conditions upon the granting of, conditional use permits, subject to the requirements of this chapter. (Ord. 384 §6.010, 1972).

### **17.72.020 Approvals Process**

[The Planning Commission using a Type III procedure, per Section 17.104.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of conditional use permits.](#)

### **17.72.0320 Application Submission Requirements**

[In addition to the submission requirements for a Type III review under Section 17.104.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. \(For a more detailed description of each item, please refer to Section 17.48.030 Site Design Review Application Submission Requirements.\) An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 17.72.040.](#)

- ~~I. An initial application for a conditional use permit shall be filed with the city recorder on a form prescribed by the planning commission which shall include the following information:
  - ~~5. Name and address of the applicant;~~
  - ~~6. Statement that the applicant is the owner of the property or is the authorized agent of the owner;~~
  - ~~7. Address and legal description or the assessor's parcel number of the property;~~
  - ~~8. The application should include an accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the compliance of the proposal with the requirements of this title;~~
  - ~~9. Statement indicating the precise manner of compliance with each of the applicable provisions of this title requisite to the granting of a use permit.~~~~
  
- ~~J. The application shall be accompanied by a fee in the sum of fifty dollars. (Ord. 477 §1, 1981; Ord. 475 §3, 1981; Ord. 384 §6.020, 1972).~~

### § 17.72.030 Hearing

- ~~C. The planning commission shall hold a public hearing on each application for a use permit. Notice of the hearing shall be given not less than ten days or not more than thirty days prior to the date of the hearing by mailing said notice to the owners of property situated within a three hundred foot radius of the site boundaries as shown on the latest adopted tax role.~~
  
- ~~D. At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained particularly with respect to the findings prescribed in Section 17.72.040. (Ord. 384 §6.030, 1972).~~

### 17.72.040 Criteria, Standards, and Conditions of Approval Findings and conditions

The planning commission, in granting a conditional use permit shall find as follows: The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

#### A. Use Criteria

- a. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
  
- b. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;
  
- c. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity

or are to be improved to serve the proposal, consistent with City standards; and

a.—A conditional use permit shall not allow a use that is prohibited or not expressly allowed nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls, and fences, parking, loading, landscaping and other features required by this chapter, to adjust said use with land and uses in the neighborhood;

a. \_\_\_

**B.—Conditions of Approval.**

B. \_\_\_

The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

That the proposed use will have no adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress, and interior circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs;

- b. Limiting the hours, days, place, and/or manner of operation;
- c. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
- d. Requiring larger setback areas, lot area, and/or lot depth or width;
- e. Limiting the building or structure height, size, lot coverage, and/or location on the site;
- f. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
- g. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;
- h. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
- i. Limiting the number, size, location, height, and/or lighting of signs
- j. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
- k. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
- l. Requiring and designating the size, height, location, and/or materials for fences;
- m. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;

- n. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
- a. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the City Planning Official to issue renewals, who shall do so through a Type I or Type II procedure, as applicable (see Chapter 4.1 for review procedures). That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare; conditions may include:

o.

1. Special yards, spaces, and buffers;
2. Fences and walls;
3. Enclosure of storage areas and limitation on out-of-door display of merchandise;
4. Surfacing or parking areas subject to specifications;
5. Regulation of points vehicular ingress and egress;
6. Regulation of signs;
7. Requiring landscaping and maintenance thereof;
8. Requiring maintenance of the grounds;
9. Regulation of noise, vibration, odors, etc.;
10. Regulation of time for certain activities;
11. Time period within which the proposed use shall be developed;
12. A bond for removal of such use within a specified period of time;
13. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter. (Ord. 384 §6.040, 1972).

### **17.72.050 Approval and issuance of permit**

- A. The planning commission may approve with stated conditions or disapprove the conditional use permit application by resolution. The resolution shall describe the basis for the decision, including findings of fact, and shall specifically state all conditions upon which the permit is allowed. The commission shall have ninety days from the date an application is accepted to render its decision.
- B. If the application is approved or approved with conditions, a permit document shall be issued to the applicant, in a form to be approved by the council, which permit document shall include the following information:
  - 2.4. The name and address of the applicant;
  - 3.5. The address and legal description of the property for which the permit is allowed;
  - 4.6. Zoning designation for the property, and the specific conditional use which is being allowed by the permit;

~~5.7.~~A statement of all of the conditions of the permit as set forth in the planning commission resolution allowing the same;

~~6.8.~~A notice to the applicant that the permit shall lapse and become void one year from the date of issuance unless renewed by the planning commission, and that the planning commission shall have the right each year, at the annual anniversary date of the permit, to renew with additional conditions or disapprove the conditional use permit. (Ord. 477 §2, 1981: Ord. 384 §6.050, 1972).

### **17.72.060 Expiration**

A conditional use permit shall lapse and become void one year following the date on which it became effective. The planning commission shall automatically schedule all conditional use permits for review each year prior to the anniversary date of the permit to consider renewal, renewal with additional conditions or disapproval of the conditional use permit. If the planning commission renews the permit without modification, a renewal permit shall be mailed to the permit holder at his address of record. If the planning commission wishes to consider additional conditions or disapproval of renewal of the permit, it shall schedule consideration of the matter for public hearing, and shall provide notice to the permit holder and to others in the manner provided by Section 17.72.030. No fee shall be required of the permit holder for renewal proceedings - (Ord. 477 §3, 1981: Ord. 384 §6.060, 1972).

### **17.72.070 Revocation**

The commission, on its own motion, following a public hearing held following notice as required by Section 17.72.030, may revoke any conditional use permit for noncompliance with the conditions set forth in granting said permit. (Ord. 477 §4, 1981: Ord. 384 §6.070, 1972).

### **17.72.080 Appeal**

The decision of the planning commission may be appealed to the city council in the manner prescribed by Chapter 17.88. (Ord. 384 §6.080, 1972).

### **17.72.090 Building permit issuance**

No building permit shall be issued in any case where a conditional use permit is required until fifteen days after the granting of the conditional use permit by the commission, and then only in accordance with the terms and conditions of said permit. An appeal from the action of the commission shall automatically stay the issuance of the building or other permit until such appeal has been completed and the council has acted thereon. In the event the council sets to grant said conditional use permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said permit. (Ord. 384 §6.090, 1972)

### **17.72.100 Reapplication**

No building permit shall be issued in any case where a conditional use permit is required until fifteen days after the granting of the conditional use permit by the commission, and then only in accordance with the terms and conditions of said permit. An appeal from the action of the commission shall automatically stay the issuance of the building or other permit until such appeal has been completed and the council has acted thereon. In the event the council sets to grant said conditional use permit, the building permit may be issued immediately there- after, in accordance with such terms and conditions as may have been imposed on said permit. (Ord. 384 §6.090, 1972)

### **17.72.110 Mapping**

~~Within thirty days after the granting of a conditional use permit the permit application file number shall be indicated on the zone map on the lot or lots affected by such permit. (Ord. 384 §6.110, 1972).~~

### **17.72.120 Transferability**

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this chapter. (Ord. 384 §6.120, 1972).

### **17.72.130 Disclaimer**

Any conditions imposed on residential developments under this section shall not unreasonably reduce housing density, increase housing costs or exclude needed housing as required by ORS 197.307. (Ord. 527 §3, 1985).

## **Chapter 17.76 – Adjustments and Variances**

### Sections:

17.76.010	Purpose
17.76.020	Application
17.76.030	Hearing
17.76.040	Authorization
17.76.050	Approval
17.76.060	Appeal
17.76.070	Building permit issuance
17.76.080	Reapplication
17.76.090	Revocation
17.76.100	Mapping

### **17.76.010 Purpose.**

Where practical difficulties, unnecessary hardships, and results inconsistent with the general purposes of this title may result from the strict application of certain provisions of this title, variance may be granted as provided in this chapter. This chapter may not be used to allow a use that is not in conformity with the use specified by this chapter for the district in which the land is located. In granting a variance, the city may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property, the neighborhood or the city as a whole. (Ord. 384 §7.010, 1972).

### **17.76.020 Intent.**

Adjustments are variances that are intended to provide relief from code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.

**A. Adjustments.** Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements.

**B. Variances.** Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

### **17.76.030 Adjustments.**

Adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned land uses and development. Adjustments are subject to the following standards and procedures. Permitted uses, as provided in Article 2, shall not be adjusted.

**A. Applicability.** The City Planning Official or Planning Commission, through a Type II procedure,

may adjust the following standards:

1. **Setbacks.** Up to a 10 percent reduction to a minimum setback.
2. **Lot coverage.** Up to a 10 percent increase to the maximum lot coverage
3. **Lot Dimensions:** Up to a 10 percent decrease to a minimum lot dimension.
4. **Lot Area:** Up to a 10 percent decrease in minimum lot area.
5. **Other Dimensional Standards,** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above; it does not include building code requirements, engineering design standards, public safety standards, or standards implementing state or federal requirements, as determined by the City Planning Official.

**B. Approval Criteria.** The City may grant an Adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The adjustment allows for a building plan that is more compatible with adjacent land uses, or it does not create a conflict with adjacent uses;
2. The Adjustment is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;
3. Approval of the Adjustment does not create (a) violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;
4. An application for an Adjustment is limited to one lot per application;
5. Not more than two Adjustments may be approved for one lot or parcel in a continuous 12-month period; and
6. All applicable building code requirements and engineering design standards shall be met.

#### **17.76.040 Variances.**

**A. Applicability.** A Variance is an alleviation from the development code that does not otherwise meet the criteria under Section 17.76.030.

**B. Approval Criteria.** The Planning Commission through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of

approving a variance;

2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;
3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);
4. The Variance does not conflict with other applicable City policies or other applicable regulations;
5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and
6. All applicable building code requirements and engineering design standards shall be met.

### **17.76.020 Application.**

The owner or his agent may apply for an adjustment or variance ~~make application~~ by filing an application with the city ~~recorder~~. Such application shall be accompanied by a legal description of the property, plans, and elevations necessary to show the proposed development, the a corresponding filing fee as set by resolution of fifty dollars and a narrative explaining the intent and necessity for the adjustment or variance. statement, plan and evidence showing:

~~C. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district;~~

~~D. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;~~

~~E. That the granting of such application will not, under the circumstances of the particular case, be outweighed by the adverse effects to the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. (Ord. 475 §4, 1981; Ord. 384 §7.020, 1972).~~

### **17.76.030 Hearing**

A public hearing shall be held within 120 sixty days after the filing of the application is deemed complete, notice of which shall be given in the manner provided in Section 17.72.030. (Ord. 384 §7.030, 1972).

**17.76.040 Authorization.** When required by the findings made in Section 17.76.02,0, the planning commission may authorize variance of design standards relative to site area and dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking and off-street loading facilities, fencing and landscaping or other similar standards. No variance shall be granted authorizing a use of land not permitted by zone district regulations. (Ord. 470, 1981: Ord. 464, 1981: Ord. 384 §7.040, 1972).

**17.76.050 Approval**

- A. Within ~~120 ninety~~ days after ~~deeming the filing of~~ the application ~~complete~~, the commission shall render its decision, and shall render its decision and shall render its written finding of facts showing under Section 17.72.020 apply to the land, or building, for which variance is sought and whether such variance will be in harmony with general purpose of this ordinance.
- B. The commission may continue a public hearing in order to obtain more information or to serve further notice.
- C. A copy of the commission resolution shall be mailed to the applicant at the address shown on the application. (Ord. 384 §7.050, 1972).

**17.76.060 Appeal.** The decision of the planning commission may be appealed to the city council in the manner prescribed by Chapter 17.88. (Ord. 384 §7.060, 1972).

**17.76.070 Building Permit Issuance.** No building permit shall be issued in any case where a variance is required until fifteen days after the approving of the variance by the commission, and then only in accordance with the terms and conditions of said approval. An appeal from the action of the commission shall automatically stay the issuance of the building or other permit until such appeal has been completed and the council has acted thereon. In the event the council acts to grant said variance, the building or zoning permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said variance. (Ord. 384 §7.070, 1972).

**17.76.080 Reapplication.** In case an application is denied by the commission, or, on appeal by the council, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for one year from date of said denial unless, in the opinion of the commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted. (Ord. 384 §7.080, 1972).

**17.76.090 Revocation.**

- A. The commission, on its own motion, at a public hearing advertised in conformance with the requirements of Section 17.72.030, may revoke any variance for noncompliance with the conditions set forth in granting said permit.

B. If an established time limit for development expires and no extension has been granted, the variance shall be considered void. (Ord. 384 §7.090, 1972).

**§ 17.76.100 Mapping.** Within thirty days after the granting of a conditional use permit the permit application file number shall be indicated on the zone map on the lot or lots affected by such permit. (Ord. 384 §7.100, 1972).

## **Chapter 17.80 – ~~PLANNED UNIT~~ MASTER PLANNED DEVELOPMENT**

### Sections:

17.80.010	Purpose.
17.80.020	Application.
17.80.030	Hearing.
17.80.040	Approval.
17.80.050	Authorization.
17.80.060	Subdivision exceptions.
17.80.070	Time limit.
17.80.080	Appeal.
17.80.090	Revocation.
17.80.100	Mapping.
17.80.120	Transferability
17.80.130	Disclaimer

### **17.80.010 Purpose**

The purpose of master planned ~~unit~~ development approval is to allow projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices. A master planned community results in a diverse array of uses, buildings, structures, and open spaces in planned building groups, while implementing a range of and the allowable heights of said buildings and structures, all while also insuring substantial compliance with the district regulations and other provisions of this title, so in order that the intent of this title in requiring adequate standards related to the public health, safety, and general welfare shall be preserved observed without unduly inhibiting the advantages of innovative modern large-scale site planning for residential, commercial, or industrial purposes. Where use is made of the master planned unit-development process, as provided in this chapter, a building permit shall not be issued for such development, or part thereof, until the planning commission has approved said development as provided in this chapter. (Ord. 384 §8.010, 1972).

### **17.80.020 Applicability**

The master planned development designation may be applied over any of the City's residential zoning districts. It is an option available to developers of land hoping to implement innovative and well planned communities with an amenities, building types, or land uses.

### **17.80.030 Review and Approvals Process**

A. Review Steps. There are three required steps to master planned development approval, which may be completed individually or combined for concurrent review:

1. Application for master planned development concept plan approval;
2. Application for detailed development plan approval, which may include a preliminary subdivision plan; and
3. Application(s) for final development plan (e.g., final plat and/or site design review) approval.

#### **B. Approval Process**

1. The master planned development concept plan shall be reviewed pursuant to the Type III procedure in Section 17.104.040, the submission requirements in Section 17.80.050, and the approval criteria in Section 17.80.0X0.
2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section XX.XX.0X0 to ensure substantial compliance with the approved concept plan.
3. Site design review applications for approved planned developments shall be reviewed using a Type II procedure in Section XX.XX.0X0 to ensure substantial compliance with the approved concept plan.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

#### **17.80.040 Modification and Adjustment to Development Standards**

The standards of title 17 may be modified through the master plan development process without the need for variance under Chapter 17.76. In evaluating this criterion, the Planning Commission or City Staff shall consider whether 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. In evaluating community benefits, the the Planning Commission or City Staff shall apply the following criteria; the City may deny an application for Master Planned Development concept plan approval that does not meet all of the following criteria:

- A. Comprehensive Plan.** The modification does not conflict with the Comprehensive Plan. A Master Planned Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than 110 percent of the density permitted by the underlying zone.
- B. Purpose and Intent of Development Code.** The modification equally or better meets the purpose and intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.
- C. Public Benefit.** The modification provides a net benefit to the public by one or more of the

following:

1. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;
2. More open space or more usable open space than would be required under the base Development Code standards;
3. Greater protection of natural features than would be required under the base Development Code standards;
4. Avoidance of natural hazards (e.g., geological hazards, river resources, or flood hazards); and
5. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.

#### **17.80.0520 Concept Plan Submission Application**

**General Submission Requirements.** An application for a Concept Development Plan shall follow all the submission requirements in order to reviewed the Type III process as stated in section 17.XX.0X0. An appropriate concept development plan shall at the very least include all of the following: ~~The owner or his agent may make application for planned unit development approval by filing an application with the city recorder. The application shall be accompanied by the following:~~

1. The appropriate ~~A~~ application filing fee as prescribed by ~~resolution~~ the city council;
2. Statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
3. Development schedule indicating the approximate dates when construction of the project and its various phases, if any, including public facilities, are expected to be initiated and completed;
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 17.80.0X0;
5. Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and
6. Additional reports or studies prepared by qualified professionals, as required by the City Manager, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

~~Application shall be accompanied by an overall development plan showing the use or uses, dimensions, and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces, and architectural drawings and sketches demonstrating the design and character of the proposed uses and the physical relationship of the uses. Such other pertinent information shall be included as may be considered necessary by the commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this title;~~

A. Additional Information. In addition to the general information described in subsection A, above, city staff may require additional exhibits and information including but not limited to:

1. Existing conditions map, as defined in the Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., plans illustrate architectural styles, building heights, and general materials);
6. Sign concept plan (e.g., locations, general size, style, and materials of signs), as applicable; and
7. Copy of all existing covenants and restrictions, and a general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
8. Application and narrative for any necessary zoning changes in order to align with the proposed uses and density of the master planned development.

~~F. Limitation on application:~~

~~F. No application shall be made for an area of less than five acres,~~

~~G. No application shall be accepted for a use which will require a change of zoning district, unless said application is accompanied by an application for a zoning amendment, as provided in Chapter 17.84. (Ord. 384 §8.020, 1972).~~

**17.80.030 Hearing**

~~A public hearing shall be held pursuant to the provisions of Section 17.72.030. (Ord. 384 §8.030, 1972).~~

**17.80.0640 Approval**

The City, in approving or approving with conditions a Concept Plan, shall make findings that all of the following criteria are met. The City must deny an application where not all of the criteria are met.

A. **Comprehensive Plan.** The proposal conforms to the Comprehensive Plan.

B. **Subdivision Title .** All of the requirements for land divisions, under Title 16, are met;

C. **Title 17 Standards.** Except as may be modified under Section 17.80.040, all of the requirements of Title 17 are met;

D. **Open Space.** Master plans shall contain a minimum of 20 percent open space, which may be public, private, or a combination of public and private open space. Such open space shall be integral to the master plan and connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

1. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or

2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.

E. **Modifications to Standards.** Modifications to Code standards must conform to the criteria in Section 17.80.040.

~~G. The commission may continue a public hearing in order to obtain more information or to serve further notice.~~

~~H. In order to grant a planned unit development permit, the commission shall find the following:~~

- I. ~~The proponents of the planned unit development have demonstrated that they are financially able to carry out the proposed project, that they intend to start construction within six months of the approval of the project and any necessary district change, and intend to complete said construction within a reasonable time as determined by the commission;~~
- J. ~~That the proposed planned unit development conforms to the land use plan in terms of general location and general standards of development;~~
- K. ~~In case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood; and will result in an intensity of land utilization no higher than, and standard of open spaces no less than, permitted or specified otherwise for such development in this title;~~
- L. ~~In the case of proposed commercial developments, that such development is needed at the proposed location to provide adequate commercial facilities of the type proposed; that traffic congestion will not likely be created by the proposed center, or will be obviated by presently proposed improvements and by demonstrable provisions in the plan for proper entrances and exists, and by internal provisions for traffic and parking; that said development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development;~~
- M. ~~In case of proposed industrial developments, that such development will constitute an efficient and well-organized development, with adequate provisions for railroad and truck access, service, and necessary storage; that such development will have no adverse effects upon adjacent or surrounding development;~~
- N. ~~That the development of a harmonious, integrated plan justifies exceptions if such are required, to the normal requirements of this title. (Ord. 384 §8.040, 1972).~~

### **17.80.050 — Authorization**

~~The planning commission may authorize standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off-street parking and off-street loading facilities, and landscaped areas not equivalent to the standards prescribed by the regulations for the district in which the planned unit development is located, if the applicant has demonstrated, by his design proposal, that the objectives of the zoning ordinance and of this chapter will be achieved. (Ord. 384 §8.050, 1972).~~

### **17.80.060 — Subdivision exceptions.**

~~When a planned unit development involves design proposals which would also necessitate the granting of exceptions to the regulations of the city subdivision ordinance, the planning commission may grant tentative approval of the proposal, subject to the condition that final approval of a preliminary map is in the manner prescribed by the subdivision ordinance. (Ord. 384 §8.060, 1972).~~

### **17.80.070 — Concept Plan and Expiration**

- A. Filing. Upon approval of a concept plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an

approval expires.

- B. Expiration.** Except as provided by subsection C, below, a concept plan shall become void three years after the date of approval if the applicant, or successor, has not filed with the City an application for detailed development plan and final plat approval in conformance with Sections 17.80.080 and 17.80.090.
- C. Extension.** The City may grant extensions of the concept plan approval period, not to exceed one year per extension, provided that the extension request is made before expiration of the master planned development approval, the applicant can show intent of applying for detailed development plan review within the one-year extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

### **17.80.070 — Time limit.**

~~The commission shall act upon the application within ninety days, excluding such time as may be necessary to complete any necessary zoning amendment. In taking action, the commission may deny a permit, may grant a permit as submitted, or may grant a permit subject to additional conditions. Any planned unit development as authorized shall be subject to all conditions imposed, and shall be excepted from other provisions of this title only to the extent specified in said permit. (Ord. 384 §8.070, 1972).~~

### **17.80.080 Detailed Development Plan Submission Appeal**

Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission and shall contain information demonstrating compliance with the concept plan. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 17.104.030 to ensure substantial conformance to the approved concept plan. Where the proposal is for a multifamily development, Site Design Review is required, pursuant to Chapter 17.48; Site Design Reviews on detailed development plans shall be processed through the Type II procedure.

~~The decision of the planning commission may be appealed to the city council in the manner prescribed by Chapter 17.104. (Ord. 384 §8.080, 1972).~~

### **17.80.090 Subsequent Development Reviews**

Notwithstanding the provisions of Section 17.48.00, where the City has previously approved a development project in concept as part of a master planned development approval, as determined by the City Manager, subsequent land use applications for the same project may be processed through a Type I review.

**17.80.1090 Revocation**

- A. The commission, on its own motion, at a public hearing advertised in conformance with the requirements of Section 17.72.030, may revoke any permit for a master planned ~~unit~~ development for noncompliance with the conditions set forth in granting said permit.
- B. The permit shall expire and become void one year from the date on which it was issued unless an application for extension has been filed and approval by the planning commission or city staff has been granted. (Ord. 384 §8.090, 1972).

**17.80.100 Mapping**

~~Within thirty days after the granting of a planned unit permit, the permit application file number shall be indicated on the zone map on the lot or lots affected by such permit. (Ord. 384 §8.100, 1972).~~

## **Chapter 17.84 – Land Use District Map and Text Amendments**

### Sections:

17.84.010	Purpose
17.84.020	Legislative Amendments
17.84.030	Quasi-Judicial Amendments
17.84.040	Conditions of Approval
17.84.050	Record of Amendments
17.84.060	Transportation Planning Rule Compliance

### **17.84.010 Purpose.**

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

### **17.84.020 Legislative Amendments.**

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Section 17.06.070 and shall conform to Section 17 .06.080, as applicable.

### **17.84.030 Quasi-Judicial Amendments.**

- A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type IV procedure, as governed by Chapter 17 .06.070 using standards of approval in Subsection "D" below. The approval authority shall be as follows:
1. The Planning Commission shall review and recommend land use district map changes which do not involve comprehensive plan map amendments;
  2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and
  3. The Planning Commission shall make a recommendation to the City Council on a land use district change application which also involves a comprehensive plan map amendment application. The City Council shall decide both applications.
- B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;
2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;
3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 17 .06.080, as applicable.

#### **17.84.040 Conditions of Approval.**

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

#### **17.84.050 Record of Amendments.**

The city recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

#### **17.84.060 Transportation Planning Rule Compliance.**

- A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:
  1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Comprehensive Plan; or
  2. Change the standards implementing a functional classification system; or
  3. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
  4. Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan.
- B. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

2. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

## Chapter 17.84 – Land Use District Map and Text Amendments

### Sections:

17.84.010	Purpose
17.84.020	<a href="#">Procedure Legislative Amendments</a>
17.84.030	Quasi-Judicial Amendments
<del>17.84.040</del>	<del>Conditions of Approval</del>
17.84.0450	Record of Amendments
17.84.0560	Transportation Planning Rule Compliance

### § 17.84.010 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

### § 17.84.020 ~~Procedure Legislative Amendments.~~

~~A. Except for corrections, amendments to Development Code text are Legislative (Type IV).~~

~~B. Amendments to the Zoning Map that affect more than one parcel, or more than one-half of an acre, whichever is greater, are Legislative (Type IV) actions.~~

~~C. Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative (Type IV) actions.~~

~~D. Amendments that do not meet the criteria under subsections 17.84.020.A, 17.84.020.B, or 17.84.020.C may be processed as Quasi-Judicial amendments, pursuant to the Type III procedure.~~

~~Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Section 17.06.070 and shall conform to Section 17.06.080, as applicable.~~

### § 17.84.030 ~~Criteria Quasi-Judicial Amendments.~~

~~Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:~~

~~A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type IV procedure, as governed by Chapter 17.06.070 using standards of approval in Subsection "D" below. The approval authority shall be as follows:~~

- ~~1. The Planning Commission shall review and recommend land use district map changes which do not involve comprehensive plan map amendments;~~
  - ~~2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications;~~
- ~~and~~

~~3. The Planning Commission shall make a recommendation to the City Council on a land use district change application which also involves a comprehensive plan map amendment application. The City Council shall decide both applications.~~

~~A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;~~

~~B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);~~

~~C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and~~

~~D. The amendment must conform to Section 17.84.0X0 Transportation Planning Rule Compliance.~~

~~B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:~~

- ~~1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;~~
- ~~2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;~~
- ~~3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 17.06.080, as applicable.~~

#### ~~§ 17.84.040 — Conditions of Approval.~~

~~A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.~~

#### ~~§ 17.84.0450 Record of Amendments.~~

~~The city recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.~~

#### ~~§ 17.84.0560 Transportation Planning Rule Compliance.~~

~~Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.~~

~~A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.~~

~~Significant means the proposal would:~~

- ~~1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Comprehensive Plan; or~~
- ~~2. Change the standards implementing a functional classification system; or~~
- ~~3. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or~~
- ~~4. Reduce the level of service of the facility below the minimum acceptable level identified in the Comprehensive Plan.~~

~~B. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:~~

- ~~1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or~~
- ~~2. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation~~

## Chapter 17.88—Appeals

### Sections:

~~17.88.010—Commission action.~~

~~17.88.020—Council Hearing.~~

~~17.88.030—Council Action.~~

~~**§ 17.88.010—Commission Action.** A. The commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this title.~~

~~B. Any appeal from a decision relating to the enforcement or interpretation of this title, unless otherwise specifically provided for in this title, shall be in writing, and shall be filed with the commission within fifteen days after such decision; such appeal shall set forth the reasons therefore.~~

~~C. The commission shall consider such appeal and render its decision within sixty days after the filing thereof.~~

~~D. In case an applicant is not satisfied with the action of the commission on his appeal, he may, within fifteen days after the action of the commission, appeal in writing to the city council.~~

~~E. Notice shall be given to the commission of such appeal and a report shall be submitted to the council setting forth the reasons for action taken by the commission or it shall be represented at the council meeting.~~

~~F. The city council shall render its decision within sixty days after the filing of such appeal. (Ord. 384 §4.180, 1972).~~

~~**§ 17.88.020—Council—Hearing.** A. Within fifteen days following the date of a decision of the planning commission on an application for conditional use permit, variance, planned unit development, site plan, and landscaping approval, renewal of a permit, the decision may be appealed in writing to the city council by the applicant or any other interested party. Appeal shall be filed with the city recorder and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the planning commission or whereby its decision is not supported by the evidence in the record.~~

~~B. The city council shall set date for public hearing and shall give notice in the manner provided in Section 17.72.030. Notice shall also be given to the commission of such appeal and the commission shall submit the application, drawing, and all other data filed therewith, the minutes of the public hearing, and a report setting forth the reasons for action taken. (Ord. 384 §9.010, 1972).~~

~~**§ 17.88.030—Council—Action.** When a decision of the planning commission is brought before the city council, either on appeal or on its own motion, the council may affirm, reverse, or modify the decision of the planning commission; provided, however, that the council may not reverse a decision of the commission denying an application unless they are able to make the findings prerequisite to the granting of a permit as prescribed by the appropriate chapter 9f the title. The decision by the council shall be final and have immediate effect. Notice of the council action on an appeal shall be mailed to the appellant at the address shown on the application. The city council shall have the power to determine the matter on review de novo. (Ord. 384 §9.030, 1972).~~

Chapter 17.8892 – Planning Fees and expenses collected.

Sections:

17.8892.010 Fee Resolution Planning Fees and Expenses Collected.

**§ 17.8892.010 Fee Resolution Commission Action.** The City's fees are established by the City Council in the adopted Fees Resolution. Fees shall be required for all applications, appeals and services. Payment of fees shall be made at the time of filing by cash, check, money order, credit card, or other acceptable methods as identified in the adopted Fees Resolution, except that local governmental agencies may supply a purchase order at the time of filing. A. The city shall charge a fee for the filing of land use applications. The fee shall be collected prior to the application being filed. The fees shall be as follows:

Conditional use permits	\$—75.00, plus expenses
Variances	75.00, plus expenses
Zone change applications	100.00, plus expenses
Planned unit developments	100.00, plus expenses
Site plan reviews	250.00, plus expenses

B. The term "expenses" as used in this schedule means where applicable:

1. The city engineer's review fees;
2. The city planning advisor review fees;
3. Postage and mailing fees;
4. Publication fees; and

5. Any other expenses to be incurred by the city in order to review the proposed plan or application. The city recorder shall make an estimate of the expenses that the city will incur in processing the application and will collect an amount equal to that estimate. By the time final action on the application has been taken, the city will refund any amounts collected for expenses but not yet expended. If insufficient expenses were collected, the applicant will reimburse the city upon request. The city may cease to process an application when the applicant fails to reimburse the city for expenses when requested to do so.

C. The city council may, from time to time, change these rates by resolution. (Ord. 8-008 §2, 1988; Ord. 87-014, 1987; Ord. 391 §1, 1973)

## Chapter 17.926 – Enforcement

### Sections:

- 17.926.010 Officer duties.
- 17.926.020 Violation deemed nuisance.
- 17.926.030 Penalties

**§ 17.926.010 Office duties.** All departments, officials and employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this title; and any such permit, certificate, or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void. The Staff Advisor in consultation with the Building Official and City Engineer is responsible for enforcing the provisions of this ordinance. It shall be the duty of the building inspector to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure and the use of any land, building, or premises. (Ora. 384 §4.190, 1972)

**§ 17.926.020 Violation deemed nuisance.** Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this title, shall be and the same is declared to be unlawful and a public nuisance, and the city attorney of the city may, or upon order of the council shall, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or from setting, up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this title. The remedies provided for in this section shall be cumulative and not exclusive. (Ord. 384 §12.010, 1972).

- A. The following shall be and are hereby declared to be unlawful and a public nuisance:
  - a. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title.
  - b. Any use of land, building, or premise established, conducted, operated, or maintained contrary to the provisions of this title.
  - c. Offering by means of newspaper, radio, television, or internet advertising or by means of other displays for public view any use of land, building, or premise established, conducted, operated without a valid land use approval or otherwise maintained contrary to the provisions of this title.
- B. The Staff Advisor or City Attorney may, or upon order of the City Council shall, immediately commence action or proceedings for the abatement and removal and enjoinder of any public nuisance as defined in subsection 18.1.6.080.A, above, in the manner provided by law, and may

take such other steps and applied to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings, condition, or conduct.

C. The remedies provided for herein shall be cumulative and not exclusive.

### § 17.926.030 Penalties

- A. Any person, firm, or corporation, whether as principal, agent employee, or otherwise, violating or causing the violation of any of the provisions of this ordinance has committed a **Class A violation offense, and upon conviction thereof is punishable as prescribed in** the Gold Hill Municipal Code subject to the limitations of the Gold Hill City Charter. Such person, firm, or corporation is guilty of a separate violation for each and every day during any portion of which any violation of this ordinance is committed or continued by such person, firm or corporation.
- B. **Fine.** A violation of any provision of this chapter, a permit issued under this chapter, or any condition of a permit issued under this chapter shall be a violation as defined by GHMC 1.20 and punishable by a fine as set forth in that section. Failure to comply with the provisions of this chapter or a permit or any condition of a permit issued under this chapter shall be a separate offense each day the failure to comply continues.
- A-C. **Enforcement Fee.** In addition to a fine, the court may impose an enforcement fee as restitution for the enforcement costs incurred by the City. This fee may be imposed upon any person who violates any provision of this chapter or who violates any permit or condition of any issued permit under this chapter. The fee shall be in an amount established by resolution of the City Council.

Chapter 17.96 – Modifications to Approved Plans

Sections:

<u>17.96.010</u>	<u>Purpose</u>
<u>17.96.020</u>	<u>Applicability</u>
<u>17.96.030</u>	<u>Major Modifications</u>
<u>17.96.040</u>	<u>Minor Modifications</u>

§17.96.010 Purpose. The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

§17.96.020 Applicability. This chapter applies when an applicant proposes to modify an approved application or condition of approval.

§17.96.030 Major Modifications.

A. Major Modification. The Planning Commission reviews applications for major modifications through the Quasi-Judicial procedure under Section 17.1X0.040. Any one of the following changes constitutes a major modification:

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, an estimated increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is 10 percent or more, provided the standards of Article 2 and Article 3 are met;
2. An increase in floor area in a commercial or industrial development, or an increase in the number of dwelling units in a multifamily development, by 10 percent or more, provided the standards of Article 2 and Article 3 are met;
3. A reduction in required setbacks, or an increase in lot coverage, by 10 percent or more, provided the standards of Article 2 and Article 3 are met;
4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic when the roadway authority determines the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation);
5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by 10 percent or more;
6. Change to a condition of approval, or a change similar to items 1-5, above, that could have a detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts triggering a major modification; or

7. Other changes similar to those in subsections 1-6, above, in scale, magnitude, or impact to adjacent properties, as determined by the City Planning Official.

B. Major Modification Applications; Approval Criteria. Requests for major modifications shall conform to all of the following procedures and criteria:

1. The applicant shall submit an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, in evaluating the request;
2. The application shall be subject to the same approval criteria used for the initial project approval; except that a modification adding a conditional use to a project approved without a conditional use shall require findings in conformance with Chapter 17.72;
2. The application shall be subject to the same approval criteria used for the initial project approval; except that a modification adding a conditional use to a project approved without a conditional use shall require findings in conformance with Chapter 17.72;
3. The scope of review shall be limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with Chapter 17.1X0; and
4. The Planning Commission shall approve, deny, or approve with conditions an application for major modification based on written findings on the applicable Code criteria (e.g., subdivision, Site Design Review, conditional use, etc.).

§17.96.040 Minor Modifications.

A. Minor Modification. The City Planning Official through a Type I or II procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for Minor Modifications. Minor modifications include technical corrections to comply with codes and regulations, and changes that fall below the thresholds in 17.100.030, as determined by the City Planning Official. A minor modification is a change to an approved plan or condition of approval that does not meet any of the thresholds for a major modification listed in Section 17.100.030.A.

B. Minor Modification Applications; Approval Criteria. An application for minor modification shall include an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City Planning Official may require other relevant information, as necessary, in evaluating the request.

C. Minor Modification Approval Criteria. The Planning Commission shall approve, deny, or approve with conditions an application for minor modification based on findings of compliance or noncompliance with the applicable requirements of the Development Code and the conditions of approval of the original decision.

Chapter 17.100 – Code Interpretations

Sections:

17.100.010 Purpose

17.100.020 Authorization of Similar Uses

17.100.030 Code Interpretation Procedure

17.100.040 Minor Modifications

§17.100.010 Purpose. Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

§17.100.020 Authorization of Similar Uses. Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the Planning Official may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Planning Official finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type II procedure as stated in Chapter 17.120.030. The Planning Official may refer a request for a similar use determination to the Planning Commission for its review and decision, which in turn shall be elevated to be type III procedure as stated in Chapter 17.120.040.

§17.100.030 Code Interpretation Procedure. Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the Planning Official and shall be processed as follows:

- A. The Planning Official, within 14 days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
- B. Where an interpretation does not involve the exercise of discretion, the Planning Official shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
- C. Where an interpretation requires discretion, the Planning Official shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Planning Official then shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the Type II or Type III review and public hearing decision-making procedures in Section 17.120.030 and 17.120.040.

§17.100.040 Written Interpretation. Following the Planning Official's or Planning Commission's decision on a code interpretation application, the Planning Official shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of

the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.

§17.100.050 Referral to City Council. Where a code interpretation may have significant citywide policy implications, the Planning Official may bypass the procedure in subsection 17.110.030. and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Chapter 17.120.050

## **Chapter 17.104 – General Review Procedure**

### Sections:

<u>17.104.010</u>	<u>Purpose and Applicability</u>
<u>17.104.020</u>	<u>Type I Procedure (Ministerial/Staff Review and Zoning Checklist)</u>
<u>17.104.030</u>	<u>Type II Procedure (Administrative Review)</u>
<u>17.104.040</u>	<u>Type III Procedure (Quasi-Judicial Review - Public Hearing)</u>
<u>17.104.050</u>	<u>Type IV Procedure (Legislative Review)</u>
<u>17.104.060</u>	<u>Time Limit, Consolidated Review, and City Planning Official’s Duties</u>

### **17.104.010 Purpose and Applicability**

- A. Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 17.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.
- B. Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 17.100.010 lists the City’s land use and development approvals and corresponding review procedure(s).
1. Type I Procedure (Staff Review – Zoning Checklist). Type I decisions are made by the City Planning Official, or their designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
  2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the City Planning Official or their designee, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.
  3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission]. Quasi-Judicial decisions involve discretion but implement established policy.
  4. Type IV Procedure (Legislative Review). The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to the City Council. The City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

### **Table 17.104.010 – Summary of Approvals by Type of Review Procedure**

**Table 17.104.010 – Summary of Approvals by Type of Review Procedure**

<b>Approvals*</b>	<b>Review Procedures</b>	<b>Applicable Regulations</b>
<a href="#">Zoning Clearance</a>	<a href="#">Type I</a>	<a href="#">Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 17.104.020.</a>
<a href="#">Access to a Street</a>	<a href="#">Type I</a>	<a href="#">Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT).</a>
<a href="#">Adjustment</a>	<a href="#">Type II</a>	<a href="#">Chapter 17.76</a>
<a href="#">Annexation</a>	<a href="#">Type IV</a>	<a href="#">See Oregon Revised Statute 222</a>
<a href="#">Code Interpretation</a>	<a href="#">Type II or III</a>	<a href="#">Chapter 17.100. Routine interpretations that do not involve discretion do not require a permit.</a>
<a href="#">Code Text Amendment</a>	<a href="#">Type IV</a>	<a href="#">Chapter 17.84</a>
<a href="#">Comprehensive Plan Amendment</a>	<a href="#">Type IV</a>	<a href="#">Chapter 4.6</a>
<a href="#">Conditional Use Permit</a>	<a href="#">Type III</a>	<a href="#">Chapter 17.72</a>
<a href="#">Home Occupation</a>	<a href="#">No permit, except when required by Chapter 4.7.</a>	
<a href="#">Legal Lot Determination</a>	<a href="#">Type I</a>	<a href="#">Chapter 1.3</a>
<a href="#">Master Planned Development</a>		
<a href="#">Concept Plan</a>	<a href="#">Type III</a>	<a href="#">Chapter 17.80</a>
<a href="#">Detailed Plan</a>	<a href="#">Type II</a>	<a href="#">Chapter 17.80</a>
<a href="#">Modification to Approval or Condition of Approval</a>	<a href="#">Type I, II or III</a>	<a href="#">Chapter 4.5</a>
<a href="#">Non-Conforming Use or Structure, Expansion of</a>	<a href="#">Type I, II or III</a>	<a href="#">Chapter 17.68</a>
<a href="#">Partition or Re-plat of 2-3 lots</a>		
<a href="#">Preliminary Plat</a>	<a href="#">Type III</a>	<a href="#">Chapter 16</a>
<a href="#">Final Plat</a>	<a href="#">Type I</a>	<a href="#">Chapter 16</a>
<a href="#">Property Line Adjustments, including Lot Consolidations</a>	<a href="#">Type I</a>	<a href="#">Chapter 16</a>
<a href="#">Site Design Review</a>	<a href="#">Type II or III</a>	<a href="#">Chapter 17.48</a>
<a href="#">Subdivision or Replat of &gt;3 lots</a>		
<a href="#">Preliminary Plat</a>	<a href="#">Type III</a>	<a href="#">Chapter 16</a>
<a href="#">Final Plat</a>	<a href="#">Type II</a>	<a href="#">Chapter 16</a>
<a href="#">Variance</a>	<a href="#">Type III</a>	<a href="#">Chapter 17.76</a>
<a href="#">Zoning District Map Change</a>	<a href="#">Type III or IV</a>	<a href="#">Chapter 17.84</a>

### **17.104.020 Type I Procedure (Ministerial/Staff Review and Zoning Checklist)**

**A. Type 1 Procedure (Ministerial/Staff Review).** The City Planning Official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I

procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards).

**B. Zoning Clearance.** The City Planning Official reviews proposals requiring a Type I review using a Zoning Clearance form. The Zoning Clearance process is a preliminary review that is intended to ensure a project proposal meets the basic requirements of title 17 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

**C. Application Requirements**

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

**2. Application Requirements.** When a Zoning Checklist is required, it shall:

**a. Include the information requested on the application form;**

**b. Address the criteria in sufficient detail for review and action; and**

**c. Be filed with the required fee.**

**D. Requirements.** The City shall not act upon an application for land use approval, and a building permit shall not be issued, until the City Planning Official has approved a Zoning Checklist for the proposed project.

**E. Criteria and Decision.** The City Planning Official’s review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

**F. Effective Date.** A Zoning Checklist decision is final on the date it is signed by the City Planning Official. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals. See also, Section 1.2.090, Zoning Checklist and Building Permits.

### 17.104.030 Type II Procedure (Administrative Review With Notice)

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

#### A. Application Requirements.

1. **Application Forms.** Applications for projects requiring Administrative Review shall be made on forms provided by the City Planning Official.
2. **Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
  - a. The information requested on the application form;
  - b. Plans and exhibits required for the specific approval(s) being sought;
  - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
  - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
  - e. The required fee.

#### B. Procedure.

1. The City Planning Official shall mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days prior to making the Type II decision.
2. The purpose of the Administrative decision notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:
  - a. All owners of record of real property within a minimum of 100 feet of the subject site;
  - a. Any person who submits a written request to receive a notice; and
  - b. Any governmental agency that is entitled to notice under an intergovernmental agreement

entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of Gold Hill. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

3. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:
  - a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review;
  - c. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable code requirements;
  - d. The address and City contact person for submitting written comments; and the date, time, and location the City Planning Official or Planning Commission, as applicable, is scheduled to make a decision on the application;
  - e. The street address or other easily understandable reference to the location of the proposed use or development;
  - f. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
  - g. Statement that all evidence relied upon by the City Planning Official or Planning Commission, as applicable, to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City; and
  - h. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
4. At the conclusion of the comment period, the City Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the City Planning Official may transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.
5. Where the City Planning Official refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the Commission makes a final decision within the 120-day

period prescribed under state law (ORS 227.178) and as described in Section 17.104.060 of this Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to Section 17.104.040; in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

6. Within seven days of a Type II (Administrative) decision, the City Planning Official shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The City Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

7. The Administrative Notice of Decision shall contain all of the following information:

a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

i. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);

j. A statement of where the City's decision can be obtained;

k. The date the decision shall become final, unless appealed; and

l. A statement that all persons entitled to notice may appeal the decision to City Council pursuant to subsection 17.104.030.D.

C. **Effective Date of Decision.** Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 17.104.030.D.

D. **Appeal of Type II (Administrative) Decision.** A Type II Administrative Decision made by the City Planning Official may be appealed to the City of Gold Hill Planning Commission; and a Type II Administrative Decision made by the Planning Commission may be appealed to the City Council, as applicable, pursuant to the following:

1. **Who may appeal.** The following people have legal standing to appeal a Type II Administrative Decision:

m. The applicant or owner of the subject property;

- n. Any person who was entitled to written notice of the Type II decision; and
- o. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

**2. Appeal filing procedure.**

- a. **Notice of appeal.** Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures.
- b. **Time for filing.** A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.
- c. **Content of notice of appeal.** The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
  - i. An identification of the decision being appealed, including the date of the decision;
  - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
  - iii. A statement explaining the specific issues being raised on appeal; and
  - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

- 3. **Scope of Appeal.** The appeal of a Type II Administrative Decision shall be a hearing de novo, either before the Planning Commission, where the contested decision was made by the City Planning Official, or before the City Council, where the Planning Commission made the contested decision. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Administrative Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.

- 4. **Appeal hearing Procedure.** Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 17.104.040. Section 17.104.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

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

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for

appeal to the City Council.

A. Application Requirements.

1. **Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
2. **Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
  - a. The information requested on the application form;
  - b. Plans and exhibits required for the specific approval(s) being sought;
  - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
  - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
  - e. The required fee.

B. Procedure

1. Mailed and Posted Notice.

- a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:
  - i. All owners of record of real property within a minimum of 100 feet of the subject site;
  - ii. Any person who submits a written request to receive a notice; and
  - iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of Gold Hill. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
- b. At least 14 days before the first hearing, the City shall publish notice of the hearing on the

City website, or have said notice published in the Rogue River press or another newspaper with local circulation.

2. Content of Notice. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 17.104.040(B)(1) above shall contain all of the following information:

- a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
- b. The date, time, and location of the scheduled hearing;
- c. The street address or other clear reference to the location of the proposed use or development;
- d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
- e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;
- f. A statement that a copy of the City’s staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- h. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

- a. The applicable approval criteria by Code chapter that apply to the application;
- b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
- c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an

- opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
- d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and
  - e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.
2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.
3. Presenting and receiving evidence.
- a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
  - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
  - c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and

respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

- a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
- b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 17.104.050 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
- c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

D. Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 10 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 17.100.040.E.

E. Appeal of Planning Commission Decision. The Planning Commission’s decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal:

- a. The applicant or owner of the subject property; and
- b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.

2. Appeal filing procedure.

- a. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures.
- b. Time for filing. A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.
- c. Content of notice of appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
  - i. An identification of the decision being appealed, including the date of the decision;
  - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
  - iii. A statement explaining the specific issues being raised on appeal; and
  - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type III Quasi-Judicial Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

F. Record of the Public Hearing.

1. The official public hearing record shall include all of the following information:

- a. All materials considered by the hearings body;
- b. All materials submitted by the City Planning Official to the hearings body regarding the application;
- c. The minutes of the hearing;

- d. The final written decision; and
  - e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.
2. The meeting minutes shall be filed in hardcopy form with the City Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.
  3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.
- G. Effective Date and Appeals to State Land Use Board of Appeals. A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

### **17.104.050 Type IV (Legislative Decisions)**

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

#### H. Application Requirements.

1. Application forms. Legislative applications shall be made on forms provided by the City Planning Official.

2. Submittal Information. The application shall contain all of the following information:

a. The information requested on the application form;

b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

c. The required fee, except when City of [name] initiates request; [and]

d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards

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

1. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.

2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing; and

- d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- 3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
- 4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.
- J. Final Decision and Effective Date. A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

### **17.104.060 Time Limit, Consolidated Review, and City Planning Official Duties**

- A. Time Limit - 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)
- B. Time Periods. In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- C. Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.
- D. City Planning Official's Duties. The City Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:
1. Prepare application forms based on the provisions of this Code and applicable state law;
  2. Prepare required notices and process applications for review and action;
  3. Assist the Planning Commission and City Council in administering the hearings process;
  4. Answer questions from the public regarding the City's land use regulations;
  5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
  6. Prepare findings consistent with City decisions on land use and development applications;
  7. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and
  8. Maintain and preserve the file and public record for each application.

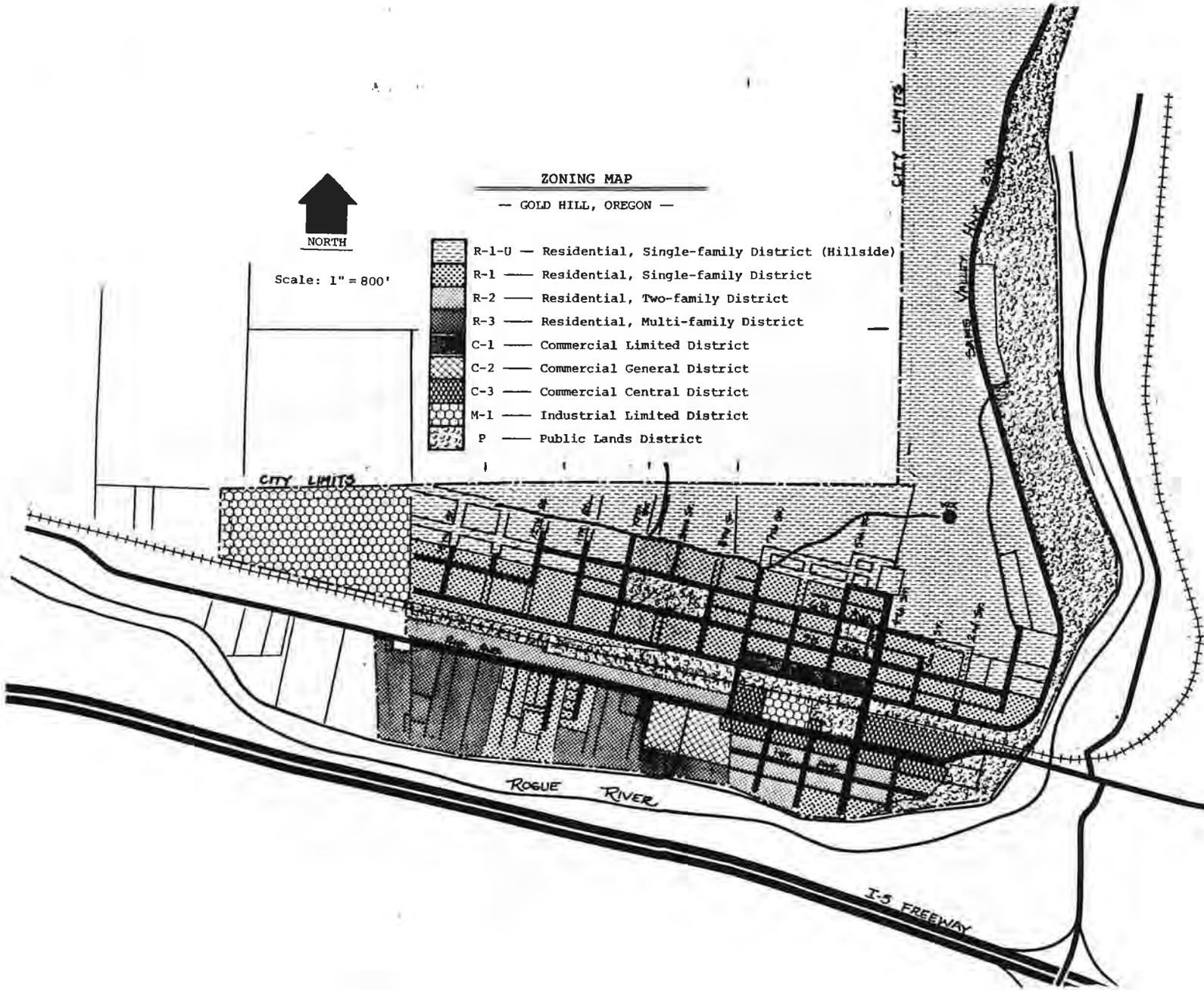
ZONING MAP

— GOLD HILL, OREGON —



Scale: 1" = 800'

- |                                                                                   |                                                        |
|-----------------------------------------------------------------------------------|--------------------------------------------------------|
|  | R-1-U — Residential, Single-family District (Hillside) |
|  | R-1 — Residential, Single-family District              |
|  | R-2 — Residential, Two-family District                 |
|  | R-3 — Residential, Multi-family District               |
|  | C-1 — Commercial Limited District                      |
|  | C-2 — Commercial General District                      |
|  | C-3 — Commercial Central District                      |
|  | M-1 — Industrial Limited District                      |
|  | P — Public Lands District                              |





# City of Gold Hill City Council

## Meeting Minutes

May 2, 2023

1. Call to Order 6:00 pm/ Roll Call/Pledge of Allegiance

All council members present

2. Agenda Adjustments

Adjustments to the agenda are limited to a change in the order of business to accommodate visitors making presentations or citizens who are attending for the purpose of a single agenda item. Adjustments in the form of additions to the agenda are discouraged because the general public has had no prior notice of their consideration, and therefore interested persons will not have an opportunity to participate. Adjustments in the form of deletions from the agenda may be accomplished here so long as there is disclosure of the reason for the deletion and an indication as to when or if the item will be placed on a future agenda.

None

3. Announcements, Correspondence, Awards and Proclamations

None

4. Public Input

1. Mark Warwick- expressed support for approval of annexation agreement with RVSS critical that this passes or we are back to \$200.00 water bills. Also expressed support for the fee increases and new fees, stating that it was long overdue and will help the City maintain and improve infrastructure and services.

5. Public Hearing

None

6. Consent Agenda

To be approved with single motion in the affirmative; Council Member(s) may elect to pull any and all items which will then be automatically added as the next item under section "7) Action Items."

None

7. Action Items

<b>7.1</b>	<b>Jackson County Fire District 3 Annual Report to Council</b>
	Jackson County Fire District 3 Chief Michael Hussey presented its 2022 Annual Report to Council. Highlights include 9000 call for service, a growing community cares and risk reduction and response service with 2535 calls, of which 90% were non-fire related

	<p>Chief Hussey noted the dump trailer /chipper program is successful enough that they are purchasing another trailer, but the supply chain is delaying delivery.</p> <p>Hanks noted a great partnership with District 3 assistance in the City recently receiving a fuel reduction grant of \$140,000.</p> <p>See attached Annual Report summary provided to Council by Chief Hussey</p>
<p><b>7.2</b></p>	<p><b>Resolution Adjusting City Rates and Fees with the adoption of a Unified Fee Schedule</b></p>
	<p>Hanks presented the item noting that several additional documents were distributed to be included in the packet materials. One is the resolution title/signature page that goes with the fee schedule. The second is a staff report from the February 7, 2023, Council meeting where the Unified Fee Schedule concept was discussed and agreed to by Council.</p> <p>Hanks described the fee schedule noting that the red colored content indicates new fees or fees that are proposed to be increased. The green colored content indicates fee reductions. All fee changes, if approved, will be effective July 1, 2023.</p> <p>Two new fees proposed, each flat rate monthly fees on the utility bill.</p> <p>1) Transportation/Streets-dedicated to fund street signs, potholes, downtown sidewalk repairs, etc., that currently has very limited funding for.</p> <p>2) Parks and Public facilities fee is needed for maintenance, repair etc. at all City parks and replaces the parking fee at the sports park. Both changes were supported by the Parks Advisory Committee. The fee will also assist in supporting overdue improvements for City Hall and for the PW/Shop building.</p> <p>The utility fees increase of \$3.00 will go into effect as of July 1. The replacement of water meters in which are currently broken/unreadable (30) are targeted to be replaced by July 1</p> <ul style="list-style-type: none"> <li>• Motion made by Councilor Wilson to approve resolution 23-R-5 amending rates and fees, establishing, and adopting a unified fee schedule and repealing all prior fee resolutions.</li> <li>• Second by councilor Rigney</li> </ul> <p><b>Motion approved 6-0</b></p> <p><b>Discussion:</b> Councilor Stancliff inquired who oversees making sure bathrooms are open at time of reservations. Hanks responded – Though there is no staff available on the weekends- Tony Wilson would be responsible for restrooms, Keri &amp; Dee are responsible for making the reservations. It was noted that the restrooms are currently on timers for accessibility during these reservations. Councilor Biedscheid inquired if at the time of reservations, a reservation sign is placed at the area. Tony Wilson responded – yes reservation signs are placed.</p> <p>Councilor Stancliff made a statement -Currently no running water by the picnic tables though there is a spicket. It’s awkward not to have running water for people.</p>

	Hanks responded-we will investigate the matter.
<b>7.3</b>	<b>Approval of Annexation Agreement between the City of Gold Hill and Rogue Valley Sewer Services (RVSS)</b>
	<p>Hanks noted that this is the same draft document that was included in the prior Council meeting where the resolution referring annexation into RVSS was approved (April 18, 2023). It was provided for information at that meeting and now needs to be discussed and approved at this meeting to meet the required timing for RVSS Board meeting on May 17.</p> <ul style="list-style-type: none"> <li>• Motion made by councilor Biedscheid to approve the Annexation Agreement between the City of Gold Hill and Rogue Valley Sewer Services</li> <li>• Motion second by councilor Stancliff</li> </ul> <p><b>Motion approved 6/0</b></p>

8. Reports from Councilors

None

9. City Manager Report

See Attached

10. Good of the Order

None

11. Adjournment

Mayor Palmer adjourned the meeting at 6:59



# City of Gold Hill City Council

## Meeting Minutes

April 18, 2023

6:00pm

### 1. Call to Order/ Roll Call/Pledge of Allegiance

All council members present with the exception of councilor Wilson

### 2. Agenda Adjustments

Adjustments to the agenda are limited to a change in the order of business to accommodate visitors making presentations or citizens who are attending for the purpose of a single agenda item. Adjustments in the form of additions to the agenda are discouraged because the general public has had no prior notice of their consideration, and therefore interested people will not have an opportunity to participate. Adjustments in the form of deletions from the agenda may be accomplished here so long as there is disclosure of the reason for the deletion and an indication as to when or if the item will be placed on a future agenda.

City Manager Hanks noted that the City Manager recruitment sub-committee that was approved at the prior Council meeting will need to be altered to meet the quorum regulation by placing one of the three Councilors as an alternate rather than a member. Council agreed and determined Councilors Biedscheid and Newstead will be the primary committee members with Mayor Palmer and Councilor Rigney will be placed as an alternate committee member.

### 3. Announcements, Correspondence, Awards and Proclamations- None

- Proclamation of Yardin in the Hill and the Annual Cleanup Day
- Proclamation of Gold Dust Heritage Celebration 2023- Mayor Palmer announced Saturday June 3<sup>rd</sup>, 2023.

### 4. Public Input

Mike Amis- inquired about the city Ordinance of Goldhill, questioned how the city plans on the improvement of properties on the Main Street (2<sup>nd</sup> Avenue) also the prior mechanic shop and trailer building. Inquired on what can be done to screen the site of the building in the downtown area. (Broken window, unoccupied store fronts, multiple paint colors and overall unsightly visual items). Mr. Amis feels these issues it makes the town unappealing to visit, which in turn is lost in tourism revenue.

Councilor Newstead replied that certain buildings are not being used and are an eyesore, possible violation, and would like to address the beautification of the downtown area.

Hanks noted that this is likely a combination of code enforcement, the lack of existing codes that apply to the examples provided and educational/encouragement for voluntary action from property owners.

Mark Warwick- spoke in regard to resolution in the meeting (RVSS Annexation) would be the best option for the City of Gold Hill and encouraged the Council to continue towards annexation rather than replacing the existing plant

Zueann Haddix- spoke that many citizens of Gold Hill are on fixed income and will not be able to afford a higher utility bill. The best option is to go with the pipeline.

Mike Biedscheid- spoke in regards to the importance of the Resolution of the Annexation into RVSS to go before the voters in August. Most citizens are in favor of the pipeline and hopes that the council will take that into consideration.

5. Public Hearing

None

6. Consent Agenda

To be approved with single motion in the affirmative; Council Member(s) may elect to pull any and all items which will then be automatically added as the next item under section "7) Action Items."

1. Approval of Council Meeting Minutes

- January 9, 2023
- February 7, 2023
- March 7, 2023

Motion Made to Approve the Council Meeting Minutes by Councilor Biedscheid,  
Motioned seconded by Councilor Martin

Motion approved 5/0

7. Action Items

7.1	<b>Resolution Authorizing Banking Signatures</b>
	<p>Hanks presented said resolution of the banking signatures provides clarity and is consistent with the City Charter regarding the City Recorder's roles and responsibilities.</p> <p>Hanks also noted that there is no reference in the charter or municipal code for the role, responsibility, or authority of the City Manager. The Charter does permit the Council to appoint "other City Officials" so the position has been legally created, but it would be prudent to develop role, responsibility and authority language to be approved via ordinance into the Municipal Code.</p> <p>Motion made by councilor Newstead to approve the resolution authorizing banking signatures resolution number 23-R-3. Councilor Rigney seconded the motion.</p> <p><b>Motion approved 5-0</b></p>

<b>7.2</b>	<b>Resolution Referring Annexation of the City of Goldhill into the Rouge Valley Sewer Service Special District</b>
	<p>Carl Tappert, General Manager of RVSS provided summary information.</p> <p>The interim sewer rate while construction is going on would remain the same, the rate of increase would come into effect upon completion of the pipeline. Collection systems-RVSS would be responsible for the maintenance and capital improvements- base rate is \$25.50.</p> <p>Q&amp;A</p> <p>Biedscheid asked-How long will it take to put in the pipeline -Tappert responded 2-3 years.</p> <p>Newstead asked-Is there currently issues with easements? Tappert responded -No use of the public right away.</p> <p>Rigney asked- Collection &amp; pipeline will belong to RVSS? Tappert noted that the annexation agreement transfers all wastewater assets to RVSS upon voter approval of annexation (treatment plant and collection system) and the pipeline connection to the regional system will also be an RVSS asset.</p> <p>Biedscheid asked if the deed would be to RVSS w/o monetary value? Tappert responded yes. Hanks noted that if the City were to attempt to sell the plant and the property it sits on, it would only increase the sewer rates and not benefit the users/customers of the sewer system.</p> <p>Motion made by councilor Biedscheid to approve the resolution referring Annexation of the City of Gold Hill into RVSS district Resolution No 23-R-4 Motion seconded by councilor Newstead.</p> <p><b>Motion passes 5-0</b></p>
<b>7.3</b>	<b>Review and Approval of updated City Logo</b>
	<p>Hanks spoke regarding the updated logo would be a modernization of the previous logo (see attached) if approved the logo would then be updated on city letterhead, agenda and all city forms (time allowing) as well as logo's will be placed on the newest city vehicles. Upon feasibility the goal is to place the new logo signage on the city hall building and throughout the city.</p> <p>Biedscheid stated she would like to make one adjustment to the logo. The city of Goldhill was established in 1895, she would like that established year placed on the updated logo.</p> <p>Motion made by councilor Newstead to approve the update of the city logo as feasible and practice. Motion seconded by councilor Martin.</p> <p><b>Motion approved 5-0</b></p>

8. Reports from Councilors

Councilor Stancliff is in contact with the Bee City USA staff to work on maintaining the City of Gold Hill's certification and would report back to Council on progress.

9. City Manager Report

**See Attached**

10. Good of the Order

11. Adjournment

**Mayor Palmer adjourned the meeting at 7:06pm**



## Council Communication

<b>Agenda Item</b>	Lease Agreement between the City of Gold Hill and the Oregon State Police for a portion of the Gold Hill City Hall facility		
<b>From</b>	Adam Hanks	Interim City Manager	
<b>Contact</b>	<a href="mailto:Adam.hanks@cityofgoldhill.com">Adam.hanks@cityofgoldhill.com</a>	<b>Date</b>	May 16, 2023

### SUMMARY

Staff has been in discussion with the Oregon State Police (OSP) to lease a portion of the City Hall facility for OSP operations for a two-to-three-year term while the Southern Oregon OSP operations center in Central Point undergoes a significant remodel/expansion project. A draft lease has been developed by the Oregon Department of Administrative Services (DAS) and is presented to Council for review and approval. Proposed lease terms include a \$.75 per square foot lease rate and some City assigned tenant improvements.

### PREVIOUS COUNCIL ACTION

The proposed lease space includes what has been labeled the “community room” at City Hall and prior Council discussion on its preferred use was put on hold to address more immediate issues when I was appointed in September of 2022. Likely a number of other discussions and actions relating to this space has occurred with prior Councils.

### BACKGROUND AND ADDITIONAL INFORMATION

Below are key elements of the proposed lease:

- 1,407 square feet of lease space that includes the lobby area currently sparsely utilized by the Jackson County Sheriff’s Office and all but the archive storage room in the Community Room
- Shared use of the bathrooms and break room area
- Exclusive use of the east parking lot and some shared use of the west parking lot
- Two year initial term, with available extension by mutual agreement.
- Lease rate of \$0.75 per square foot per month, with a 2% increase in that rate each year – Totals \$12,663 for the first year.
- Sharing of all utility costs based on square footage ratio of roughly 33% of building.
- Proposed occupation date of July 1, 2023
- City to perform some tenant improvements in the lobby for administrative staff security and general paint/refresh in the community room and two office/storage rooms with an initial estimate of \$3,000-\$5,000

Benefits to the City and community include:

- Significant law enforcement presence throughout Gold Hill 24 hours a day, seven days a week.
- Lease revenue that can be utilized for significant deferred maintenance at City Hall and other City facilities

- Visible display of a desire to maintain and strengthen inter-governmental partnerships in the region
- An improved leasable space at the conclusion of the OSP lease for future lease or other desired uses of the space.

**FISCAL IMPACTS**

The two-year lease revenue totals \$25,579 with reasonable expectation of the lease extending six to twelve months into year three, which would increase the total lease revenue by approximately \$6,000 to \$12,000. Reduction in utility costs to City are estimated at \$1,500 per year. Tenant improvements expenses may reach \$5,000.

Lease Revenue	\$25,579
Year 3 est.	\$ 6,000
Util sharing	\$ 1,500
Tenant Imp	<u>\$ (5,000)</u>
TOTAL	\$28,079

As noted prior, a significant intangible benefit to the community is an increased law enforcement presence within Gold Hill. While no formal patrol agreements exist or are implied, OSP utilization of City Hall provides high visibility and likely an increase in traffic and other OSP category law enforcement activity in and around Gold Hill, and it could be assumed that some level of crime deterrence is also achieved with OSP presence, all at no additional cost to the City or the community.

**STAFF RECOMMENDATION**

Staff recommends Council approve the lease agreement and authorize the City Manager to sign and execute the agreement.

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

- 1) I move to approve to approve the attached draft lease agreement between the City of Gold Hill and the Oregon State Police to occupy a portion of City Hall consistent with the terms and agreements contained in the lease agreement.
- 2) I move to direct the Interim City Manager to further negotiate with the Oregon State Police and the Department of Administrative Services on the follow lease terms...\_\_\_\_\_.

**REFERENCES & ATTACHMENTS**

- 1) Draft OSP/City of Gold Hill City Hall Lease Agreement

**STATE OF OREGON LEASE**

THIS STATE OF OREGON LEASE (this “Lease”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2023 (the “Lease Effective Date”), by and between Landlord and Tenant (each a “Party” and together the “Parties”), as set forth below.

**SECTION 1: BASIC LEASE PROVISIONS**

- 1.1 **Landlord** City of Gold Hill, a political subdivision of the State of Oregon
- 1.2 **Tenant** The State of Oregon, acting by and through its Oregon State Police
- 1.3 **Premises**
  - Building: Gold Hill City Hall Building
  - Street: 420 Sixth Avenue N
  - City, State, ZIP: Gold Hill, Oregon 97525
  - County: Jackson*(Section 2.1(a))*
- 1.4 **Property Tax Lot**
  - Map & Tax Lot No.: 363W15CC3400
  - Tax Account No.: 1-012805-6*(Section 2.1(b))*
- 1.5 **Premises Square Footage** 1,407.4 rsf
  - Building Square Footage** 4,150 rsf
  - Total Buildings Square Footage** 4,150 rsf*(Section 2.1(c))*
- 1.6 **Tenant’s Building Proportionate Share** 34%
  - Tenant’s Property Proportionate Share** 34%*(Section 2.2(a))*
- 1.7 **Estimated Commencement Date** July 1, 2023
  - Estimated Expiration Date** June 30, 2025*(Section 3)*
- 1.8 **Initial Term** two (2) years  
*(Section 4)*
- 1.9 **Monthly TI Payment** *Intentionally Omitted*  
*(Section 5.1(d))*
- 1.10 **Amortization Information** *Intentionally Omitted*  
*(Section 5.1(d))*
- 1.11 **Monthly Rent Table** The Monthly Base Rent commences at \$0.75/per rentable square foot and escalates two percent (2%) every Lease Year  
*(Section 5.5)*

	<b>Lease Year</b>	<b>Months</b>	<b>Monthly Base Rent</b>
1.	07/01/2023 - 06/30/2024	01 – 12	\$1,055.55
2.	07/01/2024 – 06/30/2025	13 – 21	\$1,076.66

1.12 **Improvement Allowance** *Intentionally Omitted*  
**Tenant’s Share of Improvement** *Intentionally Omitted*  
**Costs**  
*(Section 5.6)*

1.13 **Moving Allowance** *Intentionally Omitted*  
*(Section 5.7)*

1.14 **Expansion Space** *Intentionally Omitted*  
*(Section 6.1)*

1.15 **Extension Option** one (1) Extension Options for consecutive  
*(Section 7.1)* terms of three (3) years, with 60 days’  
notice

1.16 **Use** the general purposes of government office  
*(Section 11)* use and client services

1.17 **Parking Rights** unreserved parking spaces in the common  
*(Section 12)* area on East side of Building

1.18 **Utilities and Services**  
*(Section 13.1)*

<b>Utility/Service</b>	<b>Included in Operating Expenses</b>	<b>Paid directly by Tenant</b>
Water	X	
Sewer	X	
Electricity	X	
Gas	X	
Trash removal		X
Recycling		X
Janitorial services and supplies		X
Window washing	X	
Snow and ice removal	X	
Security		X
Pest control	X	

1.19 **Minimum Carpet/Floor Covering** *Intentionally Omitted*  
**Replacement Interval**  
**Minimum Repainting Interval** *Intentionally Omitted*  
*(Sections 14.1(b) and (c))*

1.20 **Property Manager** *Intentionally Omitted*

(Section 35.3)

1.21 **Brokers**

*Intentionally Omitted*

(Section 36.12)

**SECTION 2: PREMISES**

2.1 Generally.

(a) Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the premises (the “**Premises**”) shown on Exhibit A, located in the building or project (the “**Building**”) shown on Exhibit B and on the real property (the “**Property**”) shown on Exhibit C. Any reference in this Lease to the “Property” shall mean the Premises, the Building and the Property, as the context so requires.

The Premises address is:

Building:	Gold Hill City Hall Building
Street:	420 Sixth Avenue N
City, State, ZIP:	Gold Hill, Oregon 97525
County:	Jackson

(b) As shown on Exhibit C, the Property is comprised of the following “**Property Tax Lot**”: Map & Tax Lot No. 363W15CC3400; Tax Account No. 1-012805-6.

(c) The Premises are 1,407.4 rentable square feet (the “**Premises Square Footage**”). The Building is 4,150 rentable square feet (the “**Building Square Footage**”). All of the buildings on the Property, including the Building, constitute 4,150 rentable square feet (the “**Total Buildings Square Footage**”). All square footage amounts set forth in this Section 2.1(c) are based on Landlord’s knowledge and information as of the Lease Effective Date.

2.2 Tenant’s Proportionate Shares.

(a) *Calculation of Tenant’s Proportionate Shares.* Tenant’s Proportionate Shares are calculated as follows:

(i) “**Tenant’s Building Proportionate Share,**” which represents that portion of the whole that the Premises Square Footage bears to the Building Square Footage, is 34%. “**Tenant’s Property Proportionate Share,**” which represents that portion of the whole that the Premises Square Footage bears to the Total Buildings Square Footage, is 34%. Tenant’s Building Proportionate Share and Tenant’s Property Proportionate Share are together “**Tenant’s Proportionate Shares.**”

(ii) If any Common Areas (as defined in Section 2.4 below) or parking spaces or areas related to the Parking Rights (as defined in Section 12.1 below) are used by parties who are not tenants of the Building or the Property, such as tenants of adjacent buildings or properties (the square footage of such Common Areas or parking spaces or areas

collectively being the “**Shared Area Square Footage**”), then the Building Square Footage or the Total Buildings Square Footage, as the case may be, shall be deemed to include the Shared Area Square Footage, for the purposes of calculating Operating Expenses (as defined and set forth in Sections 8.1(b) and 10.1(b) below, respectively). Such modified Building Square Footage or modified Total Buildings Square Footage shall be the “**Increased Building Square Footage**” or the “**Increased Total Buildings Square Footage**.”

(b) *Actual Square Footage. Intentionally Omitted*

2.3 Proportionate Share Amendment. *Intentionally Omitted*

### **SECTION 3: COMMENCEMENT AND EXPIRATION DATES**

The Initial Term of this Lease (as defined in Section 4 below) shall begin on July 1, 2023 (the “**Commencement Date**”) and expire on June 30, 2025 (the “**Expiration Date**”).

### **SECTION 3A: IMPROVEMENTS; IMPROVEMENT WORK**

Landlord shall construct or arrange for the construction on the Premises of the “**Improvements**” of the front desk in the lobby area, to include plexiglass and a secured door, as agreed to by both Parties as set forth in the attached Exhibit H. The Improvements shall become the property of the Landlord and a part of the Premises upon construction on the Premises. The Improvements shall be completed on or before the Commencement Date, as defined in Section 3 above.

### **SECTION 4: TERM**

The “**Initial Term**” of this Lease is two (2) years, beginning on the Rental Commencement Date and expiring on the Expiration Date, unless sooner terminated as provided herein. The word “**Term**” is used in this Lease to describe the Initial Term, as it may be extended in connection with a short-term extension pursuant to Section 27.2 below, and any Extension Term (as defined in Section 7.1 below).

### **SECTION 5: RENT AND ALLOWANCES**

5.1 Monthly Base Rent.

(a) *Monthly Base Rent.* “**Monthly Base Rent**” means the amounts set forth in the “**Monthly Rent Table**” in Section 1.11 above or the Monthly Base Extension Rent (as defined in Section 7.2(a) below), for the periods of this Lease (the “**Lease Years**”).

(b) *Operating Expenses. Intentionally Omitted*

(c) *Monthly Taxes. Intentionally Omitted*

(d) *Monthly TI Payments. Intentionally Omitted*

5.2 Monthly Rent. “**Monthly Rent**” means the Monthly Base Rent (from the applicable Lease Year).

5.3 Additional Rent. “**Additional Rent**” means all other costs, fees, charges, expenses, reimbursements and obligations of every kind and nature whatsoever payable by Tenant under this Lease, except for Monthly Base Rent.

5.4 Payment of Monthly Rent. From and after the Rental Commencement Date, and throughout the Term of this Lease, Tenant shall pay Monthly Rent to Landlord, in advance, on or before the fifth (5<sup>th</sup>) day of each month, without notice or demand and without offset or deduction except as specifically provided in this Lease, and at Landlord’s Address (as defined in Section 35.1 below). Notwithstanding the foregoing, if the Rental Commencement Date is disputed, Tenant shall pay the first Monthly Rent payment within five (5) business days after the Rental Commencement Date is determined pursuant to Section 3.4 above; and if the Rental Commencement Date is not disputed and is other than the first day of a calendar month, Tenant shall pay the first Monthly Rent payment on such date. Monthly Rent for any partial calendar month shall be prorated on a per diem basis, based on a 365-day calendar year.

5.5 Monthly Rent Table. The Monthly Base Rent commences at \$0.75/per rentable square foot, and escalates two percent (2%) every Lease Year, as set forth in Section 1.11 above.

5.6 Improvement Allowance; Tenant’s Share of Improvement Costs. *Intentionally Omitted*

5.7 Moving Allowance. *Intentionally Omitted*

**SECTION 6: OPTION TO EXPAND PREMISES** *Intentionally Omitted*

**SECTION 7: OPTION TO EXTEND TERM**

7.1 Generally. So long as there is not then any material Tenant Default under this Lease, Tenant has one (1) option to extend this Lease for consecutive terms of three (3) years (an “**Extension Option**”). With the exception of the amount of Monthly Base Rent and any terms or conditions that the Parties modify in writing, all terms and conditions of this Lease shall apply during any such extension term (an “**Extension Term**”). To exercise an Extension Option, Tenant shall deliver notice to Landlord of such exercise (an “**Extension Exercise Notice**”) at least sixty (60) days prior to the Expiration Date or the expiration of the then-current Extension Term, as the case may be (the “**Applicable Expiration Date**”). The date of Tenant’s delivery of an Extension Exercise Notice is the “**Extension Exercise Date**.” An Extension Term shall commence on the day following the Applicable Expiration Date.

7.2 Monthly Base Extension Rent.

(a) Monthly Base Rent for an Extension Term (the “**Monthly Base Extension Rent**”) shall be either: an amount agreed upon by the Parties pursuant to Section 7.2(b) below; or for the Premises, as determined by the Parties pursuant to Section 7.2(c) below.

(b) The Parties shall attempt in good faith to agree on the Monthly Base Extension Rent at least ninety (90) days before the Applicable Expiration Date.

### 7.3 Extension Amendment.

(a) *Amendment.* If Tenant exercises an Extension Option pursuant to Section 7.1 above, then within sixty (60) days after the Monthly Base Extension Rent is determined pursuant to Section 7.2 above, Tenant shall deliver to Landlord an “**Extension Amendment**” that sets forth:

- (i) the commencement date and the expiration date of the Extension Term (which expiration date shall thereafter be the Expiration Date);
- (ii) the Monthly Base Extension Rent as determined pursuant to Section 7.2 above; and
- (iii) any related matters as may be necessary and proper.

(b) *Delivery and Execution.* Within fifteen (15) business days after delivery of the Extension Amendment, Landlord shall either execute the Extension Amendment to indicate Landlord’s acceptance or give notice to Tenant that Landlord disputes it. Landlord’s failure to timely execute or dispute the Extension Amendment shall be deemed acceptance thereof. If Landlord gives notice to Tenant that it disputes the Extension Amendment, the Parties shall attempt in good faith to resolve the dispute within ten (10) business days after such notice. The Parties may resolve any remaining dispute in a court, subject to Section 36.9 below.

(c) *Effectiveness.* An Extension Option, if exercised by Tenant in accordance with the requirements of this Lease, is effective on the terms and conditions set forth in this Section 7 as of the Extension Exercise Date, regardless of when or whether the Parties execute the Extension Amendment.

## **SECTION 8: OPERATING EXPENSES**

8.1 Definition. “**Operating Expenses**” means all of Landlord’s reasonable, actual out-of-pocket costs and expenses of operating, managing, maintaining and repairing the Premises, as determined in accordance with real estate accounting principles generally applied by real estate property managers in the metropolitan area in which the Property is located, consistently applied. Operating Expenses include the costs of the utilities and services listed in the Utilities and Services Table in Section 1.18 above as “Included in Operating Expenses.”

8.2 Specific Exclusions. For the avoidance of doubt, Operating Expenses do not include:

- (a) any costs or expenses related to insurance that Landlord is not required to carry under this Lease, i.e., Landlord’s Insurance Coverage (as defined in Section 18.1 below); or
- (b) property management or administration fees in excess of three percent (3%) of Monthly

Base Rent.

8.3 General Exclusions. Notwithstanding any other provision of this Lease, Operating Expenses do not include:

- (a) Any ground lease rental;
- (b) Costs of capital improvements and equipment, except for:
  - (i) costs of capital improvements and equipment acquired to reduce Operating Expenses amortized at an annual rate reasonably calculated to equal the amount of Operating Expenses to be saved in each calendar year of the Term of this Lease throughout the “useful life” of the improvement(s) or equipment item(s) as that term is interpreted in accordance with real estate accounting principles generally applied by real estate property managers in the metropolitan area in which the Property is located, consistently applied (as determined at the time Landlord elected to proceed with the capital improvement or acquisition of the capital equipment to reduce Operating Expenses), together with interest at the actual interest rate incurred by Landlord;
  - (ii) costs of capital tools not in excess of Ten Thousand Dollars (\$10,000.00) in a twelve (12) -month period; or
  - (iii) costs of capital improvements and equipment required to comply with applicable federal, state and local laws, ordinances, codes, regulations and rules (“**Laws and Ordinances**”) adopted, enacted or enforced from and after the Rental Commencement Date, including, for Laws and Ordinances existing prior to the Rental Commencement Date, amendments, revisions, modifications or changes in interpretation that were adopted, enacted or enforced from and after the Rental Commencement Date;
- (c) Rentals for items (except when needed in connection with normal repairs and maintenance of permanent systems) which, if purchased rather than rented, would constitute a capital improvement that is specifically excluded in Section 8.3(b) above (excluding, however, equipment not affixed to the Building that is used in providing utilities or services set forth in the Utilities and Services Table in Section 1.18 above as “Included in Operating Expenses”);
- (d) Costs incurred by Landlord for the repair of damage to the Premises, to the extent that Landlord is or should be reimbursed by insurance proceeds;
- (e) *Intentionally Omitted*
- (f) Depreciation, amortization and interest payments, except as provided herein and except on materials, tools, supplies and vendor-type equipment purchased by Landlord to enable Landlord to supply services that Landlord might otherwise contract for with a third party, where such depreciation, amortization and interest payments would otherwise have been included in the charge for such third party’s services, all as determined in accordance with real estate accounting principles generally applied by real estate property managers in the metropolitan area in which

the Property is located, consistently applied, and when depreciation or amortization is permitted or required, the time shall be amortized over its reasonably anticipated useful life;

(g) Marketing costs including leasing commissions, attorneys' fees and expenses incurred in connection with the negotiation and preparation of letters, deal memos, letters of intent, leases, subleases and/or assignments, space planning costs, and other costs and expenses incurred in connection with lease, sublease and/or assignment negotiations and transactions with prospective tenants or occupants of the Premises;

(h) Costs incurred by Landlord for alterations that are considered capital improvements and replacements in accordance with real estate accounting principles generally applied by real estate property managers in the metropolitan area in which the Property is located, consistently applied, except as permitted in Section 8.3(b) and (c) above;

(i) Costs of a capital nature, including, without limitation, capital improvements, capital repairs, capital equipment and capital tools, all as determined in accordance with real estate accounting principles generally applied by real estate property managers in the metropolitan area in which the Property is located, consistently applied, except as permitted in Section 8.3(b) and (c) above;

(j) *Intentionally Omitted*

(k) Costs incurred by Landlord due to the violation by Landlord of the terms and conditions of this Lease;

(l) Overhead and profit increment paid to Landlord or to subsidiaries or affiliates of Landlord for goods and/or services on the Premises, to the extent the same exceeds the costs of such goods and/or services rendered by unaffiliated third parties on a competitive basis;

(m) Interest, principal, points and fees on debts or amortization on any mortgage or mortgages or any other debt instrument encumbering the Premises;

(n) Landlord's general corporate overhead and general and administrative expenses;

(o) Any compensation paid to clerks, attendants or other persons in commercial concessions operated by Landlord or in the parking garage of the Premises, or wherever Tenant is granted its parking privileges and/or all fees paid to any parking facility operating (on or off site) (provided, however, that if Landlord provides such parking free of charge to Tenant, such expenses may be included as Operating Expenses);

(p) rentals and other related expenses incurred in leasing air conditioning systems, elevators or other equipment ordinarily considered to be of a capital nature (except as arising from making repairs or keeping permanent systems in operation while repairs are being made, or from equipment not affixed to the Building that is used in providing janitorial or similar services);

(q) Advertising and promotional expenditures and costs of signs in or on the Premises

identifying the owner of the Premises, excluding directory boards and directional signs and graphics that include the Building or the Property name;

(r) Utilities and services costs for which any tenant directly contracts with the utility or service provider, including all such costs that Tenant pays directly to such provider pursuant to Section 13.1 below;

(s) *Intentionally Omitted*

(t) Costs incurred in connection with upgrading the Premises to comply with life, fire and safety codes in effect prior to the Lease Effective Date;

(u) Any other expenses which, in accordance with real estate accounting principles generally applied by real estate property managers in the metropolitan area in which the Property is located, consistently applied, would not normally be treated as Operating Expenses by Landlord or the landlord of comparable buildings;

(v) Penalties or fines incurred or amounts arising as a result of Landlord's failure to timely pay any Tax; to pay any Tax on a discounted basis as described in Section 10.1(a) below so that the benefit of the discount is attained; and/or to file any Tax or information returns when due;

(w) Costs for which Landlord has been compensated by any management or administrative fee;

(x) Gifts, gratuities and any expenses related to events;

(y) Costs arising from the gross negligence or fault of Landlord or Landlord's agents, or of any vendors, contractors or providers of materials or services selected, hired or engaged by Landlord or its agents;

(z) Notwithstanding any contrary provision of this Lease (including, without limitation, any provision relating to capital expenditures), any costs arising from the presence of Hazardous Materials (as defined in Section 30.2(d) below) in or about the Premises, including, without limitation, costs arising from Hazardous Materials in the groundwater or soil;

(aa) Costs arising from Landlord's charitable or political contributions;

(bb) Costs arising from latent defects in the base, shell or core of the Building or other parts of the Premises, or improvements installed by Landlord or repair thereof;

(cc) Costs for sculpture, paintings or other subjects of art; or

(dd) Costs (including in connection therewith all attorneys' fees and expenses and costs of settlement judgments and payments in lieu thereof) arising from Claims (as defined in Section 19.1 below), disputes or potential disputes in connection with potential or actual Claims, litigations or arbitrations pertaining to Landlord or the Premises.

## SECTION 9: PAYMENT OF OPERATING EXPENSES

### 9.1 Operating Expense Invoices.

(a) For every calendar month during which this Lease has been in effect, including any partial calendar month, Landlord shall, on or before thirty (30) days after such calendar month, deliver to Tenant an invoice (the “**Operating Expense Invoice**”) with supporting documentation (such as invoices and receipts) and in sufficient detail to be substantively reviewed by Tenant, showing the amount of Operating Expenses billed to Landlord during the previous calendar month. If the Operating Expense Invoice does not include sufficient detail, in Tenant’s reasonable opinion, to enable Tenant to ascertain the accuracy of the Operating Expenses, then Landlord shall, within ten (10) business days after Tenant’s request and at Landlord’s sole cost and expense, provide such requested additional information or documentation to Tenant. The “**Operating Expense Invoice Delivery Date**” means the date Landlord delivers the Operating Expense Invoice to Tenant. The Operating Expenses shall be binding on Tenant unless Tenant timely disputes them pursuant to Section 9.2 below.

(b) In the event Landlord fails to timely deliver an Operating Expense Invoice (an “**Untimely Operating Expense Invoice**”), then regardless of the actual amount of Operating Expenses for the applicable month, Tenant shall not pay any amount to Landlord for such month, pursuant to Section 9.1(d) below, in excess of the amount of Operating Expenses paid by Tenant for the prior month.

(c) Within ten (10) business days after Tenant’s request, Landlord shall provide to Tenant, for Tenant’s review and at Landlord’s sole cost and expense, copies of all of Landlord’s records pertaining to the Operating Expense Invoice, and Tenant shall, if so required by Landlord, execute a reasonable agreement regarding the confidentiality of such records, subject to all applicable State of Oregon public records laws.

(d) If Tenant does not dispute an Operating Expense Invoice pursuant to Section 9.2 below, Tenant shall pay to Landlord the amount of the Operating Expenses within thirty (30) days after receipt of the Operating Expense Invoice (or sixty (60) days in the event of an Untimely Operating Expense Invoice).

### 9.2 Disputes.

(a) If Tenant disputes an Operating Expense Invoice, Tenant shall provide notice to Landlord of such dispute (the “**Dispute Notice**”) within thirty (30) days after the Operating Expense Invoice Delivery Date (or sixty (60) days in the event of an Untimely Operating Expense Invoice). The date of Tenant’s delivery of the Dispute Notice to Landlord is the “**Dispute Notice Date**.” Tenant’s right to dispute the Operating Expense Invoice within such 30-day or 60-day period, as applicable, shall survive the expiration or earlier termination of this Lease.

(b) The Parties shall attempt in good faith to resolve the dispute over the Operating Expense Invoice within thirty (30) days after the Dispute Notice Date.

(c) If the Parties do not timely resolve the dispute over the Operating Expense Invoice, they shall select a certified public accountant (the “CPA”) to determine the Operating Expenses. The CPA shall be chosen as follows: within ten (10) business days after the Dispute Notice Date, Landlord shall deliver to Tenant a list of at least three (3) qualified and independent certified public accountants, and within ten (10) business days after Landlord delivers said list, Tenant shall notify Landlord of its choice of the CPA from the list. Notwithstanding the foregoing, if Landlord fails to timely deliver the list, then Tenant’s choice of a certified public accountant shall be deemed the CPA; and if Tenant fails to timely respond to the list, then Landlord’s choice of a certified public accountant shall be the CPA. The CPA shall determine the Operating Expenses by examining Landlord’s books and records relating to Operating Expenses and by reference to this Lease’s definition of Operating Expenses. The CPA’s determination of the Operating Expenses shall be binding on the Parties. Landlord shall reasonably cooperate with the CPA in the CPA’s examination of Landlord’s books and records. Landlord may require Tenant and the CPA to execute a reasonable agreement regarding the confidentiality of its books and records; provided, however, that Tenant’s obligations under such a confidentiality agreement shall be subject to all applicable State of Oregon public records laws.

(d) (i) CPA’s Determination of Adjusted Operating Expenses. The CPA’s determination of the amount of the Operating Expenses (the “**Adjusted Operating Expenses**”) shall be binding on the Parties, and Tenant shall pay the amount of the Adjusted Operating Expenses to Landlord on or before thirty (30) days after the CPA’s determination thereof (or sixty (60) days in the event of an Untimely Operating Expense Invoice).

(ii) CPA’s Costs and Fees. If the Adjusted Operating Expenses are less than the Operating Expenses shown on Landlord’s Operating Expense Invoice, then Landlord shall pay all of the CPA’s costs and fees. If the Adjusted Operating Expenses are more than the Operating Expenses shown on Landlord’s Operating Expense Invoice, then Tenant shall pay all of the CPA’s costs and fees.

## **SECTION 10: EXEMPTION FROM REAL PROPERTY TAXES**

10.1 Generally. “**Taxes**” means: (a) all property taxes and assessments of any public authority against the Building and the portion of the Property upon which the Building is located, and the ownership, management or operation thereof; (b) any rent tax, local improvement district tax, gross receipts tax and tax on Landlord’s interest under this Lease; and (c) any tax in lieu of or in addition to the foregoing, whether such tax is now in effect.

10.2 Exemption from Real Property Taxes. The Property is exempt from Taxes pursuant to ORS 307.090. The Monthly Rent payable by Tenant under this Lease reflects the savings resulting from such exemption of the Property from Taxes.

## **SECTION 11: USE**

Tenant may use the Premises for all purposes related to the conduct of its business as an agency of the State of Oregon and related ancillary purposes, and for the general purposes of

government office use and client services.

## **SECTION 12: PARKING**

12.1 Parking Rights. Landlord shall, at no additional cost to Tenant, provide Tenant with unreserved parking spaces in the Common Areas on the East side of the Building, as shown on Exhibit B (Tenant's rights to such parking spaces or areas being the "**Parking Rights**"). Tenant, its agents, employees and invitees shall have the right to use any parking spaces or areas related to the Parking Rights at all times on a first-come, first-served basis with other tenants of the Building and other persons who have the right to use such parking spaces or areas.

12.2 Tenant's Use and Access. Landlord shall take all reasonable measures to ensure that the use of and access to the parking spaces or areas related to the Parking Rights by Tenant, its agents, employees and invitees are not in any way disrupted.

## **SECTION 13: UTILITIES AND SERVICES**

13.1 Availability. Landlord shall ensure that the utilities and services listed in the "**Utilities and Services Table**" in Section 1.18 above are provided to the Premises, and, in the event of any disruption due to any acts or omissions by Landlord or any matter within Landlord's control, shall restore such utilities or services as promptly as possible, and if any such disruption continues for more than twenty-four (24) hours, then Monthly Rent shall be abated in proportion to the interference due to such disruption. If any such disruption continues for more than seventy-two (72) consecutive hours, regardless of fault, then Monthly Rent shall be abated in proportion to the interference with Tenant's use of the Premises due to such disruption.

13.2 Costs and Payment. Landlord shall timely pay the providers for all utilities and services listed in the Utilities and Services Table as "Included in Operating Expenses," and those costs may be included in Operating Expenses. Landlord shall invoice Tenant monthly, or within thirty (30) days after the provided service; and Tenant shall reimburse Landlord for such costs within thirty (30) days after delivery of Landlord's invoice along with sufficient supporting documentation. Tenant shall timely pay the providers for all utilities and services listed in the Utilities and Services Table as "Paid directly by Tenant."

13.3 Janitorial Services and Supplies. *Intentionally Omitted*

13.4 Other Utilities and Services. Tenant may, at its sole cost and expense, obtain any utilities and services for the Premises necessary or desirable to Tenant that are not listed in the Utilities and Services Table in Section 1.18 above, and Landlord shall reasonably cooperate therewith, including by granting access to the roof of the Building, as necessary or appropriate for the installation or provision of such utilities and services.

## **SECTION 14: MAINTENANCE, REPAIR AND REPLACEMENT**

14.1 Landlord's Responsibilities.

(a) *Generally.* Landlord shall, at its sole cost and expense (subject to Section 14.1(f) below), perform all maintenance, repair and replacement that are necessary or appropriate to operate and keep the Property in a first-class manner and condition, including, without limitation, the following:

- (i) maintenance, repair and replacement of the Building's structural elements, foundation, roof, floors, carpets and other floor coverings (including those in the Premises, as set forth in Section 14.1(b) below);
- (ii) interior and exterior walls (including painting the interior walls of the Premises, as set forth in Section 14.1(c) below), doors, windows, window treatments and elevators;
- (iii) Common Areas and parking areas, including any parking spaces or areas related to the Parking Rights;
- (iv) outdoor areas, landscaping, irrigation systems and backflow testing;
- (v) interior and exterior lighting and lighting systems (including bulbs, ballasts, LED fixtures, sensors and diodes);
- (vi) electrical, plumbing and sewer systems;
- (vii) heating, ventilation and air conditioning systems (collectively the "**HVAC System**"), as set forth more completely in Section 14.1(d) below;
- (viii) fire alarms, fire suppression systems, sprinkler systems and fire extinguishers; and
- (ix) Landlord-provided appliances and replacement parts and systems therefore (such as filters), including automated external defibrillators as required by ORS 431A.455.

Landlord's obligations under this Section 14.1 do not include any maintenance, repair or replacement that Tenant is obligated to perform pursuant to Section 14.2 below.

Landlord shall perform all such maintenance, repair and replacement work promptly; ensure that such work is performed in a first-class and workmanlike manner and in accordance with all applicable Laws and Ordinances; and obtain all required permits and inspections for such work. Upon Tenant's request, Landlord shall provide Tenant with reasonable supporting documentation relating to such maintenance, repair and replacement work.

(b) *Carpets and Floor Coverings in Premises.* Landlord shall maintain, repair and replace the carpets and other floor coverings in the Premises so as to keep them in a first-class condition, subject to normal wear and tear for the number of years estimated by the manufacturer for heavy office use shall lift, move, disassemble and reassemble any and all furniture or units in the Premises (with the exception of computers and other electronic equipment as Tenant may designate) in connection with such maintenance, repair and replacement.

(c) *Painting Walls in Premises. Intentionally Omitted*

(d) *HVAC System.*

(i) Landlord shall ensure that the HVAC System provides comfortable conditions with respect to cooling, heating and fresh air in the Premises and the Building, as follows:

Normal Business Hours (Monday through Friday, excluding federal or State of Oregon holidays, 7:00 a.m. to 6:00 p.m., PST): temperature ranges in the Premises shall be between 68°F and 74°F, except on days of extreme outside temperature swings.

Outside of Normal Business Hours: temperature ranges in the Premises shall be between 55°F and 85°F.

(ii) Landlord shall maintain a regularly scheduled maintenance and service contract for the HVAC System with an HVAC maintenance company that regularly provides such contracts to similar properties and shall otherwise maintain and repair the HVAC System as frequently as necessary or appropriate to keep the HVAC System in first-class operating condition and providing the level of service described above.

(e) Building Defects. The Premises, and any part of the Common Areas through which Tenant accesses the Premises (the “**Access Common Areas**”), shall be free at all times during the Term of this Lease from inadequate ventilation, poor indoor air quality, chemical contaminants (from indoor or outdoor sources) that can potentially harm the health of humans, and biological contaminants (such as mold, mildew and bacteria) (any such defect a “**Building Defect**”). If any part of the Premises or the Access Common Areas is determined in a written report by a qualified independent third-party environmental consultant hired by Tenant (“**Tenant’s Consultant**”) to have a Building Defect (an “**Alleged Building Defect**”), then:

(i) *Tenant’s Notice*. Tenant shall give notice of the Alleged Building Defect to Landlord (“**Tenant’s Building Defect Notice**”), along with a complete copy of the report by Tenant’s Consultant.

(ii) *Landlord’s Response*. After delivery of Tenant’s Building Defect Notice, Landlord shall hire its own qualified independent third-party environmental consultant (“**Landlord’s Consultant**”) to evaluate the Alleged Building Defect and the report by Tenant’s Consultant, to determine whether Landlord agrees or disputes that the Alleged Building Defect is a Building Defect. Within thirty (30) days after delivery of Tenant’s Building Defect Notice, Landlord shall give notice to Tenant specifying whether Landlord agrees or disputes that the Alleged Building Defect is a Building Defect (“**Landlord’s Building Defect Response**”), along with a complete copy of the written report prepared by Landlord’s Consultant. The date Landlord delivers Landlord’s Building Defect Response to Tenant is “**Landlord’s Building Defect Response Date**.”

(iii) *Agreement regarding Alleged Building Defect*. If Landlord’s Building Defect

Response agrees that the Alleged Building Defect is a Building Defect, Landlord shall remediate the Building Defect pursuant to Section 14.1(e)(viii) below and abate Tenant's Monthly Rent and pay its costs and expenses pursuant to Section 14.1(e)(x) below.

(iv) *Dispute regarding Alleged Building Defect.* If Landlord's Building Defect Response disputes that the Alleged Building Defect is a Building Defect, the Parties shall attempt in good faith to resolve the dispute within fifteen (15) business days after Landlord's Building Defect Response Date. If the Parties do not timely resolve the dispute, then Tenant's Consultant and Landlord's Consultant (together the "**Parties' Consultants**") shall together select a qualified independent third-party environmental consultant (the "**Joint Consultant**") to determine whether the Alleged Building Defect is a Building Defect.

(v) *Environmental Consultant.*

(1) The Joint Consultant shall be chosen as follows: within thirty (30) days after Landlord's Building Defect Response Date, Landlord shall deliver to Tenant a list, prepared by Landlord's Consultant, of three (3) qualified independent environmental consultants; and Tenant shall deliver to Landlord a list, prepared by Tenant's Consultant, of three (3) qualified independent environmental consultants. Within forty-five (45) days after Landlord's Building Defect Response Date, each Party may strike one candidate from such list delivered by the other Party. Notwithstanding the foregoing, if Landlord fails to timely deliver its list of qualified independent environmental consultants, then Tenant's Consultant's choice of an environmental consultant from Tenant's list shall be deemed the Joint Consultant; and if Tenant fails to timely deliver its list of qualified environmental consultants, then Landlord's Consultant's choice of an independent qualified environmental consultant from Landlord's list shall be deemed the Joint Consultant.

(2) The Parties' Consultants shall meet within sixty (60) days after Landlord's Building Defect Response Date and choose the Joint Consultant from the remaining names of qualified independent environmental consultants on such lists; provided that if the Parties' Consultants do not agree on the choice of the Joint Consultant, then at the meeting of the Parties' Consultants, the remaining names of qualified independent environmental consultant shall be placed in an opaque vessel by Landlord's Consultant, and Tenant's Consultant shall select one name, at random, by blind drawing from the vessel, to be the Joint Consultant. Notwithstanding the foregoing, if either Landlord's Consultant or Tenant's Consultant refuses or fails to meet to select the Joint Consultant, then the choice made by the other Party's Consultant from the remaining names shall be the Joint Consultant.

(vi) *Determination by Environmental Consultant.* The Joint Consultant shall determine whether the Alleged Building Defect is a Building Defect, by reviewing the reports prepared by the Parties' Consultants; interviewing the Parties' Consultants' and

conducting its own tests, samples and reviews. The Parties shall reasonably cooperate with the Joint Consultant, including by allowing reasonable access to the Premises, the Building and the Property, as applicable. The Joint Consultant shall deliver its determination to the Parties in a written report. The Joint Consultant's determination of whether the Alleged Building Defect is a Building Defect shall be binding on the Parties.

(vii) *Environmental Consultant's Costs and Expenses.* All of the costs and expenses of the Joint Consultant shall be paid by Landlord, if the Joint Consultant determines that the Alleged Building Defect is a Building Defect; and all of the costs and expenses of the Joint Consultant shall be paid by Tenant if the Joint Consultant determines that a Building Defect does not exist.

(viii) *Remediation.* If Landlord agrees, or the Joint Consultant determines, that the Alleged Building Defect is a Building Defect pursuant to Section 14.1(e)(iii) or (vi) above, respectively, then Landlord shall immediately, at Landlord's sole cost and expense, commence and diligently pursue to completion any and all actions necessary to completely remedy the Building Defect, including, without limitation, complying with any and all regulations and requirements of OSHA (Occupational Safety and Health Administration).

(ix) *Termination.*

(1) If the Building Defect interferes with Tenant's use of the Premises by affecting at least twenty-five percent (25%) of the Premises, either Party may terminate this Lease with at least thirty (30) days' notice to the other Party.

(2) If either Party determines in good faith that the Building Defect cannot be remedied within sixty (60) days after Landlord's Building Defect Response Date or the date of the Joint Consultant's determination of its existence, as applicable, either Party shall promptly notify the other Party, and either Party may terminate this Lease with at least thirty (30) day's prior notice to the other Party.

(x) *Abatement of Monthly Rent; Tenant's Costs and Expenses.* If Landlord agrees, or the Joint Consultant determines, that the Alleged Building Defect is a Building Defect pursuant to Section 14.1(e)(iii) or (vi) above, respectively, then:

(1) Monthly Rent shall be abated, in proportion to the area of the Premises and the Access Common Areas not usable by Tenant due to such Building Defect, until it is remedied pursuant to Section 14.1(e)(viii) above;

(2) Landlord shall immediately reimburse Tenant for any and all of Tenant's costs and expenses for Tenant's Consultant; and

(3) Landlord shall pay any and all costs arising from the disruption of Tenant's use of the Premises or Access Common Areas due to the Building Defect, including moving and storage costs for Tenant to relocate to a different

location while the Building Defect is being remedied or if this Lease is terminated pursuant to Section 14.1(e)(ix) above.

(f) *Operating Expenses.* Landlord's costs and expenses relating to its maintenance, repair and replacement obligations under this Section 14.1 may be included in Operating Expenses, except for any such costs and expenses that:

- (i) relate to Landlord's obligations under Section 14.1(b) or (c) above or Building Defects, as described in Section 14.1(e) above;
- (ii) arise from Landlord's breach of this Lease; or
- (iii) are otherwise excluded from Operating Expenses pursuant to Section 8.3 above, such as capital expenditures.

(g) *Landlord's Entry.* In order to perform necessary or appropriate maintenance, repair or replacement pursuant to this Section 14.1, Landlord, its agents and employees may enter the Premises with at least two (2) business days' prior notice or, in the event of an emergency, at any time with no prior notice. Notwithstanding the foregoing, Landlord's non-emergency and emergency entry on the Premises are subject to additional restrictions as set forth in the "Entry and Security Restrictions" attached as Exhibit G. Landlord shall use its reasonable best efforts to coordinate the scheduling of any non-emergency maintenance, repair or replacement with Tenant in order to minimize interference with Tenant's use of the Premises.

14.2 Tenant's Responsibilities. Except for any maintenance, repair or replacement that Landlord is obligated to perform pursuant to Section 14.1 above, Tenant shall, at its sole cost and expense, perform all maintenance, repair and replacement necessary to keep the interior of the Premises in a presentable and safe condition. Tenant shall perform all such maintenance, repair and replacement work promptly; ensure that such work is performed in a first-class and workmanlike manner and in accordance with all applicable Laws and Ordinances; minimize the work's interference with any other tenants' use and enjoyment of the Building; and obtain all required permits and inspections for such work. Upon Landlord's request, Tenant shall provide Landlord with reasonable supporting documentation relating to such maintenance, repair or replacement work.

#### **SECTION 14A: SPECIFIC LANDLORD MAINTENANCE, REPAIR AND REPLACEMENT OBLIGATIONS**

Landlord shall perform the specific Landlord's maintenance, repair and replacement obligations set forth in the attached Exhibit J, as part of Landlord's maintenance, repair and replacement obligations under Section 14.1 above.

#### **SECTION 15: IMPROVEMENTS AND ALTERATIONS**

15.1 Improvements and Alterations to Premises.

(a) *Nonstructural.* From and after the Rental Commencement Date, Tenant may, at its sole cost and expense:

(i) without Landlord's consent (but after notice thereof is given to Landlord), make nonstructural improvements and alterations to the Premises; and

(ii) without notice to Landlord or Landlord's consent, place partitions, personal property, trade fixtures and the like in and on the Premises. Tenant shall retain ownership of all such partitions, personal property, trade fixtures and the like.

(b) *Structural.* Tenant shall not make any improvements or alterations to the Premises that modify or affect the Building structure or the proper operation of a mechanical system, without Landlord's prior consent, which Landlord may withhold in its sole discretion. Tenant shall make any such permitted improvements or alterations at its sole cost and expense and using a contractor of its own choosing, and in a manner so as to minimize interference with any other tenants' use and enjoyment of the Building. Any such improvements or alterations shall become part of the Premises and shall be surrendered with the Premises upon the expiration or earlier termination of this Lease.

15.2 Structural Improvements and Alterations to Building. Landlord shall not make any structural improvements or alterations to the Building that interfere with Tenant's use or enjoyment of the Premises.

15.3 Performance of Work. Any improvements or alterations that a Party makes to the Premises or the Building shall be made in a first-class and workmanlike manner and in accordance with all applicable Laws and Ordinances and with all required permits and inspections for such work. Upon one Party's request, the other Party shall provide it with reasonable documentation relating to such work.

## **SECTION 16: RULES AND REGULATIONS**

Tenant shall materially comply with any rules and regulations for the Building, provided that: (1) such rules and regulations have been properly adopted or promulgated by Landlord; (2) Landlord has provided Tenant and all other tenants and occupants of the Building with a written copy of such rules and regulations, at least thirty (30) days in advance of their effectiveness and in accordance with the notice provisions of this Lease and of any other leases or agreements governing any other tenants or occupants of the Building; (3) the rules and regulations are reasonable and do not conflict with any of the express provisions of this Lease; and (4) the rules and regulations are consistently applied to all tenants and occupants of the Building.

## **SECTION 17: SIGNAGE**

17.1 Landlord's Signage Obligations and Rights.

(a) *Directories and Suite Signage.* Prior to the Rental Commencement Date, and promptly at any time and from time to time during the Term of this Lease, Landlord shall, at its sole cost and

expense, add Tenant's name to any and all Building and Property directories, monument signs and other directories, and install Building-standard suite signage on the Premises.

(b) *Lease and Sale Signage.* Landlord may post the following signage on the Premises, at its sole cost and expense:

- (i) at any time and from time to time during the Term of this Lease, signs advertising that the Building is for sale; and
- (ii) during the last one hundred twenty (120) days of the Term of this Lease, if Tenant has not exercised an Extension Option pursuant to Section 7.1 above, signs advertising that the Premises are for lease.

17.2 Tenant's Signage Obligations and Rights. Notwithstanding any signage that Landlord is required to install on the Premises pursuant to Section 17.1 above, Tenant may, at its sole cost and expense, install signage on the Premises consistent with all applicable Law and Ordinances and Landlord's signage rules or policies, if any. Subject to the foregoing, for up to one hundred eighty (180) days after the expiration or earlier termination of this Lease, Tenant may post a sign on the exterior of the Premises in order to notify interested persons of Tenant's new location.

## **SECTION 18: INSURANCE**

18.1 Landlord's Insurance Coverage. Landlord is self-insured for its property and liability exposures, pursuant and subject to the Oregon Constitution and the Oregon Tort Claims Act ("**Landlord's Insurance Coverage**"). Landlord shall provide a current "**Certificate of Insurance**" for Landlord's Insurance Coverage upon request.

18.2 Tenant's Insurance. Tenant is self-insured for its property and liability exposures, pursuant and subject to the Oregon Constitution and the Oregon Tort Claims Act ("**Tenant's Insurance Coverage**"). A current Certificate of Insurance for Tenant's Insurance Coverage is available at <http://www.oregon.gov/das/Risk/Pages/CertCovRequest.aspx>.

## **SECTION 19: CONTRIBUTION**

19.1 Other Party Notification. If any third party makes any claim or brings any action, suit or proceeding relating to this Lease, the Premises, the Building or the Property and alleging a tort as now or hereafter defined in ORS 30.260 (a "**Third-Party Claim**") against a Party (the "**Notified Party**") with respect to which the other Party (the "**Other Party**") may have liability, the Notified Party shall promptly notify the Other Party of the Third-Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third-Party Claim. Either Party is entitled to participate in the defense of a Third-Party Claim, and to defend a Third-Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this Section 19.1 and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third-Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third-Party Claim.

19.2 Tenant Jointly Liable with Landlord. With respect to a Third-Party Claim for which Tenant is jointly liable with Landlord (or would be if joined in the Third-Party Claim), Tenant shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Landlord in such proportion as is appropriate to reflect the relative fault of Tenant on the one hand and of Landlord on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Tenant on the one hand and of Landlord on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Tenant's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if Tenant had sole liability in the proceeding.

19.3 Landlord Jointly Liable with Tenant. With respect to a Third-Party Claim for which Landlord is jointly liable with Tenant (or would be if joined in the Third-Party Claim), Landlord shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Tenant in such proportion as is appropriate to reflect the relative fault of Landlord on the one hand and of Tenant on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Landlord on the one hand and of Tenant on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Landlord's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

## **SECTION 19A: CONTRACTOR INDEMNITY AND INSURANCE**

19A.1 Generally. If a Party (the "**Contracting Party**") enters into a contract relating to this Lease, the Premises, the Building or the Property (a "**Contract**"), with a party that is not a unit of local government as defined in ORS 190.003 (the "**Contractor**"), the Contracting Party and the Contract shall adhere to the provisions of this Section 19A.

19A.2 Indemnification by Contractors. The Contracting Party shall take all reasonable steps to cause the Contractor to indemnify, defend, save and hold harmless the other Party, and its officers, employees and agents (each, an "**Indemnitee**") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the Contractor, or the Contractor's officers, agents, employees or subcontractors ("**Claims**"). The Parties specifically intend that an Indemnitee shall, in all instances (except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee), be indemnified by the Contractor from and against any and all Claims.

### 19A.3 Contractor's Insurance Requirements.

(a) The Contract shall require the Contractor to comply with the requirements of the “**Contractor's Insurance Requirements (Landlord's Contractors)**” attached as Exhibit I-1, or if applicable the “Contractor's Insurance Requirements (Tenant's Contractors)” attached as Exhibit I-2, before the Contractor performs any work under the Contract. The Contracting Party shall not authorize the Contractor to begin work under a Contract until the Contractor's Insurance Requirements are met. Thereafter, the Contracting Party shall monitor the Contractor's continued compliance with the Contractor's Insurance Requirements on an annual or more frequent basis.

(b) The Contract shall contain appropriate provisions that permit the Contracting Party to enforce the Contractor's compliance with the Contractor's Insurance Requirements, and the Contracting Party shall take all reasonable steps to enforce such compliance. Examples of such reasonable steps include issuing stop work orders (or the equivalent) until the Contractor's Insurance Requirements are met; terminating the Contract as permitted by the Contract; and pursuing legal action to enforce the Contractor's compliance with the Contractor's Insurance Requirements. In no event shall the Contracting Party permit its Contractor to perform work under a Contract when the Contracting Party is aware that the Contractor is not in compliance with the Contractor's Insurance Requirements.

## **SECTION 20: CASUALTY DAMAGE AND EMINENT DOMAIN**

### 20.1 Casualty Damage.

(a) *Definitions.*

(i) “**Casualty**” means floods, hurricanes, tornados, storms, fires, explosions, lightning, earthquakes or other perils.

(ii) “**Major Damage**” means damage by Casualty to the Premises or the Building that:

(1) causes any substantial portion of the Premises or the Building to be unusable; and

(2) will likely cost at least twenty-five percent (25%) of the pre-damage value of the Premises or will likely take at least one hundred eighty (180) days, beginning on the date of the Casualty, for complete restoration of the Premises or the Building.

(iii) “**Minor Damage**” means damage by Casualty to the Premises or the Building that:

(1) causes any substantial portion of the Premises or the Building to be

unusable; and

(2) is not Major Damage.

(b) *Termination, Restoration and Abatement.* In the event of Major Damage, either Party may terminate this Lease by notice to the other Party with at least thirty (30) days' notice, given within thirty (30) days after the date of the Casualty, and Monthly Rent shall be abated, in proportion to the area of the Premises, Common Areas and any parking spaces or areas related to the Parking Rights not usable by Tenant, from the date of the Casualty until the date of termination. If this Lease is not so terminated as a result of Major Damage, or in the event of Minor Damage, Landlord shall promptly and diligently restore the Premises or the Building to the condition existing just prior to the Casualty, regardless of whether Landlord has received any insurance proceeds for the Casualty; and Monthly Rent shall be abated, in proportion to the area of the Premises, Common Areas and any parking spaces or areas related to the Parking Rights not usable by Tenant, from the date of the Casualty until the date Landlord's restoration work is substantially complete. Notwithstanding the foregoing: (i) if the Major Damage or Minor Damage occurs any time in the last two (2) years of the Term, then either Party may terminate this Lease, effective as of the date of the Casualty; and (ii) if, in the event of Minor Damage, actual restoration such that Tenant can fully resume its use of the Premises or the Building takes longer than three hundred sixty five (365) days, beginning on the date of the Casualty, then Tenant may terminate this Lease at any time after such 365-day period.

20.2 Eminent Domain. If a condemning authority takes title by eminent domain or by agreement in lieu thereof to the Premises or the Building, or any portion thereof, including the Common Areas and any parking spaces or areas related to the Parking Rights, sufficient to render the Premises unsuitable for Tenant's use, then either Party may terminate this Lease effective on the date that possession is taken by the condemning authority. If this Lease is not so terminated, then Monthly Rent shall be abated, in an amount proportionate to the reduction caused by the condemnation in area of the Premises, Common Areas and any parking spaces or areas related to the Parking Rights, for the remainder of the Term. All condemnation proceeds shall belong to Landlord; provided, however, that Tenant may make a separate claim for its lost trade fixtures, moving expenses and damages for interruption of business.

20.3 Abatement Disputes. If one Party gives notice to the other Party of a dispute regarding the abatement of Monthly Rent pursuant to Section 20.1 or 20.2 above, the Parties shall attempt in good faith to resolve such dispute within fifteen (15) business days after such notice. If the Parties do not timely resolve the dispute, it shall be resolved in the same manner as a Buildout Dispute pursuant to Section 21 below.

## **SECTION 21: RESOLUTION OF BUILDOUT DISPUTES**

21.1 Dispute Statements; Architect. Any Buildout Dispute under this Lease shall be resolved as follows: within ten (10) business days after the Parties have failed to timely resolve the Buildout Dispute through their good faith attempts as required herein, either Party shall deliver to the other Party and the Architect a notice of the Buildout Dispute. Within fifteen (15) business days after notice of the Buildout Dispute, each Party shall submit to the Architect a detailed

statement setting forth its position on the Buildout Dispute (a “**Dispute Statement**”). If one Party fails to timely submit a Dispute Statement to the Architect, then the other Party’s Dispute Statement shall govern the Buildout Dispute. For the purposes of a Buildout Dispute arising under Section 20 above, the Architect shall be the architect responsible for any restoration work arising from a Casualty.

21.2 Decision by Architect. Within thirty (30) days after delivery of the Parties’ Dispute Statements, the Architect shall select one of the Parties’ Dispute Statements to govern the dispute, and the Architect’s decision shall be binding on the Parties. The Architect shall resolve the Buildout Dispute using its reasonable professional judgment and by reference to the Parties’ Dispute Statements and the provisions of this Lease. The Party whose Dispute Statement is not selected by the Architect to govern the Buildout Dispute shall pay the Architect’s costs and fees.

21.3 Buildout Dispute Resolution Amendment.

(a) *Amendment.* Within sixty (60) days after the Architect’s decision regarding the resolution of the Buildout Dispute pursuant to Section 21.2 above, Tenant shall deliver to Landlord a “**Buildout Dispute Resolution Amendment**” that sets forth:

- (i) the Architect’s decision; and
- (ii) any related matters as may be necessary and proper.

(b) *Delivery and Execution.* Within fifteen (15) business days after delivery of the Buildout Dispute Resolution Amendment, Landlord shall either execute it to indicate its acceptance, or give notice to Tenant that Landlord disputes it. Landlord’s failure to timely execute or dispute the Buildout Dispute Resolution Amendment shall be deemed acceptance thereof. If Landlord gives notice to Tenant that it disputes the Buildout Dispute Resolution Amendment, the Parties shall attempt in good faith to resolve the dispute within ten (10) business days after such notice. The Parties may resolve any remaining dispute in a court, subject to Section 36.9 below.

(c) *Effectiveness.* The Architect’s decision regarding the resolution of the Buildout Dispute is effective as of the date of the Architect’s selection of one of the Parties’ Dispute Statement to govern the dispute pursuant to Section 21.2 above, regardless of when or whether the Parties execute the Buildout Dispute Resolution Amendment.

## **SECTION 22: ASSIGNMENT AND SUBLETTING**

22.1 By Tenant. *Intentionally Omitted*

22.2 By Landlord.

(a) *Notice.* If a party becomes Landlord’s successor-in-interest under this Lease (a “**Successor Landlord**”), Landlord shall promptly provide advance notice to Tenant of such Successor Landlord (a “**Notice of Successor Landlord**”). The Notice of Successor Landlord shall contain the Successor Landlord’s name, address and other contact information and a copy

of the document vesting ownership of the Property in the Successor Landlord. The Notice of Successor Landlord shall be executed by both Landlord and Successor Landlord in any voluntary situation. If a lender or other third party acting through such lender becomes successor-in-interest to Landlord, such notice shall be promptly made by such third party.

(b) *Ongoing Liability.* The existence of a Successor Landlord shall not release or discharge Landlord from the performance of any or all of its obligations under this Lease.

### **SECTION 23: SUBORDINATION, NONDISTURBANCE AND ATTORNMENT; ESTOPPEL CERTIFICATE**

#### **23.1 Subordination, Nondisturbance and Attornment.**

(a) *Subordination.* Subject to the conditions set forth in Section 23.1(c) below, and unless otherwise requested by Landlord, this Lease shall be subordinate to the lien of any mortgage or deed of trust or the lien resulting from any other method of financing or refinancing now or hereafter in force against the Building or the Property, and to any and all advances made upon such mortgages or deeds of trust.

(b) *Attornment.* Subject to the conditions set forth in Section 23.1(c) below, Tenant shall attorn and be bound to any Successor Landlord.

(c) *Conditions.* Tenant's subordination and attornment obligations set forth in Sections 23.1(a) and (b) above are conditioned on the following:

- (i) this Lease shall continue in full force and effect;
- (ii) any Successor Landlord shall assume and perform all of Landlord's responsibilities and obligations under this Lease, and, provided that there is not then any material Tenant Default hereunder, shall not disturb Tenant's use or enjoyment of the Premises, Common Areas or any parking spaces or areas related to the Parking Rights; and
- (iii) Tenant shall not save, hold harmless or indemnify a lender or any other third party from or for any matter arising from this Lease; grant to any Successor Landlord any rights beyond what Landlord has under this Lease; or agree to hold any Successor Landlord harmless for any acts or omission of Landlord.

(d) *Subordination, Nondisturbance and Attornment Agreement.* Tenant shall, within fifteen (15) business days after delivery by Landlord of a reasonable subordination, nondisturbance and attornment agreement that comports with the provisions of this Section 23.1, execute and deliver such agreement to Landlord.

23.2 Estoppel Certificate. Tenant shall, within fifteen (15) business days after delivery by Landlord of a reasonable form of estoppel certificate that comports with the provisions of this Section 23.2 and certifying, to the extent of Tenant's actual knowledge, without inquiry, any

factual matters that may reasonably be requested by Landlord or by any prospective lender or purchaser, execute and deliver to Landlord such estoppel certificate.

## **SECTION 24: LIENS**

Tenant shall pay when due all claims for work performed on the Premises by or through Tenant or for services rendered or materials furnished to the Premises for Tenant and shall keep the Premises free from any liens arising by or through Tenant. If any such lien shall at any time be filed against the Premises, or any portion thereof, Tenant shall cause the same to be discharged of record or bonded off, as permitted by statute, within thirty (30) days after Tenant's receipt of written notice of same.

## **SECTION 25: TENANT'S TERMINATION OPTION**

25.1 Termination Option. Tenant has the option to terminate this Lease (the "**Termination Option**") for any reason, in Tenant's sole discretion, on the terms and conditions set forth in this Section 25.

25.2 Exercise of Termination Option.

(a) To exercise the Termination Option, Tenant shall deliver to Landlord a notice of such election (the "**Termination Option Notice**") that specifies the date of termination (the "**Termination Date**"). The Termination Date shall be at least thirty (30) days after the delivery of the Termination Option Notice.

(b) If Tenant properly exercises the Termination Option as provided in Section 25.2(a) above, all obligations under this Lease shall continue through the Termination Date, at which time all unaccrued rights and obligations of the Parties under this Lease shall cease and terminate, except to the extent such obligations specifically survive termination of this Lease. If Tenant does not properly exercise the Termination Option as provided in Section 25.2(a) above, this Lease shall remain in full force and effect in accordance with its terms.

## **SECTION 26: CONFIDENTIAL BUSINESS INFORMATION**

Landlord understands and acknowledges that Tenant's use of the Premises may include the creation, management and retention of business information of a personal or confidential nature ("**Confidential Information**"), and that the unauthorized acquisition or disclosure of Confidential Information may be grounds for civil and criminal liability. Landlord shall reasonably cooperate with Tenant in protecting the confidentiality of all information that Tenant notifies Landlord is Confidential Information and shall ensure that its agents and employees do not, through any acts or omissions, jeopardize the confidentiality of such Confidential Information or disclose it to any unauthorized parties.

## **SECTION 27: SURRENDER, SHORT-TERM EXTENSION AND HOLDOVER**

27.1 Surrender. Tenant shall, upon the expiration or earlier termination of this Lease,

surrender the Premises to Landlord broom clean, in first-class condition and repair, except for ordinary wear and tear and damage from any Casualty, Building Defect or Force Majeure Event.

27.2 Short-Term Extension. With thirty (30) days' prior notice to Landlord and without Landlord's consent, Tenant may extend the Term for a period not to exceed sixty (60) days, with Monthly Base Rent to be the same amount as the immediately preceding month. Such short-term extension shall not be construed as an exercise of any Extension Option.

27.3 Holdover. If Tenant fails to vacate the Premises after the expiration or earlier termination of the Term, and Landlord does not, within ten (10) business days after such expiration or termination, deliver to Tenant a notice of eviction, such holding over by Tenant shall create a tenancy from month to month, with Monthly Base Rent to be one hundred ten percent (110%) of the Monthly Base Rent for the immediately preceding month. Such holdover shall not be construed as an exercise of any Extension Option.

## **SECTION 28: QUIET ENJOYMENT**

Subject to the terms and conditions of this Lease, Tenant shall peaceably and quietly have, hold and enjoy the Premises during the Term, without any interruption or disturbance from Landlord or any party claiming by, through or under Landlord.

## **SECTION 29: INTEREST RATE**

Except as otherwise specifically provided in this Lease, any payment due hereunder by one Party to the other Party shall accrue interest at the maximum rate permitted under ORS 293.462, as it may be amended or replaced from time to time, from the date the payment is past due until the past-due payment and all interest thereon are paid in full.

## **SECTION 30: LANDLORD'S REPRESENTATIONS, WARRANTIES AND COVENANTS**

30.1 Authority. Landlord represents and warrants to Tenant that Landlord is an Oregon public body, duly organized and validly existing; that Landlord has the power and authority to enter into and perform this Lease; and that the person signing this Lease on behalf of Landlord is authorized by Landlord to bind Landlord to this Lease. Landlord covenants that, upon Tenant's request, Landlord shall provide Tenant with evidence reasonably satisfactory to Tenant confirming the foregoing.

30.2 Ownership and Condition of Premises. Landlord represents, warrants and covenants, as applicable, that:

- (a) Landlord is the fee simple owner of the Property;
- (b) Landlord shall deliver possession of the Premises to Tenant free and clear of other tenants and of any claims that conflict with Tenant's rights under this Lease;

(c) the Premises are safe and inhabitable;

(d) as of the Rental Commencement Date, there are no Hazardous Materials on the Premises, the Building or the Property, except for amounts normal and appropriate for the standard use and operation of a commercial property, stored, used and disposed of in strict compliance with all applicable Laws and Ordinances; and any Hazardous Materials removed by Landlord from the Premises, the Building or the Property prior to the Rental Commencement Date were removed in strict compliance with all applicable Laws and Ordinances. “**Hazardous Materials**” includes, without limitation, any and all substances, pollutants, contaminants, materials or products defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes or materials, or any other similar term in or under any applicable Law or Ordinance. Hazardous Materials also includes, without limitation, fuels, petroleum and petroleum-derived products;

(e) as of the Rental Commencement Date, there is no asbestos or asbestos-containing material on the Premises, the Building or the Property; and any asbestos or asbestos-containing material removed by Landlord from the Premises, the Building or the Property prior to the Rental Commencement Date was removed in accordance with all applicable Laws and Ordinances;

(f) the Premises are in compliance with any and all applicable Laws and Ordinances, including the acknowledged comprehensive plans and land use regulations of the city or county in which the Premises are located; and

(g) the Premises, the Building and the Property are or shall be as of the Rental Commencement Date in compliance with all applicable provisions of the Americans with Disabilities Act.

30.3 Parking Rights. Landlord represents, warrants and covenants that the Parking Rights it has granted hereunder do not and shall not, in combination with any other rights to the parking spaces or areas related to the Parking Rights that Landlord has granted to any other persons, at any time exceed the total potential usage of the parking spaces or areas related to the Parking Rights.

30.4 Tax Laws. *Intentionally Omitted*.

### **SECTION 31: TENANT’S REPRESENTATIONS, WARRANTIES AND COVENANTS**

31.1 Authority. Tenant represents and warrants to Landlord that Tenant is a State of Oregon agency, duly organized and validly existing; that Tenant has the power and authority to enter into and perform under this Lease; and that the person signing this Lease on behalf of Tenant is authorized by Tenant to bind Tenant to this Lease. Tenant covenants that, upon Landlord’s request, Tenant shall provide Landlord with evidence reasonably satisfactory to Landlord confirming the foregoing.

31.2 Condition of Premises. Tenant covenants that:

- (a) Tenant shall not use, place or allow any Hazardous Materials on the Premises, except for amounts normal and appropriate for Tenant's use of the Premises, stored, used and disposed of in strict compliance with all applicable Laws and Ordinances;
- (b) Tenant shall use the Premises in compliance with any and all applicable Laws and Ordinances; and
- (c) Tenant shall keep the interior of the Premises in compliance with all applicable provisions of the Americans with Disabilities Act.

## **SECTION 32: SUSTAINABILITY PRACTICES**

In all of their activities in, on or related to the Premises, the Building or the Property, the Parties shall: (1) use their reasonable best efforts to maximize energy efficiency and use environmentally sustainable products and materials; and (2) use their reasonable best efforts to reduce nonessential water consumption.

## **SECTION 33: TENANT DEFAULT**

33.1 Default. The following shall be events of default by Tenant ("**Tenant Default**"):

- (a) *Nonpayment of Base or Additional Rent*. Tenant's failure to pay Landlord any Monthly Base Rent or Additional Rent within fifteen (15) business days after notice from Landlord specifying the nonpayment.
- (b) *Other Nonperformance*. Other than a nonpayment described in Section 33.1(a) above, Tenant's failure to comply with or fulfill any term, condition or obligation of this Lease within thirty (30) days after notice from Landlord specifying the nature of the failure with reasonable particularity; or, if Tenant cannot reasonably cure such failure within such thirty (30) -day period, then within such time as Tenant can cure the failure with reasonable good faith and diligence; provided, however, that such cure period shall not exceed one hundred eighty (180) days.

33.2 Remedies. Upon any Tenant Default, Landlord may exercise any one or more of the following remedies:

- (a) *Cure*. At Tenant's cost and expense, Landlord may perform Tenant's unperformed obligations that gave rise to the Tenant Default, and charge all such costs and expenses to Tenant pursuant to this Lease, which Tenant shall pay within thirty (30) days after Landlord delivers an invoice therefor, together with reasonable supporting documentation of such costs and expenses.
- (b) *Termination*. Landlord may terminate this Lease, re-enter and take possession of the Premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without liability for damages to Tenant, its property, any other persons or their property.
- (c) *Reletting*. Landlord may relet the Premises, and in connection therewith may make any suitable alterations or refurbish the Premises, or both, or change the character or use of the

Premises. Landlord shall not be required to relet the Premises for any use or purpose that Landlord may reasonably consider injurious to the Premises, or to any tenant that Landlord may reasonably consider objectionable. Landlord may relet all or part of the Premises, alone or in conjunction with other properties, for a term longer or shorter than the Term of this Lease, and upon any reasonable terms and conditions, including the granting of rent-free occupancy or other rent concessions.

(d) *Right to Sue.* Landlord may sue periodically to recover damages as they accrue without barring a later action for further damages.

(e) *Damages.* Landlord shall be entitled to recover from Tenant any and all damages arising from a Tenant Default, including the following:

(i) all costs and expenses of curing the Tenant Default;

(ii) the reasonable costs of reentry and reletting, including, without limitation, the costs of any clean up, refurbishing, removal of Tenant's property and fixtures and any other expense arising from Tenant's failure to surrender the Premises in the condition required by Section 27.1 above; remodeling costs; and broker fees and commissions and advertising costs; and

(iii) the loss of Monthly Base Rent and Additional Rent for the Premises from the date of the Tenant Default until a new tenant for the Premises has been, or with the exercise of reasonable efforts could have been, secured.

(f) *Other.* The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord in law or equity.

#### **SECTION 34: LANDLORD DEFAULT**

34.1 Default. The following shall be events of default by Landlord ("**Landlord Default**"):

(a) *Nonpayment of Money Due.* Landlord's failure to pay Tenant any money due under this Lease within fifteen (15) business days after notice from Tenant specifying the nonpayment.

(b) *Other Nonperformance.* Other than a nonpayment described in Section 34.1(a) above:

(i) Landlord's failure to comply with or fulfill any term, condition or obligation of this Lease within thirty (30) days after notice from Tenant specifying the nature of the failure with reasonable particularity; provided, however, that if Landlord cannot reasonably cure such failure within such thirty (30) -day period, then within such time as Landlord can cure the failure with reasonable good faith and diligence, provided that such cure period shall not exceed one hundred eighty (180) days; or

(ii) if Tenant notifies Landlord of an emergency condition in the Premises or the Building (such emergency condition being one that presents an immediate risk of

substantial harm to the Premises or any contents therein, or to any of Tenant’s agents, employees or invitees), Landlord’s failure to immediately commence and diligently pursue to completion a cure of such emergency condition.

34.2 Remedies. Upon any Landlord Default, Tenant may exercise any one or more of the following remedies:

- (a) *Cure*. At Landlord’s cost and expense, Tenant may perform Landlord’s unperformed obligations that gave rise to the Landlord Default, and charge all such costs and expenses to Landlord pursuant to this Lease, which Landlord shall pay within thirty (30) days after Tenant delivers an invoice therefor, together with reasonable supporting documentation of such costs and expenses.
- (b) *Offset*. Tenant may deduct from any future Monthly Rent due any and all of its costs and expenses relating to curing the Landlord Default pursuant to Section 34.2(a) above. Such offset right shall begin immediately upon Tenant’s performance of Landlord’s unperformed obligations pursuant to Section 34.2(a) above.
- (c) *Other*. Tenant may exercise any other remedy available in law or equity and is entitled to recover from Landlord any and all damages arising from a Landlord Default, including any and all costs and expenses of performing Landlord’s unperformed obligations that gave rise to the Landlord Default.

**SECTION 35: NOTICES**

35.1 Addresses; General Notice Requirements.

- (a) *Landlord’s Address*. “**Landlord’s Address**” means the address set forth beneath Landlord’s signature on this Lease. Landlord may notify Tenant of a different address for payments of any Monthly Base Rent, Additional Rent or other amounts due to Landlord under this Lease.
- (b) *Tenant’s Address*. “**Tenant’s Address**” means the address set forth beneath Tenant’s signature on this Lease.
- (c) *General Notice Requirements*. Any notices, demands, deliveries or other communications required under this Lease shall be made in writing and delivered by one of the methods set forth in Section 35.2 below to Landlord’s Address or Tenant’s Address, as the case may be, unless one Party modifies its Address by notice to the other Party, given in accordance with Section 35.2 below.

35.2 Delivery.

Method of delivery	When notice deemed delivered
In person (including by messenger service)	the day delivered, as evidenced by signed receipt

Email or Fax	the day sent (unless sent after 5:00 p.m., P.T., in which case the email or fax shall be deemed sent the following business day)
US Mail (postage prepaid, registered or certified, return receipt requested)	the day received, as evidenced by signed return receipt
Courier delivery (by reputable commercial courier)	the day received, as evidenced by signed receipt

If the deadline under this Lease for delivery of a notice is a Saturday, Sunday or federal or State of Oregon holiday, such deadline shall be deemed extended to the next business day.

35.3 Property Manager. *Intentionally Omitted*

**SECTION 36: MISCELLANEOUS**

36.1 Time is of the Essence. Time is of the essence in relation to the Parties' performance of any and all of their obligations under this Lease.

36.2 Calculation of Days. Any reference in this Lease to "days" shall mean calendar days, unless specified as "business days." A business day is any day that is not a Saturday, Sunday or a federal or State of Oregon holiday.

36.3 Consent. Unless otherwise specifically stated herein, any consent by a Party shall not be unreasonably withheld, conditioned or delayed.

36.4 Integration. This Lease constitutes the entire agreement between the Parties on the subject matter hereof. The Parties have no understandings, agreements or representations, oral or written, regarding this Lease that are not specified herein.

36.5 Amendments. This Lease may be amended or modified only by a written instrument signed by both Parties.

36.6 No Waiver of Performance. No waiver by a Party of performance of any provision of this Lease by the other Party shall be deemed a waiver of nor prejudice the other Party's right to otherwise require performance of the same provision, or any other provision.

36.7 Severability. If any term or provision of this Lease is declared by a court of competent jurisdiction to be illegal or in conflict with any Law or Ordinance, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this Lease did not contain the particular term or provision held to be invalid.

36.8 Counterparts. This Lease and any amendments hereto may be executed in two or more counterparts, each of which is an original, and all of which together are deemed one and the same document, notwithstanding that both Parties are not signatories to the same counterpart.

36.9 Governing Law; Consent to Jurisdiction. This Lease is governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any Claim between Tenant (or any other agency or department of the State of Oregon) and Landlord that arises from or relates to this Lease shall be brought and conducted solely and exclusively within the jurisdiction of the Circuit Court of Marion County in the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. Each Party, by execution of this Lease, hereby consents to the in personam jurisdiction of the foregoing courts, waives any objection to venue and waives any claim that such forums are an inconvenient forum. In no event shall this Section 36.9 or any other provision of this Lease be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, or consent by the State of Oregon to the jurisdiction of any court. The Parties acknowledge that this Lease is a binding and enforceable agreement and, to the extent permitted by law, expressly waive any defense alleging that either party does not have the right to seek judicial enforcement of this Lease.

36.10 No Presumption against Drafter. No inference, presumption or conclusion shall be drawn against either Party by virtue of that Party having drafted this Lease or any portion thereof.

36.11 Force Majeure. A Party shall not be liable for any delay in performance under this Lease, other than payment of any money to the other Party, if such delay is caused by Casualties, strikes, lockouts, riots, wars, acts of public enemies, insurrections, acts of God, shortages of labor or materials or any other such causes not within the control of the first Party (any such event being a “**Force Majeure Event**”).

36.12 Brokers. *Intentionally Omitted*

36.13 Exhibits. The Exhibits listed below are incorporated as part of this Lease:

- Exhibit A: Premises
- Exhibit B: Building
- Exhibit C: Property
- Exhibit D: *Intentionally Omitted*
- Exhibit E: *Intentionally Omitted*
- Exhibit F: *Intentionally Omitted*
- Exhibit G: Entry and Security Restrictions
- Exhibit H: Tenant Improvement
- Exhibit I-1: Contractor’s Insurance Requirements (Landlord’s Contractors)
- Exhibit I-2: Contractor’s Insurance Requirements (Tenant’s Contractors)
- Exhibit J: Landlord Maintenance, Repair and Replacement Obligations

*[remainder of this page intentionally left blank]*

Each person signing this Lease below on behalf of a Party represents and warrants that he or she is duly authorized by such Party and has legal capacity to do so.

**LANDLORD:**

City of Gold Hill, a political subdivision of the State of Oregon

Signature \_\_\_\_\_, 2023

Name Adam Hanks

Date

Title Interim City Manager

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**Landlord's Address**

Address: 420 Sixth Avenue  
City, State, ZIP: Gold Hill, Oregon 97525  
ATTN: Adam Hanks, or successor  
Phone Number: 541-855-1525  
Email Address: adam.hanks@cityofgoldhill.com

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**TENANT:**

The State of Oregon, acting by and through its Oregon State Police

Signature \_\_\_\_\_, 2023  
Name \_\_\_\_\_ Date \_\_\_\_\_  
Title \_\_\_\_\_

*APPROVED BY OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES*

Signature \_\_\_\_\_, 2023  
Name Brady Ricks Date \_\_\_\_\_  
Title Manager, Real Estate Services

**Tenant's Address**

Address: 3545 Trelstad Avenue SE  
City, State, ZIP: Salem, Oregon 97317  
ATTN: Sharon Domaschofsky, or successor  
Phone Number: 503-509-6116  
Email Address: sharon.domaschofsky@osp.oregon.gov  
cc: res.info@das.oregon.gov

Template: NNN/MT/Newlocation  
#9291142v1  
HDRRev. 2.27.2023  
3611OSPGold Hill420 Sixth AvenueHDLLeaseLB/LB\_05/05/23

Exhibit H  
Tenant Improvement

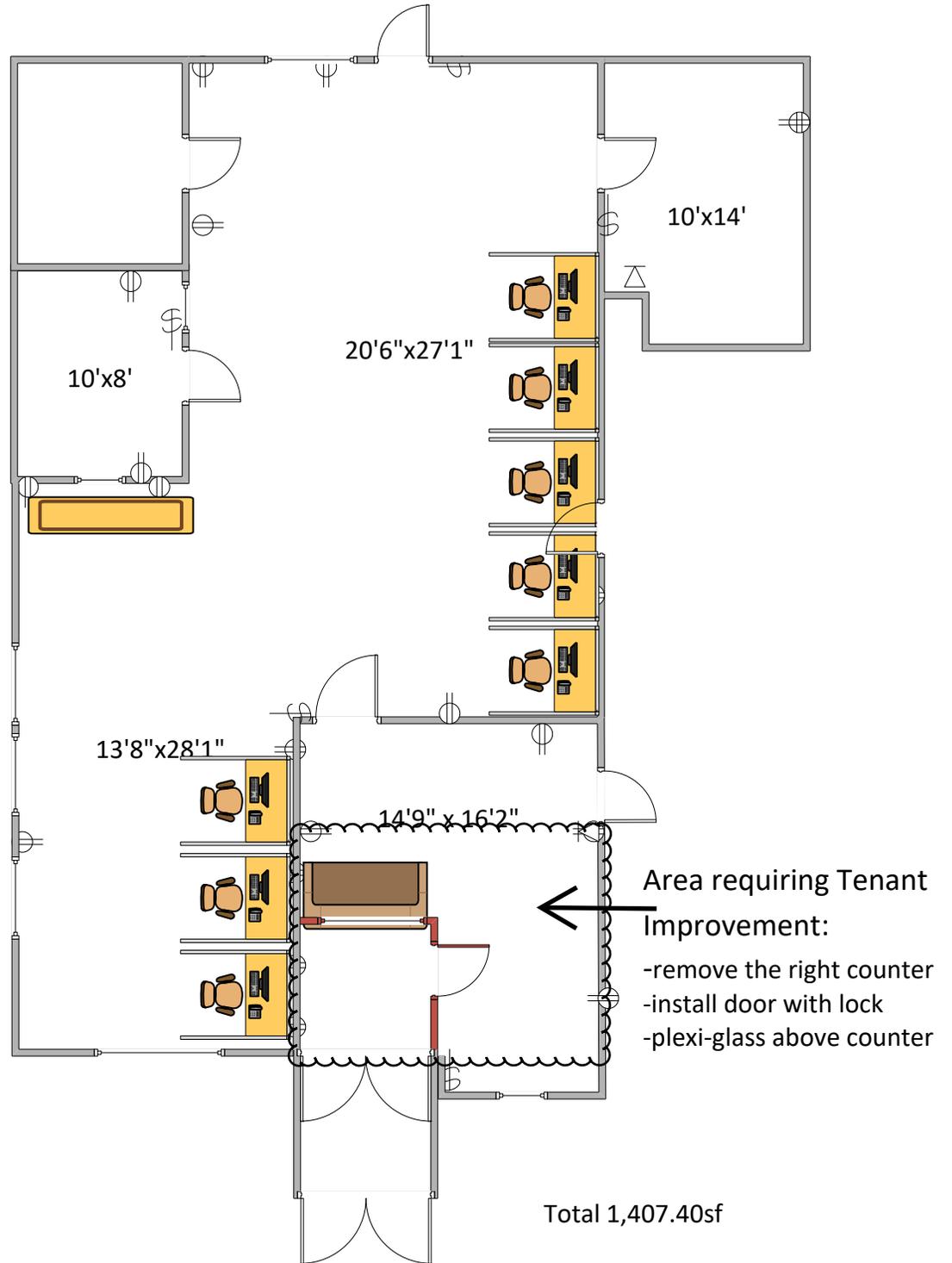


Exhibit J  
Landlord Maintenance, Repair and Replacement Obligations

Landlord to maintain or replace the following items on the Premises:

- Replace the roof. To be completed before the end of the year, 2023.
- Update currently lighting, both interior and exterior. To be completed summer of 2023.
- Exterior door to be secured when closed, prior to commencement date.
- Change all interior and exterior locks, prior to commencement date.
- Remove all storage items within the Premises, prior to commencement date.
- Remove all remaining computer equipment within the Premises, prior to commencement date.



## Council Communication

<b>Agenda Item</b>	City Manager Recruitment Process – Update and Direction		
<b>From</b>	Adam Hanks	Interim City Manager	
<b>Contact</b>	<a href="mailto:Adam.hanks@cityofgoldhill.com">Adam.hanks@cityofgoldhill.com</a>	<b>Date</b>	May 16, 2023

### SUMMARY

The formal process for pursuing and acquiring a successor for the City Manager position for Gold Hill has fallen behind schedule. However, informal exploration and inquiries of potential candidates have occurred. A job announcement/posting date needs to be set. Staff suggests that Council authorize the Interim City Manager to post a basic job announcement no later than May 19, 2023, with an initial candidate review date of May 31 and will be posted as open until filled.

### PREVIOUS COUNCIL ACTION

Council discussed and approved at its April 4, 2023, meeting, a “rolling interview” recruitment process with a three tiered interview structure of 1) Interim City Manager 2) Recruitment sub-committee 3) Full Council.

### BACKGROUND AND ADDITIONAL INFORMATION

With a job posting by May 19, staff will work with the Recruitment sub-committee to complete the updated job description and position profile that will be provided to candidates and will be complete before the initial review date of May 31.

Concurrent with the job posting, staff will contact regional City Managers and other regional partners to ensure awareness of the active recruitment. Staff will also contact the League of Oregon Cities to determine if there are interim candidates available should the process extend beyond the current Interim contract expiration date.

### FISCAL IMPACTS

Costs are expected to be incurred for some job posting websites and some mailing costs but will likely be de minimis.

### STAFF RECOMMENDATION

Staff recommends Council approve the posting date of May 19, candidate review date of May 31 and acceptance of the Recruitment sub-committee as reviewer/approver of job description and position profile.

### ACTIONS, OPTIONS & POTENTIAL MOTIONS

- 1) I move to direct the City Manager to post the job opening by May 19 with an initial candidate review date of May 31 and to work directly with the recruitment sub-committee to complete the job description and position profile.

### REFERENCES & ATTACHMENTS

N/A