



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

May 21, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Melolius Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 31, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Rhonda Stewart, City of Metolius

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FORM 2

DLCD NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

MAY 14 2007

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Medford Local File No.: _____
(If no number, use none)

Date of Adoption: May 7, 2007 Date Mailed: May 10, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: January 12, 2007

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: Municipal Code Revisions
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached.

Revisions of current municipal codes
Chapter 12-17 - Exhibit A - current codes
Exhibit B - revised codes

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 001-07 (15797)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No: If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Rhonda Stewart Area Code + Phone Number (541) 546-5533

Address: 636 Jefferson Ave City: Metolius

Zip Code+4: 97741 Email Address: comet@crestviewcable.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

Exhibit A

Title 16

SUBDIVISIONS

Chapters:

- 16.04 Subdivisions Generally
- 16.08 Procedural Requirements for Subdivisions,
Major Partitions and Minor Partitions
- 16.12 Design and Improvement Standards
- 16.16 Penalties and Enforcement

Chapter 16.04

SUBDIVISIONS GENERALLY

Sections:

- 16.04.010 Adoption.
- 16.04.020 Purposes and objectives.
- 16.04.030 Short title and revision policy.
- 16.04.040 Advisory role of the city planning commission.
- 16.04.050 Relationship to the comprehensive plan.
- 16.04.060 Relationship to the comprehensive plan map.
- 16.04.070 Relationship to zoning ordinance.
- 16.04.080 Construction and definitions.

16.04.010 Adoption.

There is adopted, as provided in this title, a subdivision ordinance for the city of Metolius, a municipal corporation of the state of Oregon. (Ord. 91 Art. 1 § 101, 1978)

16.04.020 Purposes and objectives.

The subdivision ordinance is adopted to preserve, protect, and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the subdivision ordinance is adopted in order to achieve the following objectives:

A. To aid in the implementation of the comprehensive plan of the city, as adopted by the city council on November 13, 1978;

B. To accommodate new development in a manner which will preserve and enhance the city's living environment and

create new beauty through skilled subdivision design;

C. To provide for water supply, sewage disposal, storm drainage and other utilities and facilities which may be required by conditions of an urban environment;

D. To provide streets of adequate capacity for anticipated traffic which would utilize them, and to insure their design to promote safe vehicular and pedestrian traffic circulation system;

E. To establish procedures for partitioning and subdividing lands within the city. (Ord. 91 Art. 1 § 102, 1978)

16.04.030 Short title and revision policy.

This title shall be known as the subdivision ordinance of the city and shall be reviewed on a biennial basis, and if necessary revised to keep it consistent with legislative changes or the changing needs and desires of the citizens of the city. (Ord. 91 Art. 1 § 103, 1978)

16.04.040 Advisory role of the city planning commission.

The planning commission of the city is charged with the duty of making investigations and reports on the design and improvements of proposed subdivisions. The commission shall have such additional powers and duties with respect to subdivisions, the maps thereof, and the procedure relating thereto, as are prescribed by Chapter 92 of the Oregon Revised Statutes, by this title, or as council may hereafter direct (Ord. 91 Art. 1 § 104, 1978)

16.04.050 Relationship to the comprehensive plan.

A subdivision plat shall conform to the

16.04.050

policies of the comprehensive land use plan and elements thereof as adopted by the city council, with respect to the type and intensity of land use, population densities and distributions, locations and sizes of public areas, rights-of-way and improvement of streets. (Ord. 91 Art. 1 § 105, 1978)

16.04.060 Relationship to the comprehensive plan map.

A subdivision plat shall conform with plans for the location, widening or extension of streets, highways and for other projects of a similar nature as shown on the comprehensive plan map, as adopted by the city council. (Ord. 91 Art. 1 § 106, 1978)

16.04.070 Relationship to zoning ordinance.

A subdivision plat shall conform in all respects with applicable regulations of the zoning ordinance, as adopted by the city council. (Ord. 91 Art. 1 § 107, 1978)

16.04.080 Construction and definitions.

The definitions of words in this title, and the construction of the words in provisions thereof, shall be as follows:

A. Construction. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this title:

1. Tense. Words used in the present tense shall include the future tense.
2. Number. Words used in the singular shall include the plural, and words used in the plural shall include the singular.
3. Shall and May. The word "shall" is mandatory. The word "may" is permissive.
4. Gender. The masculine shall include the feminine and neuter.

5. Headings. In the event there is any conflict or inconsistency between the heading of an article, section or paragraph of this title and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

B. General Terminology. The word "city" means the city of Metolius, Oregon. The word "council" means the city council of the city of Metolius, Oregon. The word "commission" means the planning commission duly appointed by the city council.

C. Definitions. For the purposes of this title, certain words and terms used in this title are defined as follows:

"Access" or "access way" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property.

"Alley" means a public way, permanently dedicated or reserved as a secondary means of access to abutting property.

"Block" means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way or unsubdivided land.

"Building line" means a dashed line on a plat restricting the location of buildings or structures, or that distance as prescribed by the zoning ordinance, when applicable.

"Comprehensive plan" means the plan adopted by the commission and council providing the objectives and policy guidelines for the growth and development of the city, including amendments thereto.

"Contiguous land" means two or more parcels or units of land including water under a single ownership which are not separated by an intervening parcel of land under separate ownership including limited access right-of-way which would deny access between the two parcels under single ownership.

"Curblin" means the line dividing the roadway from a planting strip or footway.

"Design" means the design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.

"Easement" means a grant of the right to use a strip of land for specific purposes.

"Future street" means a proposed right-of-way as may be designed by the planning commission or other such agency, or authority as provided for herein, which street is necessary for the future subdivision of property shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

"Legal description" means the method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

"Lot" means a single parcel of land for which a legal description is filed on record or the boundaries of which are shown on the subdivision plat filed in the office of the Jefferson County clerk. The term "lot" shall include a part of a single parcel of land when such part is used as a separate lot for all purposes and under all requirements of this title; except for the parcel of land on which condominium structures are placed, the term "lot" does not include condominium as used under ORS 91.505 through 91.675 "Unit Ownership Law."

"Lot area" means the total horizontal net area within the lot lines of a lot.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets.

"Lot depth" means the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Lot, Double Frontage. "Double frontage lot" means an interior lot having frontage on and with access on two parallel or approximately parallel streets.

Lot, Flag. "Flag lot" means a lot which has the buildable area located away from the public right-of-way and is connected to same through a corridor of minimum or less frontage.

Lot, Interior. "Interior lot" means a lot other than a corner lot or reverse corner lot.

Lot, Key. "Key lot" means the first lot to the rear of a reversed corner whether or not separated by an alley.

Lot Line, Front. "Front lot line" means, in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line which is not a front line or a rear lot line.

Lot, Reverse Corner. "Reverse corner lot" means a corner lot which rears upon the side yard of another lot.

"Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lines.

"Major partition" means to partition a parcel of land into two or three parcels which includes the creation of a road or street.

"Minimum road standard" means that standard which must be met by a road be-

16.04.080

fore it may be used in a subdivision or partition or is accepted for dedication to the city.

"Minor partition" means to partition a parcel of land into two or three parcels that does not include the creation of a road or street.

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

"Official map" means the comprehensive plan map as adopted by the planning commission and city council for the city.

"Owner" means the owner of record of real property as shown on tax rolls of Jefferson County or deed records of Jefferson County, or person who is purchasing property under contract.

"Parcel" means a tract of land as created by a partitioning of land.

"Parking space" means a rectangular area not less than twenty (20) feet long and ten (10) feet wide, together with maneuvering and access space required for a standard American automobile to park within the rectangle.

"Partition land" means to divide an area or tract of land into two or three parcels when such area or tract exists as a unit of contiguous land under a single ownership. "Partition land" does not include divisions of land resulting from lien foreclosures, division of land resulting from creation of cemetery lots; and "partition" does not include any adjustment of a lot line by relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the mini-

mum lot or parcel size established by applicable zoning ordinance.

"Pedestrian way" means a right-of-way for pedestrian traffic.

"Person," unless context indicates otherwise, means and includes an individual, partnership, corporation, both public and private, association and club.

"Plat" means a map, diagram, drawing or replat containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision as specified by this title.

"Right-of-way" means the area between the boundary lines of an alley, easement, street or highway.

"Roadway" means the portions of the right-of-way of a street or highway developed for vehicular traffic.

"Sidewalk" means a pedestrian walkway with permanent surfacing.

"Street" means the entire area between the right-of-way lines of any public way other than an alley used or intended to be used for vehicular traffic, including public ways designated as roads, highways, lanes, places, circles, avenues, or by other similar designations.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts wired together in some manner and which requires location on the ground or which is attached to something having a location on the ground.

"Subdivide land" means to divide an area or tract of land into four or more lots when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of the ordinance codified in this title.

"Subdivider" means any person who undertakes the subdivision of an area of land for the purpose of transfer of ownership or development.

"Subdivision" means an act of subdividing land or an area or tract of land, subdivided as defined in this section. (Ord. 91 Art. 1 § 102, 1978)

Chapter 16.08

PROCEDURAL REQUIREMENTS FOR SUBDIVISIONS, MAJOR PARTITIONS AND MINOR PARTITIONS

Sections:

- 16.08.010 Powers of the planning commission.
- 16.08.020 Subdivisions and major partitions.
- 16.08.030 Appeal to council authorized.
- 16.08.040 Minor partitions.
- 16.08.050 Tentative plans for subdivision and major partitions.
- 16.08.060 Subdivision and major partition—Final plat.

16.08.010 Powers of the planning commission.

Subject to final review and approval by the council, the commission shall undertake the initial review of tentative and final subdivision and partitioning maps, and other such duties as the council may from time to time direct or which is otherwise specified by law or ordinance. (Ord. 91 Art. 2 § 201, 1978)

16.08.020 Subdivisions and major partitions.

All subdivisions and major partitions as defined in this title shall require a public hearing to be conducted by the commission of the city. (Ord. 91 Art. 2 § 202, 1978)

16.08.030 Appeal to council authorized.

Appeal may be made to council from any

16.08.030

decisions, determination or requirement of the commission. The appeal and hearing procedure shall be as follows:

A. Appeal may be made to the council from any order, decision or requirement of the commission. Written notice of the appeal must be filed with the city recorder within ten (10) days after the order is rendered. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

B. The council, following the filing of an appeal, shall set a time for a hearing on the appeal and shall give notice to the commission and applicant. The hearing may, for good cause, be continued by the council. Following the hearing, the council may overrule or modify the decision or requirement made by the commission, if the decision of the council complies with the intent and purpose of these requirements. The disposition of the appeal shall be final. (Ord. 91 Art. 2 § 203, 1978)

16.08.040 Minor partitions.

Land partitioning other than major partition or subdivision shall be approved under the following procedure:

A. There shall be submitted to the city recorder not less than fourteen (14) days prior to the commission meeting at which consideration of the plan is desired, together with a fee of thirty dollars (\$30.00), sufficient information from which a tentative plan will be prepared to show the following:

1. The date, north point, scale and good and sufficient description to define the location and boundaries of the parcel to be partitioned;

2. Name and address of the record owner or owners;

3. Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the minor partitioning;

4. For land adjacent to and within the parcel to be partitioned, show locations, names and existing widths of all streets and easements of way; location, width and purpose of all other existing easements; and location and size of sewer and water lines, and drainage ways;

5. Outline and location of existing buildings to remain in place;

6. Lot layout showing size and relationship to existing or proposed streets and utility easements;

7. Such additional information as required by commission procedures.

B. Minor partitions may be approved after review by the commission or such person as may be appointed by council.

C. If the commission accepts the plan for a minor partition, one copy of the plan map shall be returned to the applicant. The applicant shall record the map with the county clerk. Acceptance of a plan map for a minor partition by the commission shall expire and be null and void thirty (30) days from the date of acceptance, unless a signed plan map is recorded within said time. (Ord. 124 § 1, 1982; Ord. 91 Art. 2 § 204, 1978)

16.08.050 Tentative plans for subdivision and major partitions.

A. Initial Submission. Ten (10) copies of a tentative map and a statement of any proposed subdivision shall be submitted to the city recorder at least fifteen (15) days prior to the meeting of the commission at which consideration is desired, together

with a fee of one hundred dollars (\$100.00) plus two dollars for each additional lot over twenty-five (25). The minimum fee is one hundred dollars (\$100.00).

B. Preliminary Review.

1. The city recorder shall transmit one copy of the tentative map to the city engineer, and additional copies to the city departments and other public officials as he deems necessary. Each city department, upon receipt of a copy of the tentative map, shall examine the map for conformance with requirements coming within the authoritative scope of the department; and, within seven days after receipt thereof, shall make a written report to the city recorder. The city recorder shall prepare a report on the plat for submission to the commission. The report shall include information on zoning in the area and on the location in the adjoining streets and property of existing sewers and water mains, culverts, and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided, and invert elevations of sewers at points of proposed connections together with any other data as appears pertinent to the commission's review of the plat.

2. Copies of the tentative map shall be submitted to the following additional officials, and they will be given at least seven days to review the plan and submit comments:

- a. The county surveyor and the county assessor;
- b. The irrigation district, if the property is within the district;
- c. The State Highway Department, if the property is adjacent to a state highway;
- d. The school district, if there is indication of school district interest in property development in the area.

C. Tentative Map Scale. Tentative maps shall be to a scale of one inch equals one hundred (100) feet or better; except tracts over one hundred (100) acres, which may be to a scale of one inch equals two hundred (200) feet, and shall be clearly and legibly reproduced.

D. Information on Tentative Map. The tentative map shall contain the following information:

1. The proposed subdivision's name, date, north point, scale, and sufficient description to define the location and boundaries of the proposed subdivision. The proposed subdivision name may not conflict with the name of an existing subdivision;
2. Name and address of record owner or owners of the proposed subdivision;
3. Name and address of the subdivider;
4. Name, business address and number of the licensed surveyor who prepared the map of the proposed subdivision;
5. The locations, names, widths, approximate radii of curves, and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of the streets and alleys therein with the streets and alleys in the proposed subdivision;
6. Names of the record owners of all contiguous land;
7. The approximate location and character of all existing and proposed easements and public utility facilities, except water and sewer lines in the subdivision or adjacent thereto;
8. Approximate lot layout and approximate dimensions of each lot and each to be numbered;

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9. Setback lines, if any, proposed by the subdivider;

10. The outline of any existing buildings and their use, showing those which will remain;

11. Contour lines shall be provided. If the slope of the ground is less than ten (10) percent, contour lines at two-foot intervals shall be required. If the slope is over ten (10) percent, contour lines at five-foot intervals shall be provided;

12. City boundary lines crossing or bounding the subdivision;

13. Approximate location of all areas subject to inundation or stormwater overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses;

14. Any areas proposed to be cut or filled or otherwise graded or protected from flooding;

15. If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads and watercourses.

E. Information in Statement. The statement to accommodate the map shall contain the following information:

1. A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed;

2. Deviations from subdivision ordinance, if any;

3. Public areas proposed, if any;

4. Tree planting proposed, if any;

5. A preliminary draft of restrictive covenants proposed, if any.

F. Commission Approval of Tentative Subdivision Map. The commission shall

conduct a public hearing in conformance with Section 16.08.020 to determine the need and whether the tentative map is in conformity with the provisions of law and of this title. Action by the commission to approve, conditionally approve, or disapprove the proposed subdivision plan shall be taken not later than forty-five (45) days from the first regular commission meeting following submission of the plat. Approval of the tentative map shall indicate the commission's approval of the final plat, provided there is no change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of this title. The action of the commission shall be noted on three copies of the tentative map. One copy shall be returned to the subdivider, one shall be transmitted to the city engineer, and the other retained by the city recorder together with a memorandum setting forth the action of the commission. (Ord. 91 Art. 2 § 205, 1978)

16.08.060 Subdivision and major partition—Final plat.

A. Submission of Final Map. The subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved or conditionally approved. A tracing and five blue-line or black-line prints of the final map shall be submitted to the city recorder, together with a fee of fifty dollars (\$50.00), within one year after approval or conditional approval. The tracing and prints are in addition to those required by Oregon statutes. An extension of time for filing of the final map may be granted by the commission, provided written application is made

by the subdivider within one year after action on the tentative map.

B. Supplemental Data. At the time of the submission of the final map, the subdivider shall also submit the following:

1. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

2. Sheets and drawings showing the following:

a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any,

b. The computation of all distances, angles and courses shown on the final map,

c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and State Highway stationing,

d. Coordinates of all block corners and all street center points;

3. A copy of any deed restrictions applicable to the subdivision

C. Form of Final Map. The final subdivision map shall be prepared in accordance with the provisions of this title and state laws, including but not limited to ORS 92.080. All tracings required shall be in accordance with state standards, including but not limited to ORS 92.120.

D. Information on Final Map. The final map shall, in addition to other information required by law, show the following:

1. The date, scale, north point (generally pointing up), legend and controlling topography (i.e., creeks, highways, railroads, etc.);

2. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

a. All stakes, monuments, or other evidence found on the ground and used to establish the initial point of the subdivision boundary, and to otherwise determine the boundaries of the subdivision.

b. Adjoining corners of all adjoining subdivisions,

c. Whenever there has been established or adopted a system of coordinates, ties into this system, but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat,

d. Whenever the city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset,

e. All other monuments found or established in making the survey of the subdivision, or required to be installed by the provisions of this title;

3. Tract boundary lines, right-of-way lines, and centerlines of streets, and lot and block lines with dimensions, bearings, or deflection angles and radii, arcs, points of curvature, and tangent bearings. Tract boundary and street bearings shall be shown to the nearest ten (10) seconds with basis of bearings. All distances shall be shown to the nearest 0.01 foot. Error of closure shall be within the limit of one foot in ten thousand (10,000) feet;

4. The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths of each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline, indi-

16.08.060

cating thereon the radius and center angle. Block corner curb data to be shown separately;

5. All easements clearly labeled and identified and, if clearly of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;

6. Lot number beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions;

7. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out and shall be so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;

8. Appropriate words, symbols or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries and courses clearly shown and defined in every case

E. Certifications. The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate.

1. A certificate signed and acknowledged by all parties having any record title

interest in the land subdivided, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:

a. Rights-of-way, easements, or other interest, none of which can ripen into a fee,

b. Rights-of-way, easements or reversions which by reason of changed conditions, long disuse or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision map, including land originally patented by the United States or the state of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the state of Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided;

2. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

3. A certificate signed and acknowledged by the surveyor responsible for the survey and final map, the signature of such surveyor to be accompanied by his seal;

4. Provision for additional certificates and acknowledgements required by law.

F. Approval by City Engineer.

1. Upon receipt of the final plat and accompanying data, the city engineer shall review the final plat and documents to

determine that the plat conforms with the approved tentative plan, and that there has been compliance with provisions of the law and of this title.

2. The city engineer shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by this title. He may make checks in the field to verify that the plat is sufficiently correct on the grounds, and he may enter the property for this purpose.

If he determines that there has not been full conformity, he shall advise the subdivider of the changes or additions that must be made, and afford the subdivider an opportunity to make such changes or additions.

3. If the city engineer determines that full conformity has been made, he shall so certify.

G. Final Approval of the Commission. Upon return of the final map by the city engineer, the commission shall examine the same to determine whether the map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition of its acceptance. If the commission does not approve the map, it shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him an opportunity to make the same. If the commission determines that the map conforms to all requirements, it shall approve the same; but before certifying its approval thereon, it shall require the subdivider to file the agreement and bond, or make the deposit required in subsections H and I of this section; and when the agreement and bond have been filed and approved as prescribed, the commission approval shall be endorsed

upon the map by execution of the appropriate certificate, as prescribed by law.

H. Agreement for Improvements. Before commission approval is certified on the final map, the subdivider shall either install required improvements or shall execute and file with the recorder-treasurer an agreement between himself and the city, specifying the period within which he or his agent or contractor shall complete all improvement work required by or pursuant to this title; and providing that if he shall fail to complete the work within the period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for reimbursement of the city by the subdivider for the cost of inspection by the city engineer. The agreement may also provide for the construction of the improvements in units, for an extension of time under conditions therein specified, and for the termination of the agreement upon the completion, and proceedings under an assessment district act for the construction of improvements deemed by the city to be at least the equivalent of the improvements specified in the agreement and required to be constructed by the subdivider.

I. Bond.

1. The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

a. A personal bond cosigned by at least one additional person, who shall not be related to the subdivider by blood or consanguinity. The subdivider and cosigner shall submit evidence of financial responsibility, and the financial resources of those signing the bond shall provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement,

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b. A surety bond executed by a surety company authorized to transact business in the state of Oregon;

c. Cash.

2. The assurance of full and faithful performance shall be for a sum approved by the council sufficient to cover the cost of improvements, engineering, inspection, and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision; and must be approved by the city attorney as to form.

3. In the event the subdivider fails to complete all improvement work in accordance with the provisions of this title, and the city has to complete same, or if the subdivider fails to reimburse the city for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvement damages in the development of the subdivision, the city shall call on the surety for reimbursement or shall appropriate from any cash deposits funds for reimbursements. In any such case, if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the city, it shall release the remainder of the bond or cash deposit; and if the amount of the surety bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

J. Filing of Final Plat. Approval of the final plat by the council, as provided in this title, shall be conditioned on its prompt recording. The subdivider shall without delay submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within thirty

(30) days after the last required approving signature has been obtained. (Ord. 91 Art. 2 § 206, 1978)

Chapter 16.12

**DESIGN AND IMPROVEMENT
STANDARDS**

Sections:

- 16.12.010 Creation of streets or ways.
- 16.12.020 Minimum rights-of-way and street improvements.
- 16.12.030 Wastewater collection.
- 16.12.040 Domestic water requirements.
- 16.12.050 Fire protection.
- 16.12.060 Streetlights.
- 16.12.070 Utilities.
- 16.12.080 Utility easements.

16.12.010 Creation of streets or ways.

A. The creation of all streets or ways shall be in accordance with requirements for subdivisions, except council may approve the creation of a street or way to be established by deed without full compliance with the regulations applicable to subdivisions, with any conditions as are necessary to preserve the standards established by Section 16.12.020, if any of the following conditions exist:

1. The establishment of the street or way is initiated by the council and is declared essential for the purpose of general traffic circulation, and the dividing of land is an incidental effect rather than the primary objective of the street.

2. The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

B. In those cases where approval of a street is to be without full compliance with

the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the city administrator at least five days prior to the commission meeting at which consideration is desired. The deed and information as may be submitted shall be reviewed by the commission and, if not in conflict with the standards of Section 16.12.020, shall be recommended to the council with the conditions as are necessary to preserve the standards. (Ord. 91 Art. 3 § 301, 1978)

16.12.020 Minimum rights-of-way and street improvements.

A. The minimum right-of-way to be dedicated to the public for a street shall be sixty (60) feet.

B. All streets shall be improved to the following standards prior to acceptance by the city:

1. Minimum improved widths for streets shall be forty (40) feet, curb-to-curb. Curbs shall be provided to meet the following standards: Straight concrete curbs, with battered face, concrete to test two thousand five hundred (2,500) psi at twenty-eight (28) days, with six inches top width, sixteen (16) inches vertical height, nine inches bottom width, with expansion joints at twenty (20) foot intervals or less.

2. Minimum grade for all streets shall be 0.5 percent.

3. Maximum grade shall be fifteen (15) percent.

4. Streets shall be designed in such a manner as to provide stormwater drainage from the center of the street for disposal in natural drainage ditches or other such means as the city shall require. In no case shall stormwater be designed to drain onto the lots of the subdivision.

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16.12.020

C. Oil mat standards for all streets shall be 0-11 as established by the Oregon State Highway Department.

Base rock requirements for streets are: crushed basalt rock, six inches of one and one-half inch minus with a two-inch leveling course of three-fourths inch minus. (Ord. 91 Art. 3 § 302, 1978)

16.12.030 Wastewater collection.

A. All subdivisions must be provided with a sanitary sewer collection system which is connected to the city municipal system.

B. The proposed system must meet city standards as provided by the city engineer.

C. Where applicable, stubs for future extensions shall be provided. (Ord. 91 Art. 3 § 303, 1978)

16.12.040 Domestic water requirements.

All subdivisions shall utilize a public water system approved by state or U.S. government and city. (Ord. 91 Art. 3 § 304, 1978)

16.12.050 Fire protection.

Fire hydrants shall be placed in the subdivision as directed by the city. (Ord. 91 Art. 3 § 305, 1978)

16.12.060 Streetlights.

All subdivisions or major partitions shall require streetlights. (Ord. 91 Art. 3 § 306, 1978)

16.12.070 Utilities.

All utilities in a subdivision shall be underground, excepting:

A. Poles or standards used exclusively for street lighting;

B. Equipment appurtenant to underground facilities, including transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts;

C. Emergency installations, electric transmission lines and "through-feeder distribution conductors" which pass through but provide no service within a subdivision;

D. Where topographical, soil or any other conditions make underground installation unreasonable or impractical. (Ord. 91 Art. 3 § 307, 1978)

16.12.080 Utility easements.

The subdivider shall make all arrangements with the serving utilities, agencies or other affected persons, companies or corporations for underground installations provided hereunder, including all easements which shall be provided by and at the expense of the subdivider. (Ord. 91 Art. 3 § 308, 1978)

Exhibit A

Title 17

ZONING

17.04 INTRODUCTORY PROVISIONS

Sections:

- 17.04.010 Title.
- 17.04.020 Purpose.
- 17.04.030 Interpretation.
- 17.04.040 Definitions.

17.08 ADMINISTRATION AND ENFORCEMENT

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- 17.08.020 Building Permits.
- 17.08.030 Appeals.
- 17.08.040 Form of petitions, applications and appeals.
- 17.08.050 Filing fees.
- 17.08.060 Public hearings.
- 17.08.070 Authorization of similar uses.
- 17.08.080 Proposed amendments.
- 17.08.090 Final action.
- 17.08.100 Abatement and penalty.

17.12 ZONING DISTRICTS ESTABLISHED

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- 17.12.010 Establishment of land use zones.
- 17.12.020 Location of zones.
- 17.12.030 Zoning map.

17.16 RESIDENTIAL (R-1) ZONE

Section:

- 17.16.010 Occupancy permit required.
- 17.16.020 Permitted uses.
- 17.16.030 Conditional uses.
- 17.16.040 Area requirements.
- 17.16.050 Yard requirements.
- 17.16.060 Height restrictions.
- 17.16.070 Parking regulations.
- 17.16.080 Sanitation regulations.
- 17.16.090 Water Regulations.
- 17.16.100 Foundation requirements.
- 17.16.110 Manufactured homes regulations.

MANUFACTURED HOME RESIDENTIAL (R-2) ZONE

Sections:

- 17.20.010 Occupancy permit required.
- 17.20.020 Permitted uses.
- 17.20.030 Conditional uses.
- 17.20.040 Area requirements.
- 17.20.050 Yard requirements.
- 17.20.060 Height restrictions.
- 17.20.070 Parking regulations.
- 17.20.080 Sanitation regulations.
- 17.20.090 Water regulations.
- 17.20.100 Foundation and skirting requirements.
- 17.20.110 Manufactured homes.

MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE

Sections:

- 17.24.010 Occupancy permit Required.
- 17.24.020 Permitted uses.
- 17.24.030 Conditional uses.
- 17.24.040 Area requirements.
- 17.24.050 Yard requirements
- 17.24.060 Height restrictions.
- 17.24.070 Parking regulations.
- 17.24.080 Sanitation regulations.
- 17.24.090 Water regulations.
- 17.24.100 Foundation requirements.
- 17.24.110 Manufactured homes.

COMMERCIAL (C-1) ZONE

Sections:

- 17.28.010 Occupancy permit required.
- 17.28.020 Permitted uses.
- 17.28.030 Conditional uses.
- 17.28.040 Area requirements.
- 17.28.050 Yard requirements.
- 17.28.060 Height restrictions.
- 17.28.070 Off-street parking requirements.
- 17.28.080 Sanitation regulations.
- 17.28.090 Water regulations.
- 17.28.100 Fences and walls.
- 17.28.110 Foundation requirements.
- 17.28.120 Landscaping requirements.

INDUSTRIAL (M-1) ZONE

Sections:

- 17.32.010 Occupancy permit required.
- 17.32.020 Permitted uses.
- 17.32.030 Conditional uses.
- 17.32.040 Area requirements.
- 17.32.050 Yards, minimum building setbacks.
- 17.32.060 Height restrictions.
- 17.32.070 Open space and building coverage.
- 17.32.080 Water regulations.
- 17.32.090 Fences and walls.
- 17.32.100 Access.
- 17.32.110 Sanitation regulations.
- 17.32.120 Parking regulations.

OPEN SPACE/PUBLIC FACILITIES (O/S) ZONE

Sections:

- 17.36.010 Occupancy permit required.
- 17.36.020 Permitted uses.
- 17.36.030 Conditional uses.
- 17.36.040 Parking regulations.
- 17.36.050 Yards, minimum budding setbacks.
- 17.36.060 Height restrictions.
- 17.36.070 Open space and building coverage.
- 17.36.080 Water regulations.
- 17.36.090 Fences and walls.
- 17.36.100 Access.
- 17.36.110 Sanitation regulations.
- 17.36.120 Parking regulations.
- 17.36.130** Foundation requirements.

SUPPLEMENTAL DESIGN AND USE REGULATIONS

Sections:

- 17.40.010 Maintenance of minimum requirements of this title.
- 17.40.020 General provisions.
- 17.40.030 General provisions regarding accessory uses.
- 17.40.040 Regulate fences and plants(ings) for safety.
- 17.40.050 Vision clearance.
- 17.40.060 Sign regulations.
- 17.40.070 Historic structure preservation.
- 17.40.080 Access.
- 17.40.090 Moving buildings.
- 17.40.100 Satellite receiving antenna.
- 17.40.110 Minimum standards for the construction or alteration of service stations.
- 17.40.120 Service station abandonment.

- 17.40.130 Manufactured dwelling park design and improvement standards.
- 17.40.140 Landscaping requirements.

OFF-STREET PARKING SPACES AND LOADING FACILITIES

Sections:

- 17.44.010 Compliance with title.
- 17.44.020 Required off-street parking spaces.
- 17.44.030 Parking facilities for the physically disabled.
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- 17.44.050 Parking design standards.
- 17.44.060 Parking lot construction.
- 17.44.070 Parking uses not identified in the Table of Off-Street Parking Requirements.

SITE PLAN APPROVAL

Sections:

- 17.48.010 Purpose.
- 17.48.020 Public hearing required.
- 17.48.030 Conditional uses involving construction, etc.
- 17.48.040 Shall precede notice of intent to construct and building permits.
- 17.48.050 Site plan committee.
- 17.48.060 Procedures.
- 17.48.070 Appeal.
- 17.48.080 Revisions to an approved site plan.
- 17.48.090 Time limit for compliance and procedure to extend time limit

EXCEPTIONS AND VARIANCES

Sections:

- 17.52.010 Nonconforming uses.
- 17.52.020 General exceptions to yard requirements.
- 17.52.030 General exceptions to building height limitations.
- 17.52.040 Projections from buildings.
- 17.52.050 Authorization to grant and deny variances.

CONDITIONAL USES

Sections:

- 17.56.010 Authorization to grant or deny conditional uses.
- 17.56.020 Procedure for taking action on a conditional use application.
- 17.56.030 Time limit on a permit for a conditional use.

AMENDMENTS

Sections:

- 17.60.010 Amendments to text of title.
- 17.60.020 Amendment to zoning map.
- 17.60.030 Record of amendments.
- 17.60.040 Limitation on reapplication.
- 17.60.050 Notification of decision -Written notice of decision and time limit

INTRODUCTORY PROVISIONS

Sections:

- 17.04.010 Title.**
- 17.04.020 Purpose.**
- 17.04.030 Interpretation.**
- 17.04.040 Definitions.**

17.04.010 Title.

This title shall be known as the city of Metolius zoning ordinance. (Ord. 194 S 1.1,1995)

17.04.020 Purpose.

The purposes of this title are:

- A. To implement the comprehensive plan as adopted by the Metolius city council on November 13, 1978;
- B. To comply with ORS Chapters 227 and 197;
- C. To promote the public health, safety and welfare of the citizens of the city. (Ord. 194 S 1.2, 1995)

17.04.030 Interpretation.

A. Headings. In the event there is any conflict or inconsistency between the heading of a chapter, section or subsection of this title and the context thereof, the heading shall not be deemed to affect the scope, meaning or intent of such context.

B. More Restrictive Provisions Shall Apply. Where a provision of this title differs from another ordinance or requirement of the city, the provision or requirement which is more restrictive shall govern. (Ord. 194 S 10.1, 1995).

17.04.040 Definitions.

As used in this title, the singular includes the plural, and the masculine includes the Feminine and neuter; the word "may" is discretionary; the word "shall" is mandatory. The following words and phrases shall mean:

"Abutting" means adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, They shall not be considered as abutting unless the common property line between the two parcels measures no less than eight feet in a single direction.

"Access" or "access way" means any way or means by which pedestrians and/or vehicles shall have safe and adequate and usable ingress and egress to/from a property; the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.

"Adjacent" means near, close; for example, an industrial zone across the street or highway from a residential zone shall be considered as "adjacent".

"Agent" means any person who represents or acts for any other person with regard to ownership interest in either developed or undeveloped property. Includes a real estate broker as defined in

ORS 696.010(12) but does not include an attorney-at-law whose representation of another person consists solely of rendering legal services.

“Aisle” means the traveled way by which vehicles enter and depart parking spaces.

“Alley” means a public right-of-way or street which affords only a secondary means of access to abutting property.

“Apartment” means a building or portion thereof designed for occupancy by five or more families living independently of each other.

“Applicant” means any person submitting an application in connection with either developed or undeveloped property.

“Automobile wrecking yard” means premises used for the commercial storage or sale of used automobile or truck parts or for the commercial storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, but not including such places where such uses are conducted entirely within a completely enclosed building and such uses are not of a commercial nature.

“Basement” means a story partly under ground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground.

“Block” means a contiguous series of lots bounded on all sides by streets, by streets and a railroad right-of-way, or by unsubdivided land.

“Building” means an enclosed covered structure, or manufactured dwelling, excluding a covered deck or patio, designed, built, or used for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building, Existing. “Existing building” means any building, upon which construction was lawfully begun prior to the effective date of the ordinance codified in this title or the effective date of amendments to the ordinance codified in this title, may be completed, and thereafter shall be considered an existing building.

“Building line” means a dashed or solid line on a site plan drawing or plot plan drawing indicating the location of buildings or structures on the property and the distance from the property lines as required by this title.

“Carport” means a covered parking space that is not a garage.

“Church” means a permanently located building or other structure commonly used for religious worship and instruction by a religious society within commonly accepted or historic meaning of the word.

“City” means the municipality of Metolius, Jefferson County, Oregon. The municipal corporation known as “City of Metolius”.

“City council” means Metolius city council.

“Clinic” means a place where group medical services, which do not involve overnight housing of patients, are offered or provided.

“Commercial” means the purchase, sale or other transaction involving the handling or disposition, other than as included in the term “industrial,” as defined in this section, of any article, substance, or commodity for livelihood or profit, including shops for the sale of personal services including professional services, and places where commodities, services or merchandise are sold or agreement are made to furnish them.

“Comprehensive plan” means the duly adopted Metolius comprehensive plan.

“Contiguous” means two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership.

“Curblin” means the line dividing the roadway from a planting strip or footway.

“Deck” means a structure constructed of wood; a wooden platform structure built on concrete pads or pressure-treated wooden timbers placed on the earth; may be covered or uncovered. A covered deck shall not be considered a building unless it is enclosed by sidewalls.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

“Duplex” means a building containing two dwelling units designed or intended as the residence of two families living independently of each other.

“Dwelling” means a building, including structural additions, designed and/or used as a residence for human occupancy.

“Dwelling unit” means one or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other room or dwelling units which may be in the same building, and containing independent cooking and sleeping facilities.

“Easement” means a grant of the right to use a parcel of land or portion thereof for specific purposes, where ownership of the land or portion thereof is not transferred.

“Family” means two or more persons related by blood, marriage, or legal adoption or legal guardianship, living together in a dwelling unit at which meals or lodging may also be provided for not more than four additional persons, excluding servants, or individuals or groups of not more than five persons, excluding servants, who need not be related by blood, marriage, adoption or legal guardianship, living in a dwelling unit.

“Floor area” means the sum of the gross horizontal areas of the floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

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

“Four-plex” means a detached building containing four dwelling units designed or intended as the residence of four families living independently of each other.

“Fraternal organization” means an association of persons or fraternal order which has more than fifty (50) active members and/or which carries on commercial activities such as, but not limited to, dispensing or sale of alcoholic beverages.

“Garage” means a building or structure intended to be used for automobile storage for the private use of a resident of a dwelling unit.

“Grade” means the surface of a lot, parcel or tract of land. The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a

sidewalk, alley, or other public way, the finished ground level should be measured at the elevation of the sidewalk, alley or public way.

“Handicapped parking” means off-street parking spaces as required by the American Disabilities Act.

“Heavy industrial use” means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires or creates emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality.

“Height of building or structure” means the vertical distance measured from the “grade” to the highest point of the roof beams of flat roofs, to the deck line of mansard roofs, or to the highest point of any structure, or gable, hip or gambrel roofs.

“Historic area” means lands with sites, structures and objects that have local, regional, statewide or national historical significance.

“Home occupation” means the lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, or accessory structure, on the same lots or track of land provided:

1. There is no person employed other than the resident(s) of the dwelling.
2. The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase in the flow of traffic in the neighborhood, or unreasonable increase in production of noise or other forms of environmental pollution.

“Hotel (motel)” means a building or group of buildings used for transient residential purposes, containing three or more rental units which are designed to be used, or which are used, rented or hired out for sleeping purposes.

“Industrial” means the making of commodities by manufacturing, assembling, fabrication, generating or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.

“Landscape” means to improve by landscape architecture or gardening, or the result thereof. The term “landscape” includes primarily trees, grass, bushes, shrubs, flowers and garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework areas and artificial turf or carpeting.

“Light industrial use” means the manufacturing, processing, compounding, packaging or assembling of product, the process of which does not require or create emissions or discharges, other than normal sanitary sewage wastes, or require the storage of materials which require permits issued by the Oregon Department of Environmental Quality.

“Livestock” means domestic animals of types customarily raised or kept on farms for profit or other purposes.

“Lodge” means an association of persons or fraternal order which carries on no commercial activities such as the sale of food or alcoholic beverages and has fewer than fifty (50) active members.

“Lot” means a parcel or tract of land used or capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

“Lot area” means the total area of the lot measured in the horizontal plane within the lot

boundary lines exclusive of public or private roads, but inclusive of any lawful easement providing access to other properties.

“Lot depth” means the longest horizontal distance between the front lot line and the rear lot line. In the case of a corner lot, the depth shall be the length of the longest front lot line.

“Lot line” means any line bounding a lot as defined in this section.

Lot Line, Front, “Front lot line” means the line on a lot abutting a street, other than an alley. Corner lots have two front lot lines.

Lot Line, Rear. “Rear lot line” means the line on the lot between the side lot lines and opposite the front lot line.

Lot Line, Side. “Side lot line” means the line on the lot between the front and rear lot lines.

“Lot width” means the longest horizontal distance between the side lot lines ordinarily measured at right angles to a side lot line.

“Manufactured dwelling” means:

1. Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.

2. Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

3. Manufactured Home:

- a. For any purpose other than that set forth in subsection (3)(b) of this definition, “manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or

- b. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, “manufactured home” has the meaning given the term in the contract.

- C. “Manufactured Dwelling” does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

“Manufactured dwelling park” means any place where four or more manufactured dwellings are located within five hundred (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 a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

“Modular home” means a building, including structural additions, designed, built assembled or erected from pre-built sections or modules, such as complete or nearly complete wall sections transported to the site of assembly by vehicle, and designed for use as a single-family residence.

Use of pre-built trusses may not cause a structure to be a "modular home".

"Multiple-family dwelling" means a detached building containing three or more dwelling units designed or intended as the residence of three or more families living independently of each other.

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

"Open space" means lands used for agricultural or other open space used, and any land area that would, if preserved and continued in its present use:

1. Conserve and enhance natural or scenic resources;
2. Protect air or streams or water supply;
3. Conserve landscape areas, such as public or private golf courses, that reduce pollution and enhance the value of abutting or neighboring parks or other open space, enhance recreation opportunities, preserve historic, geological and archeological sites; or
4. Promote orderly urban development and minimize land-use conflicts.

"Owner" means a person, his authorized agent, or his lawful representative having legal authority to use, transfer or lease land.

"Parcel" means a lot or tract of land.

"Parking space" means a rectangle not less than twenty (20) feet long and ten (10) feet wide which shall have, as minimum requirement, a surface of aggregate of three-fourths-inch minus. Asphalt, concrete, bricks or paver bricks or block (two or more inches thick) laid on a compacted sand bed, may be substituted for the aggregate.

"Patio" means a structure resting on the earth and often placed next to an exterior sidewall of a building; usually a concrete slab resting on the earth, but may also be made of other materials placed on the earth; may be covered or uncovered. A covered patio shall not be considered a building unless it is enclosed by sidewalls.

"Person" means a natural person, corporation, firm, partnership, estate, trust, receiver, syndicate, branch of the government, or any group or combination acting as a unit.

"Planning commission" means the Metolius city planning commission

"Planting strip" means that part of a public right-of-way lying between a Curbline and a property line, and designated as an area to be landscaped and maintained by the owner of adjacent property.

"Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses of the premises are accessory.

"Professional offices" means a place where professional services (including, but not limited to, accounting, law, medical, dental, counseling and insurance) are provided by licensed persons possessing specialized education qualifications particular to their profession.

"Public use" means a structure or use intended to be used as a public facility and to which all other uses on the premises are also public.

"Recreational vehicle" means a vehicle or structure designed for highway use that is intended or used for human occupancy, is not being used for residential or business purposes and is being used solely for vacation and recreational purposes.

"Recreational vehicle park" means any privately owned place or facility that provides temporary water, and/or electricity, and/or sewer hookups, and/or sewage disposal, and/or rents space for the temporary parking of recreational vehicles within five hundred (500) feet of one another on a lot, tract or parcel of land within the same ownership.

“Residence or residential use” means a structure or use designed or used for occupancy as a human dwelling or lodging place, such as single-family dwelling, duplex, triplex, Fourplex, apartment, boarding lodging or rooming house, manufactured home, mobile home or mobile home park, or labor camp.

“Residential facility” means a residential care, residential training or residential treatment facility licensed or registered by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the Children’s Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen (15) individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

“Residential home” means a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 442.400, under ORS 443.400 to 443.835, a residential facility register under ORS 443.480 to 443. 500 or an adult foster home licensed under ORS 443.705 to 443.825 which 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. Staff persons required to meet licensing requirement 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.

“Right-of-way” means the area between the boundary lines of a street, road, or other easement.

“Road” means street.

“Satellite receiving antenna” means a combination of:

1. A device or structure used for receiving television, telecommunication or microwave signals transmitted via satellites from earth-based transmitters; and
2. An amplifier which is situated at the focal point of the receiving components, the purpose of which is to magnify and transfer signals.

“Service station” means any lot used in the normal course of business principally for the retail sale of motor vehicle fuel and lubricants for delivery on the premises.

“Setback” means the minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure (which is not exempted in Section 17.52.040) as defined herein.

“Signs” means an outdoor sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface, and all other component parts of the sign.

When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.

“Single-family dwelling” means a building or modular unit constructed for the purposes of single-family occupancy constructed in accordance with the Uniform Building Code of Oregon, or a manufactured home designed for single-family occupancy.

“Site plan” means a plan prepared to scale, showing accurately and with complete dimensions, all of the uses proposed for a specific parcel of land.

“Story” means that portion of a building included between the upper surface of any floor and the

upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the top-most floor and ceiling or roof above.

“Street” means a public way which provides or will provide or is intended to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This includes the entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms “road,” “highway,” “lane,” “place,” “avenue,” “alley” or other similar designation which is commonly open to use by the public.

“Structural alteration” means any change to the supporting members of a structure including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

“Structure” means something which is designed, intended, assembly, erected, constructed or built having a fixed base on, or fixed connections to the ground or another structure. The word “structure” shall be construed to include any part thereof.

“Subdivision and subdivided lands” means improved or unimproved land or lands divided, or created into interest, or sold under an agreement to be subsequently divided or created in interests, for the purpose of sale or lease, whether immediate or future, into eleven (11) or more undivided interests, or four or more other interests.

1. “Interest,” as referred to herein includes a lot, or unit, a share, undivided interest, or membership, which includes the right to occupy the land overnight, and lessee’s interest in land for more than three years, or less than three years if the interest may be renewed under the terms of the lease for a total period of more than three years.

2. “Subdivide land” does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot, however shall be sold as platted and recorded.

“Tract or area” means measurable extent or stretch of contiguous land.

“Triplex” means a detached building containing three dwelling units designed or intended as the residence of three families living independently of each other.

“Use” means the purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.

“Vision clearance area” means a triangular area on a lot at the intersection of two streets, or at the intersection of a street and a railroad right-of-way, as provided in Section 17.40.050.

“Walkway” means a sidewalk or pathway designed for or used by pedestrians.

“Yard” means an open space on a lot which is unobstructed from the ground upward, except as otherwise permitted in this title, and includes driveways.

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

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

Yard, Side. “Side yard” means the yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building. (Ord. 194 S 1.3, 1995)

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.08.010 Compliance with provisions of this title.**
- 17.08.020 Building Permits.**
- 17.08.030 Appeals.**
- 17.08.040 Form of petitions, applications and appeals.**
- 17.08.050 Filing fees.**
- 17.08.060 Public hearings.**
- 17.08.070 Authorization of similar uses.**
- 17.08.080 Proposed amendments.**
- 17.08.090 Final action.**
- 17.08.100 Abatement and penalty.**

17.08.010 Compliance with provisions of this title.

A. Strict Compliance Required. The land shall be used and a structure or part of a structure shall be constructed, reconstructed, altered, occupied or used only as this title shall permit.

B. Illegal Occupancy. Any use of a premises or building or other structure which deviates from or violates any of the provisions of this title shall be an illegal occupancy and the persons responsible therefore shall be subject to penalties provided in this title. (Ord. 194 S 2.1,1995)

17.08.020 Building permits.

A. Notice of Intent to Construct. Prior to securing any required building permit, or construction, reconstruction alteration, improvement, modification, erection or moving in of any buildings, storage sheds, fences, decks or other types of structures within the city, the owner shall file with the city a notice of intent to construct.

B. Building Permits. A building permit is required prior to any construction, reconstruction alteration, improvement, modification, or change of use of a structure or lot if such is required under the Uniform Building Code of the state of Oregon, and a copy of same shall be furnished to the city recorder by the owner of the property.

C. City Requirements for Issuance of a Building Permit. No building permit shall be issued by the authorized building official unless:

1. Notice of Intent to Construct Required Before Building Permit Issued. A notice of intent to construct, as set forth in subsection A of this section, has been filed with the city recorder and a copy of same is presented to the authorized building official at time application for a building permit is made.

2. Proposed Construction Etc., Must Conform to All Laws. The proposed construction, reconstruction, alteration or change of use of a structure or lot conforms to the requirements of all applicable law, including city ordinances. (Ord. 194 S 9.1, 1995)

17.08.030 Appeals

A. Appeals of ruling of City Administrative Officer. An appeal from a ruling of a city administrative officer regarding a requirement of this title may be made only to the planning commission.

B. Who May File, and Requirement to File Appeal. Any aggrieved party may appeal an action or ruling of the planning commission pursuant to this title within fifteen (15) working days after the planning commission has rendered its decision.

1. Written Notice of Appeal Required. Written notice of the appeal shall be filed with the city recorder.

2. Failure to Make Timely Filing of Appeal. If the appeal is not filed within the fifteen (15) day period, the decision of the planning commission shall be final.

3. Public Hearing Required. If an appeal is filed, the city council shall receive the decision and findings from the planning commission and shall conduct a public hearing on the appeal as provided in Section 17.08.060. (Ord. 194 S 9.2, 1995)

17.08.040 Form of petitions, Applications and appeals.

A. Shall Use Forms Prescribed by the City. Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the city.

B. Plans and Specifications Required. Applications shall be accompanied by plans and specifications:

1. Drawn to scale;
2. Showing the actual shape and dimensions of the lot to be built upon;
3. Showing the sizes and locations on the lot of existing and proposed structures;
4. Showing the intended use of each structure;
5. Showing the number of families, if any, to be accommodated thereon;
6. Showing the relationship of the property to the surrounding area; and
7. Showing such other information as is needed to determine conformance with this title. (Ord. 194 S 9.3, 1995)

17.08.050 Filing fees.

Filing fees shall be paid to the city recorder upon filing of an application for which same are required. Such fees shall not be refundable. These fees shall be established and changed by city council resolution. (Ord. 194 S 9.4, 1995)

17.08.060 Public hearings.

A. Notices of Public Hearings Required. Each notice of hearing authorized by this title shall be published in a newspaper of general circulation in the city at least ten (10) working days prior to the date of hearing.

B. When Mailed Notices are Required.

1. Requests for Variance, Conditional Use, Zone Boundary Amendment. In addition, a notice of hearing on a conditional use, a variance, or an amendment to a zone boundary shall be mailed to owners of property within one hundred (100) feet of the property for which the variance, conditional use or zone boundary amendment has been requested. Said notice shall:

- a. Explain the nature of the application and the proposed use or uses which would be authorized;
- b. List the applicable criteria from the ordinance and the plan that apply to the application;
- c. Set forth the street address or other easily understood geographical reference to the subject property;
- d. State the date, time and location of the hearing;

e. State the failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on the issue;

f. State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised, precludes appeal to LUBA based on that issue;

g. Include the name of a local government representative to contact and a telephone number where additional information may be obtained;

h. State that a copy of (I) the application, (ii) all documents and evidence relied upon by the applicant, and (iii) applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

I. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost;

j. Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

2. Mailed at Least Ten (10) Days Before Hearing. The notice of hearing shall be mailed at least ten (10) working days prior to the date of the hearing.

3. If Zone Boundary Change Includes Mobile home Park. If a proposed zone boundary amendment has been initiated by the planning commission or city council, and is declared by the city council to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the council shall be observed, except if an application would change the zone of property which includes all or part of a Mobile home park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the Mobile home park at least twenty (20) working days, but not more than forty (40) working days before the date of the first hearing on the application.

C. Failure to Receive Notice. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

D. Recess In Hearing Authorized. The planning commission and the city council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners of persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. (Ord. 194 S 9.5, 1995)

17.08.070 Authorization of similar uses.

The planning commission may permit, in a particular zone, a use not listed in this title, provided the use is of the same general type as the uses permitted in that zone by this title. However, this section does not authorize the inclusion, in a zone where it is not listed, of a use specifically listed in another zone, or which is of the same general type and is similar to a use specifically listed in another zone. (Ord 194 S 9.6, 1995)

17.08.080 Proposed amendments.

The city council shall hold a public hearing on all changes to the comprehensive plan, zoning ordinance text and plan/zone map. All proposed amendments shall be processed in accordance with the public hearing procedures under Section 17i.08.050. Text and map amendments shall also be submitted to the department of land conservation and development forty-five (45) working days prior to the date set for final action, except as provided for under ORS 197.610. (Ord. 194 S 9.7, 1995)

17.08.090 Final action.

Except as provided for under ORS 227.178, the planning commission shall take final action on conditional use permits and variances, including the resolution of all appeals to the city council under ORS 227.180, within one hundred twenty (120) working days from the date a complete application is submitted to the city. Within thirty (30) working days of receipt of an application, the city will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The one hundred twenty (120) day time period will commence on the date the application is complete. (Ord. 194 S 9.8, 1995)

17.08.100 Abatement and penalty.

A. Penalty for Violation. Violation of any provision of this title or of any amendment to this title is punishable upon conviction by a fine of not more than one hundred dollars (\$100.00) for each day of violation where the offense is a continuing offense, but such fine may not exceed two thousand five hundred dollars (\$2,500.00).

B. Abatement and Other Legal Remedies Available. In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this title, the building, structure or land thus in violation shall constitute a nuisance and the city may utilize all legal remedies available to it for enforcing this title, and as an alternative to other remedies that are legally available for enforcing this title, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair alteration or use. (Ord. 194 S 10.3, 1995)

ZONING DISTRICTS ESTABLISHED

Sections:

- 17.12.010 Establishment of land use zones.**
- 17.12.020 Location of zones.**
- 17.12.030 Zoning map.**

17.12.010 Establishment of land use zones.

This establishes the following land use zones.

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential	R-1
Manufactured home residential	R-2
Multiple-family residential	R-3
Commercial	C-1
Industrial	M-1
Open space/public facilities	O/S

(Ord. 194 S 2.2, 1995)

17.12.020 Location of zones.

The boundaries of the zones listed in this title are indicated on the Metolius Zoning Map which is attached to the ordinance codified in this title and on file in the office of the city recorder. (Ord. 194 S 2.3, 1995)

17.12.030 Zoning map.

A. The official zoning map shall be maintained in the Metolius city hall. Amendments to this map shall be reflected as soon as practicable after adoption by the Metolius city council.

B. Due to the wide distribution of copies of the ordinance codified in this title, amendments to the zoning map or text of the title shall not always be able to be reflected in each and every copy. Official ordinance text and map shall be maintained at the office of the Metolius city recorder. (Ord. 194 S 2.4, 1995)

RESIDENTIAL (R-1) ZONE

Section:

- 17.16.010 Occupancy permit required.**
- 17.16.020 Permitted uses.**
- 17.16.030 Conditional uses.**
- 17.16.040 Area requirements.**
- 17.16.050 Yard requirements.**
- 17.16.060 Height restrictions.**
- 17.16.070 Parking regulations.**
- 17.16.080 Sanitation regulations.**
- 17.16.090 Water Regulations.**
- 17.16.100 Foundation requirements.**
- 17.16.110 Manufactured homes regulations.**

17.16.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the city recorder by owner. (Ord. 194 S 3.1 (part), 1995)

17.16.020 Permitted use.

The following uses are permitted in the R-1 district:

- A. Single-family dwellings, including single-family modular homes and single-family manufactured homes, but not including mobile homes;
- B. Accessory buildings and structures, other than garages, with no more than two hundred forty (240) square feet of combined floor area (except decks and patios, including covered decks or patios, exceeding two hundred forth (240) square feet shall be permitted);
- C. Public parks;
- D. Duplexes (site plan approval required as provided in Chapter 17.48);
- E. Residential homes. (Ord. 194 S 3.1 (1), 1995)

17.16.030 Conditional uses.

A. Conditional uses required approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of the conditional use and approved site plan, if any.

B. Conditional uses which may be allowed are:

- 1. Churches;
- 2. Public schools and libraries;
- 3. Governmental uses such as city hall, fire station, police station, and offices of governmental agencies;
- 4. Lodge for civic organization;

5. Necessary public utilities and public services with safeguards against harm to adjacent or abutting residential property as required by the city council;
6. Professional offices or medical facilities;
7. Home occupation;
8. Livestock;
9. Accessory buildings and structures with more than two hundred forty (240) square feet of combined floor area. (Ord. 194 S 3.1(2), 1995)

17.16.040 Area requirements.

A. Lot Area.

1. Single-Family Dwellings, Single-Family Modular Homes and Single-Family Manufactured Homes. Every lot shall have a minimum average lot width of not less than fifty (50) feet and an area of not less than seven thousand one hundred (7,100) square feet, and shall abut a street that is not an alley for no less than fifty (50) feet.

2. Duplexes. Every lot shall have a minimum average width of not less than seventy-five (75) feet and an area not less than five thousand three hundred twenty-five (5,325) square feet per family living unit, and shall abut a street that is not an alley for no less than seventy-five (75) feet.

B. Living Area.

1. Single-Family Dwellings, Single-Family Modular Homes, and Single-Family Manufactured Homes. Every single-family dwelling, including single-family modular homes and single-family manufactured homes, shall contain a minimum of one thousand (1,000) square feet of living area.

2. Duplexes. Every duplex shall contain a minimum of eight hundred forty (840) square feet of living area per family unit.

C. Lot Coverage. The area covered by the principal structure and its accessory structures shall not exceed fifty (50) percent of the lot area. (Ord S 3.1(3), 1995)

17.16.050 Yard requirements.

A. Front Yard. There shall be a front yard of not less than twenty (20) feet in depth.

B. Side Yard. On interior lots there shall be a side yard on each side of any building. Each side yard shall have a width of not less than ten (10) feet. On corner lots the interior side yard shall have a width of not less than ten (10) feet but the side yard on the street side of such corner lot shall not be less than twenty (20) feet in width.

C. Rear Yard. There shall be a rear yard of not less than five feet in depth on lots which have alley access at the rear lot line. On lots which do not have alley access at the rear lot line, there shall be a rear yard of not less than ten (10) feet in depth. (Ord. 194 S 3.1(4), 1995)

17.16.060 Height restrictions.

Buildings(s) or structure(s), or portions thereof, shall not be erected to exceed a height of two stories and in no instance shall the structure or building exceed a vertical height of twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the lot. (Ord. 194 S 3.1(5), 1995)

17.16.070 Parking regulations.

A. Dwellings. Two parking spaces shall be provided on the lot for each family dwelling unit, one of which shall be the garage or carport.

B. Churches, Lodges for Civic or Fraternal Organization, Schools and Libraries. One parking space shall be provided on the lot for each four seats in the main assembly rooms.

C. Governmental Uses, Public Utilities and Public Services. One parking space shall be provided on the lot for each permanent employee, plus one parking space for each four seats in the main assembly area.

D. Professional Offices or Medical Facilities. Two parking spaces shall be provided on the lot for each permanent employee.

E. Home Occupation. Additional parking spaces as determined by city during the conditional use process. (Ord. 194 S 3.1(6), 1995)

17.16.080 Sanitation regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the city sanitary sewer system. (Ord. 194 S 3.1(7), 1995)

17.16.090 Water regulations.

Before any dwelling or other building to be used by humans is occupied, it shall be connected to the established domestic water supply system. (Ord. 194 S 3.1(8)), 1995

17.16.100 Foundation requirements.

A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and back filled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)

B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed within ninety (90) days of the date of the issuance of the required occupancy permit or the date of the written notice by the city to the owner of record at the address shown on the tax assessor's records, if required, whichever is later. (Ord. 194 S 3.1(9), 1995)

17.16.110 Manufactured homes regulations.

A. Multi sectional. A manufactured home placed outside a manufactured home subdivision, or outside a manufactured home park, shall be Multi sectional ("Double wide" or wider).

B. Minimum Roof Pitch. Manufactured homes shall have a roof with a minimum pitch of three feet in height for each twelve (12) feet of run.

C. Certified Thermal Envelope. Manufactured homes shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010.

Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional

manufacturers certification shall not be required.

D. Siting Restricted. Manufactured homes shall not be sited adjacent to an structure listed on the Register of Historic Landmarks and Districts. (Ord. 194 S 3.1(10), 1995

MANUFACTURED HOME RESIDENTIAL (R-2) ZONE

Sections:

- 17.20.010 Occupancy permit required.**
- 17.20.020 Permitted uses.**
- 17.20.030 Conditional uses.**
- 17.20.040 Area requirements.**
- 17.20.050 Yard requirements.**
- 17.20.060 Height restrictions.**
- 17.20.070 Parking regulations.**
- 17.20.080 Sanitation regulations.**
- 17.20.090 Water regulations.**
- 17.20.100 Foundation and skirting requirements.**
- 17.20.110 Manufactured homes.**

17.20.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the city recorder by owner. (Ord. 194 S 3.2(part), 1995)

17.20.020 Permitted uses.

The following uses are permitted in the R-2 zone.

- A. Single-family dwellings, including single-family modular homes and single family manufactured homes, but not including mobile homes;
- B. Accessory building and structures, other than garages, with no more than two hundred forth (240) square feet of combined floor area (except decks or patios, including covered decks or patios, exceeding two hundred forth (240) square feet shall be permitted);
- C. Public parks;
- D. Duplexes (site plan approval as provided in Chapter 17.48 is required);
- E. Mobile homes and residential trailers on individual lots shall not be treated as permitted uses or conditional uses under this title. Mobile homes and residential trailers on individual lots presently sited within the city limits shall be treated as nonconforming uses;
- F. Manufactured dwelling parks meeting the standards of Section 17.40.130;
- G. Residential homes. (Ord. 194 S 3.2(1), 1995)

17.20.030 Conditional uses.

A. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of the conditional use and approved site plan, if any.

- B. Conditional uses which may be allowed are:
 - 1. Churches;
 - 2. Public schools and libraries

3. Governmental uses such as city hall, fire station, police station, and offices of governmental agencies;
4. Lodge for civic or fraternal organization;
5. Necessary public utilities and public services with safeguards against harm to adjacent or abutting residential property as required by the city council;
6. Professional offices or medical facilities;
7. Home occupation;
8. Livestock;
9. Accessory buildings and structures with more than two hundred forty (240) square feet of combined floor area;
10. Recreational vehicle parks. (Ord. 194 S 3.2(2), 1995)

17.20.040 Area requirements.

A. Lot Area.

1. Single-Family Dwellings, Single-Family Modular Homes, Single-Family Manufactured Homes and Manufactured Home Subdivision Lots. Every lot shall have a minimum lot width of not less than fifty (50) feet and an area of not less than seven thousand one hundred (7,100) square feet, and shall abut a street that is not an alley for no less than fifty (50) feet.
2. Duplexes. Every lot shall have a minimum average width of not less than seventy-five (75) feet and an area not less than five thousand three hundred twenty-five (5,325) square feet per family living unit, and shall abut a street that is not an alley for no less than seventy-five (75) feet.
3. Manufactured Dwelling Parks. The minimum lot size for manufactured home parks shall be that prescribed by the Oregon State Department of Commerce regulations, but each lot shall abut a public or private street.

B. Living Area.

1. Single-Family Dwellings, Single-family Modular Homes and Single-Family Manufactured Homes. Every single-family dwelling, including single-family modular homes and single-family manufactured homes, shall contain a minimum of one thousand (1,000) square feet of living area (except manufactured homes located in a manufactured dwelling park shall contain a minimum of eight hundred forty (840) square feet of living area).

A. Front Yard. There shall be a front yard of not less than twenty (20) feet in depth.

B. Side Yard. On interior lots there shall be a side yard on each side of any building and side yard shall have a width of not less than ten (10) feet. On corner lots, the interior side yard shall have a width of not less than ten (10) feet but the side yard on the street side of such corner lot shall not be less than twenty (20) feet in width.

C. Rear Yard. There shall be a rear yard of not less than five feet in depth on lots which have alley access at the rear lot line. On lots which do not have alley access at the rear lot line, there shall be a rear yard of not less than ten (10) feet in depth. (Ord. 194 S 3.2(4), 1995)

17.20.060 Height restrictions.

A. Mobile homes. Mobile homes shall be limited to one story.

B. Other Building or Structure. Any other building or structure, or portions thereof, shall not be erected to exceed a height of two stories and in no instance shall the building or structure exceed a vertical height of twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty

(30) feet for gable, hip, or gambrel roofs as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the lot. (Ord. 194 S 3.2(5), 1995)

17.20.070 Parking regulations.

A. Dwellings. Two parking spaces for each family dwelling unit shall be provided on the lot, one of which shall be the garage or carport.

B. Churches, Lodges for Civic or Fraternal Organizations, Schools and Libraries. One parking space shall be provided on the lot for each four seats in the main assembly rooms.

C. Governmental Uses, Public Utilities and Public Services. One parking space shall be provided on the lot for each permanent employee, plus one parking space shall be provided for each four seats in the main assembly area.

D. Professional Offices or Medical Facilities. Two parking spaces shall be provided on the lot for each permanent employee.

E. Home Occupation. Additional parking spaces as determined by the city during the conditional use process. (Ord. 194 S 3.2(6), 1995)

17.20.080 Sanitation regulations.

Before any mobile home, dwelling, or other building to be used by humans is occupied, it shall be connected to the city sanitary sewer system. (Ord. 194 S 3.2(7), 1995)

17.20.090 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, local water supply system. (Ord. 194 S 3.2(8), 1995)

17.20.100 Foundation and skirting requirements.

A. Manufactured Homes. No manufactured home shall be allowed to remain upon a lot for more than ninety (90) days unless placed upon a continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the foundation exposed above grade, or unless a skirt of metal, fiberglass, exterior plywood or other sight-screening material similar to the exterior surface and finish of the manufactured home is placed entirely around the manufactured home from the ground to the floor level, said foundation or skirt to be constructed, painted and maintained in a workmanlike manner.

B. Other Than Manufactured Homes. Every building (other than manufactured homes) exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)

C. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed within ninety (90) days of the date of the issuance of the required occupancy permit or the date of the written notice by the city to the owner of record at the address shown on the tax assessor's record, if required, whichever is later. (Ord. 194 S 3.2(9), 1995)

17.20.101 Manufactured homes.

A. Multi sectional. A manufactured home placed outside a manufactured home subdivision, or outside a manufactured home park, shall be Multi sectional ("double wide" or wider).

B. Minimum Roof Pitch. Manufactured homes shall have a roof with a minimum pitch of three feet in height for each twelve (12) feet of run.

C. Certified Thermal Envelope. Manufactured homes shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010.

Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.

D. Siting Restricted. Manufactured homes shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts. (Ord. 194 S 3.2(10), 1995)

MULTIPLE-FAMILY RESIDENTIAL (R-3) ZONE**Sections:**

- 17.24.010 **Occupancy permit Required.**
- 17.24.020 **Permitted uses.**
- 17.24.030 **Conditional uses.**
- 17.24.040 **Area requirements.**
- 17.24.050 **Yard requirements**
- 17.24.060 **Height restrictions.**
- 17.24.070 **Parking regulations.**
- 17.24.080 **Sanitation regulations.**
- 17.24.090 **Water regulations.**
- 17.24.100 **Foundation requirements.**
- 17.24.110 **Manufactured homes.**

17.24.010 Occupancy permit Required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the city recorder by owner. (Ord. 194 S 3.3 (part), 1995)

17.24.020 Permitted uses.

The following uses are permitted in the R-3zone:

- A. Single-family dwellings, including single-family modular homes and single-family manufactured homes, but not including mobile homes;
- B. Accessory buildings and structures, other than garages, with no more than two hundred forty (240) square feet of combined floor area (except decks or patios, including covered decks or patios, exceeding two hundred forth (240 square feet shall be permitted);
- C. Public Parks;
- D. Duplexes (site plan approval required as provided in Chapter 17.48);
- E. Multiple-family dwellings (site plan approval required as provided in Chapter 17.48);
- F. Residential facilities. (Ord. 194 S 3.3(1), 1995)

17.24.030 Conditional uses.

A. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of the conditional use and approved site plan, if any.

- B. Conditional uses which may be allowed are:
 - 1. Churches;
 - 2. Public schools and libraries;
 - 3. Governmental uses such as city hall, fire station, police station, and offices of governmental agencies;
 - 4. Lodge for civic or fraternal organization;

5. Necessary public utilities and public services with safeguards against harm to adjacent or abutting residential property as required by the city council;
6. Professional offices or medical facilities;
7. Home occupation;
8. Livestock;
9. Accessory buildings and structures with more than two hundred forty (240) square feet of combined floor area. (Ord. 194 S 3.3(2), 1995)

17.24.040 Area requirements.

A. Lot Area.

1. Single-Family Dwellings, Single Family Modular Homes and Single-Family Manufactured Homes. Every lot shall have a minimum average lot width of not less than fifty (50) feet and an area of not less than seven thousand one hundred (7,100) square feet, and shall abut a street that is not an alley for no less than fifty (50) feet.

2. Duplexes, Every lot shall have a minimum average width of not less than seventy-five (75) feet and an area not less than five thousand three hundred twenty-five (5,325) square feet per family living unit, and shall abut a street that is not an alley for no less than seventy-five (75) feet.

3. Triplexes, Fourplexes, Apartments and Other Multiple-Family Dwellings, Site plan approval as provided under Chapter 17.48 is required. Every lot shall have a minimum area of five thousand (5,000) square feet for the first unit, plus the additional minimum square footage based upon the number of bedrooms per dwelling unit as shown in the following table:

	Land Area 1st and 2nd Floor	Land Area 3rd Floor and Above
Studio or efficiency	650 square feet	250 square feet
1 Bedroom	900 square feet	500 square feet
2 Bedroom	1,250 square feet	1,000 square feet
3 Bedroom	1,850 square feet	1,550 square feet
4 Bedroom	2,100 square feet	1,850 square feet

provided that the overall density does not exceed one dwelling unit per one thousand (1,000) square feet of lot area.

Example:

(1) A two-story triplex with two two-bedroom units and one one-bedroom unit would require $5,000 + (2 \times 1,250) + 900 = 8,400$ square feet minimum lot. (2) A three-story apartment with nine one-bedroom units (three per floor) would require $5,000 + (6 \times 900) + (3 \times 500) = 11,900$ square feet.

B. Living Area.

1. Single-Family Dwellings, Single-Family Modular Homes, Single-Family Manufactured

Homes and Duplexes. Every single-family dwelling, including single-family modular homes and single-family manufactured homes, and each dwelling unit of a duplex, shall contain a minimum of eight hundred forty (840) square feet of living area.

2. Apartments, and Multifamily Dwellings (Other Than as Shown in Subsection (B)(1) of This Section). Each dwelling unit of an apartment and multifamily dwelling, other than as shown in subsection (B)(1) of this section, shall contain the minimum square feet of living area approved during the site plan approval process as provided in Chapter 17.48.

C. Lot Coverage. The area covered by the principal structure and its accessory structures shall not exceed fifty (50) percent of the lot area. (Ord. 194 S 3.3(3), 1995)

17.24.050 Yard requirements.

A. Front yard. There shall be a front yard of not less than twenty (20) feet in depth.

B. Side yard. On interior lots there shall be a side yard on each side of any building, and each side yard shall have a width of not less than ten (10) feet. On corner lots the interior side yard shall have a width of not less than ten (10) feet and the side yard on the street side of each corner lot shall not be less than twenty (20) feet in width.

C. Rear yard. There shall be a rear yard of not less than five feet in depth on lots which have alley access at the rear lot line. On lots which do not have alley access at the rear lot line, there shall be a rear yard of not less than ten (10) feet in depth. (Ord. 194 S 3.3(4), 1995)

17.24.060 Height restrictions.

A. Single-Family Dwellings, Single-Family Modular Homes, Single-Family Manufactured Homes and Duplexes. Building(s) or structure(s), or portions thereof, shall not be erected to exceed a height of two stories and in no instance shall the structure or building exceed a vertical height of twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the lot.

B. Apartments and Multifamily Dwellings (Other than as shown in Subsection A of this section). Building(s) or structure(s), or portions thereof, shall not be erected to exceed a height of three stories, and in no instance shall the building or structure exceed a vertical height of thirty (30) feet, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the lot. Maximum height shall further be reduced as approved during the site plan approval process as provided in Chapter 17.48. (Ord. 194 S 3.3(5), 1995)

17.24.070 Parking regulations.

A. Single-family Dwellings,, Single-Family Modular Homes, Single-Family Manufactured Homes, Duplexes, Triplexes and Fourplexes. Two parking spaces for each dwelling unit shall be provided on the lot, one of which shall be the garage or carport.

B. Apartments, and Multifamily Dwellings (other than as shown in Subsection A of this section). The number of both covered and uncovered parking spaces required for each dwelling unit shall be as approved by the city during the site plan approval process as provided in Chapter 17.48.

C. Churches, Lodges for Civic or Fraternal Organizations, Schools and Libraries. One parking space shall be provided on the lot for each four seats in the main assembly rooms.

D. Governmental Uses, Public Utilities and Public Services. One parking space shall be provided

on the lot for each permanent employee, plus one parking space shall be provided for each four seats in the main assembly area.

E. Professional Offices or Medical Facilities. Two parking spaces shall be provided on the lot for each permanent employee.

F. Home Occupation. Additional parking spaces as determined by city during the conditional use process. (Ord. 194 S 3.3(6), 1995)

17.24.080 Sanitation regulations.

Before any dwelling or other building to be used by humans, is occupied, it shall be connected to the city sanitary sewer system. (Ord. 194 S 3.3(7), 1995)

17.24.090 Water regulations.

Before any dwelling or other building to be used by humans, is occupied, it shall be connected to the established, local water supply system. (Ord. 194 S 3.3(8), 1995)

17.24.100 Foundation requirements.

A. Buildings Exceeding one hundred twenty (120) square feet in floor area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and back filled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)

B. Time limit to complete foundation, Etc. The required concrete slab or permanent foundation shall be completed within ninety (90) days of the date of the issuance of the required occupancy permit or the date of the written notice by the city to the owner of record at the address shown on the tax assessor's records, if required, whichever is later. (Ord. 194 S 3.3(9), 1995)

17.24.110 Manufactured homes.

A. Multi sectional. A manufactured home placed outside a manufactured home subdivision, or outside a mobile home park shall be Multi sectional ("double wide" or wider).

B. Minimum roof pitch. Manufactured homes shall have a roof with a minimum pitch of three feet in height for each twelve (12) feet of run.

C. Certified thermal envelope. Manufactured homes shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standard which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010.

Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.

D. Siting Restricted. Manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts. (Ord. 194 S 3.3(10), 1995)

COMMERCIAL (C-1) ZONE

Sections:

- 17.28.010 Occupancy permit required.
- 17.28.020 Permitted uses.
- 17.28.030 Conditional uses.
- 17.28.040 Area requirements.
- 17.28.050 Yard requirements.
- 17.28.060 Height restrictions.
- 17.28.070 Off-street parking requirements.
- 17.28.080 Sanitation regulations.
- 17.28.090 Water regulations.
- 17.28.100 Fences and walls.
- 17.28.110 Foundation requirements.
- 17.28.120 Landscaping requirements.

17.28.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the city recorder by owner. (Ord. 194 § 3.4 (part), 1995)

17.28.020 Permitted uses.

The following uses are permitted in the C-1 district:

A. Commercial Uses. All commercial uses including retail stores, service establishments, professional and other offices, recreational enterprises, financial institutions and similar uses which are conducted wholly within an enclosed structure, as follows:

1. Antique shop,
2. Appliance sales (household) including minor repairs,
3. Art galleries,
4. Art supplies and picture framing,
5. Auto parts sales (new),
6. Baker, retail,
7. Bank or other financial institution,
8. Barber and/or beauty shop,
9. Bicycle shop,
10. Cafes and restaurants (including drive-ins),
11. Clothing store or tailor shop,
12. Clothes cleaning agency using non-flammable cleaning agents, including self-service cleaning establishments and a clothes cleaning pickup agency,
13. Confectionery or delicatessen,
14. Drugstore, including soda fountain,
15. Dry goods store, millinery shop, dress shop,
16. Florist shop,
17. Food store,

18. Gift shop, notion or variety store,
 19. Hardware store,
 20. Hobby shop and toy store,
 21. Jewelry store,
 22. Laundry pickup agency, self-service laundry,
 23. Leather goods and luggage,
 24. Medical facilities,
 25. Music store including musical instruments,
 26. Photographic supplies and studio,
 27. Radio and television sales and service,
 28. Shoe store, shoe repair shop,
 29. Home occupation,
 30. Governmental uses such as city hall, fire station, police station, and offices of governmental agencies,
 31. Necessary public utilities and public services with safeguards against harm to adjacent or abutting residential property as required by the city council,
 32. Accessory buildings and structures with less than two hundred forty (240) square feet of combined floor area;
- B. Temporary Retail Businesses. Temporary retail businesses which take place either inside or outside an enclosed structure such as, but not limited to, a Christmas tree sales lot or seasonal fruit and/or vegetable stand:
1. May be allowed under written policy and guidelines established by the city council,
 2. City recorder may, with mayor's approval, under the above guidelines, issue a permit for a maximum of thirty (30) working days per calendar year to an operator to conduct such commercial endeavor,
 3. Operator shall pay, in advance at time of application for permit, a fee per day plus a cleanup/damage deposit, set by city council as part of the policy and guidelines; fee shall be refundable if permit is not approved, and clean-up/damage deposit shall be refundable to the extent it is not required for clean-up/damage repair expenses; operator shall be responsible for actual expense exceeding deposit,
 4. Any permit issued by city recorder may be for less than thirty (30) working days, but in no case shall any operator be allowed to operate a total of more than thirty (30) working days per calendar year,
 5. Failure to meet the conditions of the permit or creating a nuisance may be cause for the city to cancel the permit, in which case the permit may be canceled in writing by the city at any time for the causes listed above without advance notice. (Ord. 194 § 3.4(1), 1995)

17.28.030 Conditional uses.

A. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.

B. Conditional uses which may be allowed are:

1. Retail or service establishments which take place outside an enclosed structure;

2. Amusement centers;
3. Automobile service station and/or auto repair shop;
4. Bar, cocktail lounge and tavern;
5. Church, club, lodge or fraternal organization;
6. Nursery school, kindergarten and/or day-care facility. (Ord. 194 § 3.4(2), 1995)

C. Temporary use of a recreational vehicle as a dwelling or office for a period not to exceed one year; provided that the applicant demonstrate a hardship necessitating such use of a recreational vehicle. As a condition of approval the recreational vehicle will be required to hook up to city sewer. (Ord. 216 § 6,1999)

17.28.040 Area requirements.

Lot Area. No minimum lot size requirements are established; however, proposed commercial uses shall meet setback and off-street parking requirements as specified during the site plan approval process as provided in Chapter 17.48, and shall abut a street other than an alley for a minimum of twenty-five (25) feet. (Ord. 194 § 3.4(3), 1995)

17.28.050 Yard requirements.

A. Front Yard Setback. Minimum front yard depth shall be ten (10) feet. The front ten (10) feet of the front yard shall be landscaped and maintained. Side and rear yards and all but the front ten (10) feet of the front yard may be used for parking or access for parking or loading.

B. Side Yard Setback. None required, if fire code requirements are met except when a side lot line is abutting a lot in an "R" zone and then the side yard shall be a minimum of ten (10) feet. The required side yard shall be increased by one-half foot for each foot by which the building, located in a commercial zone, height exceeds twenty (20) feet.

C. Rear Yard Setback. None required, if fire code requirements are met except when a rear lot line is abutting a lot in an "R" zone and then the rear yard shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half foot for each foot by which the building, located in a commercial zone, height exceeds twenty (20) feet. (Ord. 194 § 3.4(4)(part), 1995)

17.28.060 Height restrictions.

Building(s) or structure(s), or portions thereof, shall not be erected to exceed a maximum height of twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from centerline grade of the adjacent street, except a vertical height of up to thirty (30) feet may be approved during the site plan approval process as provided in Chapter 17.48. (Ord. 194 § 3.4(4)(part), 1995)

17.28.070 Off-street parking requirements.

See Chapter 17.44. (Ord. 194 § 3.4(5), 1995)

17.28.080 Sanitation regulations.

Before any structure or building to be used by humans, is occupied, restroom facilities shall be connected to the city sanitary sewer system. (Ord. 194 § 3.4(6), 1995)

17.28.090 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, local water supply system. (Ord. 194 3.4(7), 1995)

17.28.100 Fences and walls.

A solid wall or fence of not less than three feet and no more than six feet in height may be required along a property line which is the zone boundary abutting a residential district. Need for the fence or wall will be determined during site plan approval process as provided in Chapter 17.48. (Ord. 194 3.4(8), 1995)

17.28.110 Foundation requirements.

A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)

B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed within ninety (90) days of the date of the issuance of the required occupancy permit or the date of the written notice by the city to the owner of record at the address shown on the tax assessor's records, if required, whichever is later. (Ord. 194 3.4(9), 1995)

17.28.120 Landscaping requirements.

See section 17.40.140. (Ord. 194 3.4(10), 1995)

INDUSTRIAL (M-1) ZONE

Sections:

- 17.32.010** **Occupancy permit required.**
- 17.32.020** **Permitted uses.**
- 17.32.030** **Conditional uses.**
- 17.32.040** **Area requirements.**
- 17.32.050** **Yards, minimum building setbacks.**
- 17.32.060** **Height restrictions.**
- 17.32.070** **Open space and building coverage.**
- 17.32.080** **Water regulations.**
- 17.32.090** **Fences and walls.**
- 17.32.100** **Access.**
- 17.32.110** **Sanitation regulations.**
- 17.32.120** **Parking regulations.**

17.32.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and must be furnished to the city recorder by owner. (Ord. 194 § 3.5 (part), 1995)

17.32.020 Permitted uses.

(Site plan approval as provided in Chapter 17.48 is required.) Light industrial uses as defined by this title are permitted in the M-1 zone. (Ord. 194 § 3.5(1), 1995)

17.32.030 Conditional uses.

A. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.

B. Conditional uses which may be allowed are: heavy industrial uses as defined by this title, except for the following:

1. Explosives manufacture or storage;
2. Garbage, offal, or dead animal reduction or dumping;
3. Any use which has been declared a nuisance by statute or ordinance, or by any court of competent jurisdiction, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise. (Ord. 194 § 3.5(2), 1995)

17.32.040 Area requirements.

Area required for an industrial use shall be that established by the planning commission and city council as part of the conditional use process as provided in Chapter 17.56. (Ord. 194 § 3.5(3), 1995)

17.32.050 Yards, minimum building setbacks.

None, if fire codes are met, except for those lots that are located adjacent to the outer boundaries of the industrial zone in which all buildings and outdoor storage of materials shall be set back not less than twenty (20) feet from such zone boundary. Such space shall be landscaped, with a dense belt of shrubbery not to exceed twenty-five (25) feet in height, and properly maintained to prevent any deterioration in their quality. (Ord. 194 § 3.5(4), 1995)

17.32.060 Height restrictions.

As a general rule, maximum building or structure height shall be twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the industrial lot or parcel of land. The planning commission shall review each industrial development proposal during the conditional use process as provided in Chapter 17.56, and may increase or decrease the requirement as deemed necessary. (Ord. 194 § 3.5(5), 1995)

17.32.070 Open space and building coverage.

No requirements, except as provided in Section 17.32.050. (Ord. 194 § 3.5(6), 1995)

17.32.080 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, local water supply system. (Ord. 194 § 3.5(7), 1995)

17.32.090 Fences and walls.

No requirements other than where security fencing may be required as determined during site plan approval as provided in Chapter 17.48 to protect the health, safety and general welfare. (Ord. 194 § 3.5(8), 1995)

17.32.100 Access.

Vehicular and pedestrian access to a lot or parcel shall be from a dedicated and improved public street other than an alley. (Ord. 194 § 3.5(9), 1995)

17.32.110 Sanitation regulations.

Before any industrial use building or structure is occupied, restroom facilities shall be connected to the city sanitary sewer system. No liquid residue or by-product from any industrial use may be discharged into the city sanitary sewer system without Level IV processing by the industry doing the discharging and properly certified by party(ies) approved by the city. (Ord. 194 § 3.5(10), 1995)

17.32.120 Parking regulations.

As a general rule, one parking space for each one thousand (1,000) square feet of retail or wholesale floor area, plus one parking space for each one hundred fifty (150) square feet of office and public use floor area, shall be required. The planning commission shall review each industrial development proposal and may increase or decrease the requirement as deemed necessary during the site plan approval process as provided in Chapter 17.48. (Ord. 194 § 3.5(11), 1995)

OPEN SPACE/PUBLIC FACILITIES (O/S) ZONE

Sections:

- 17.36.010** Occupancy permit required.
- 17.36.020** Permitted uses.
- 17.36.030** Conditional uses.
- 17-36.040** Parking regulations.
- 17.36.050** Yards, minimum budding setbacks.
- 17.36.060** Height restrictions.
- 17.36.070** Open space and building coverage.
- 17.36.080** Water regulations.
- 17.36.090** Fences and walls.
- 17.36.100** Access.
- 17.36.110** Sanitation regulations.
- 17.36.120** Parking regulations.
- 17.36.130** Foundation requirements.

17.36.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and must be furnished to the city by owner. (Ord. 194 § 3.6 (part), 1995)

17.36.020 Permitted uses.

A. Site Plan Approval Required. All uses shall require site plan approval as provided in Chapter 17.48. Any physical changes to an approved site plan shall require approval of an amended site plan. (Ord. 194 § 3.6(I), 1995)

17.36.030 Conditional uses.

A. Conditional uses allowed in this title require approval as provided in Chapter 17.56. Conditional uses involving construction or alteration of any structure shall require site plan approval as provided in Chapter 17.48. Any physical change in an approved conditional use shall require approval of an amended site plan. All conditional uses shall require continuing compliance with the terms of the approved conditional use and approved site plan, if any.

B. Conditional uses which may be allowed are:
None. (Ord. 194 § 3.6(2), 1995)

17.36.040 Parking regulations.

Site plans shall show the location and indicate the number or parking spaces to be provided. The planning commission shall review each site plan during the site plan approval process as provided in Chapter 17.48 and may increase or decrease the number of parking spaces as deemed necessary. (Ord. 194 § 3.6(3), 1995)

17.36.050 Yards, minimum building setbacks.

None, if fire codes are met, except for those lots that are located adjacent to the outer boundaries of the open space/public facilities (O/S) zone in which all building and outdoor storage of materials shall be set back not less than twenty (20) feet from such zone boundary. Such space shall be landscaped with a dense belt of evergreen trees and properly maintained to prevent any deterioration in their quality. (Ord. 194 § 3.6(4), 1995)

17.36.060 Height restrictions.

As a general rule, maximum building or structure height shall be twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the industrial lot or parcel of land. The planning commission shall review each industrial development proposal during the site plan approval process as provided in Chapter 17.48, and may increase or decrease the requirement as deemed necessary. (Ord. 194 § 3.6(5), 1995)

17.36.070 Open space and building coverage.

No requirements, except as provided in Section 17.36.050. (Ord. 194 § 3.6(6), 1995)

17.36.080 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, local water supply system. (Ord. 194 § 3.6(7), 1995)

17.36.090 Fences and walls.

No requirements other than where security fencing may be required, as determined during the site plan review process as provided in Chapter 17.48, to protect the health, safety and general welfare. (Ord. 194 § 3.6(8), 1995)

17.36.100 Access.

Vehicular and pedestrian access shall be from a dedicated and improved public street other than an alley. (Ord. 194 § 3.6(9), 1995)

17.36.110 Sanitation regulations.

Before any ~~industrial use~~ building or structure is occupied, it shall be connected to the city sanitary sewer system. (Ord. 194 § 3.6(10), 1995)

17.36.120 Parking regulations.

As a general rule, one parking space for each one thousand (1,000) square feet of public use open space area, plus one parking space for each one hundred fifty (150) square feet of office and public use floor area shall be required. The planning commission shall review each open space/public facilities proposal, during the site plan review process as provided in Chapter 17.48, and may increase or decrease the requirement as deemed necessary. (Ord. 194 § 3.6(li), 1995)

17.36.130 Foundation requirements.

A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab

or permanent and continuous excavated and back filled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)

B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed within ninety (90) days of the date of the issuance of the required occupancy permit or the date of the written notice by the city to the owner of record at the address shown on the tax assessor's records, if required, whichever is later. (Ord. 194 § 3.6(12), 1995)

SUPPLEMENTAL DESIGN AND USE REGULATIONS

Sections:

- 17.40.010 Maintenance of minimum requirements of this title.
- 17.40.020 General provisions.
- 17.40.030 General provisions regarding accessory uses.
- 17.40.040 Regulate fences and plants(ings) for safety.
- 17.40.050 Vision clearance.
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- 17.40.120 Service station abandonment.
- 17.40.130 Manufactured dwelling park design and improvement standards.
- 17.40.140 Landscaping requirements.

17.40.010 Maintenance of minimum requirements of this title.

No lot area, yard, or other open spaces existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title, and no lot area, yard or other open space which is required by this title for use shall be used as the required lot area, yard, or other open space for another use. (Ord. 194 § 4.1, 1995)

17.40.020 General provisions.

- A. Must Conform to Laws. All buildings, structures, utilities, lots and tracts shall conform to this title, and to applicable provisions of the Uniform Building Code of Oregon, any other applicable codes of the city of Metolius, of Jefferson County, of the state of Oregon, and of the United States of America.
- B. Occupancy Permit Required. Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized city building inspector is required, and must be furnished to the city recorder by the owner.
- C. Accessory Structure or Use. An accessory structure or use shall comply with the requirements for a principal use, except as this title specifically allows to the contrary.
- D. Additional Requirements and Time Limit for Completion. Within ninety (90) days of the later of issuance of an occupancy permit as required in this title, or written notice by the city to the owner of record as shown in the tax assessor's records, the following requirements for dwellings and structures shall be completed.

1. **Manufactured Homes.** Every manufactured home shall be placed upon a continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the foundation exposed above grade, except manufactured homes placed or located in the R-2 zone, in lieu of a foundation, may utilize a skirt of metal, fiberglass, exterior plywood or other sight-screening material similar to the exterior surface and finish of the manufactured dwelling, placed entirely around the manufactured dwelling from the ground to the floor level, said foundation or skirt to be constructed, painted and maintained in a workmanlike manner.
 2. **Other Buildings.** Every other building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)
 3. **No Bare Metal Siding or Roofing Allowed.** No building or other structure shall have bare metal siding or roofing. Baked enamel or painted surfaces shall be required. (Ord. 198 § 5, 1996)
- E. **Clean-Up Requirements and Time Limit for Completion.** Within ten (10) working days after a building or other structure is completed and the occupancy permit is issued.
1. **Construction Materials, Debris, Etc.** All scrap lumber, trash, debris, and other materials and equipment used in completing the dwelling or other structure or facilities shall have been removed from the premises.
 2. **Holes, Underground Structures and Utilities, Excavations, Etc.** All holes, underground structures and utilities, excavations, etc., shall be filled to the rough grade level as indicated in the building permit. (Ord. 194 § 4.2, 1995)

17.40.030 General provisions regarding accessory uses.

An accessory use shall comply with the requirements for a principal use. (Ord. 194 § 4.3, 1995)

17.40.040 Regulate fences and plants(ings) for safety.

A. **Fence Regulations.**

1. **Maximum Height or Special Permit Requirements.** Fences located on or along any property line shall not exceed a vertical height of six feet above existing

natural grade at time of erection and/or construction, except as permitted by variance procedures outlined in Chapter 17.52.

2. Clear Vision at Comers Required. Any fence located within the triangular area described in subsection C of this section shall be of open type construction to permit clear vision across said triangular area.
3. Use of Barbed Wire Requires Special Permit. Fences shall not utilize barbed wire in any way or fashion except as permitted by special permit.
 - a. The special permit for barbed wire may be granted by the city council upon approval of the application made by the property owner citing, as reason, the necessity for use of barbed wire in providing "security" for the affected property, and then only when evidence submitted by the property owner clearly supports the need cited in the application.
 - b. Permitted barbed wire shall be added to the top of another fence of at least six feet in height above the existing natural grade.
 - c. And, provided such addition of barbed wire would not, solely in the opinion of the city council, infringe the public safety and welfare or the individual rights of any adjacent property owner.
 - d. Special permits required by this section shall be revocable by the city council on ten (10) working days' notice, mailed to the property owner at his last address on record in city files, and such notice may require removal within the number of days specified by such notice.
4. Electric Fences Restricted. Fences charged with electricity shall be allowed, without permit, under the following circumstances:
 - a. When located on private property a minimum of three feet inside a property line bounded by another fence or hedge, or more than fifty-four (54) inches above the existing natural grade on the inside of another fence;
 - b. When powered by a commercially manufactured charger approved by the Underwriters Laboratories, and rated and operated at no more than two and one-half watts, one hundred ten (110) volts, and when said charger is located inside a building or other structure, and is fused as specified by the manufacturer and local electrical code; or
 - c. When powered by a commercially manufactured charger rated and operated at no more than manufacturer's specifications when attached to a single six or twelve (12) volt battery, and when said charger and battery are located inside a building or other structure, and is fused as specified by the manufacturer and local electrical code.

- d. The charged wire shall be smooth and free of all barbs or other sharp ends, and signs advising and warning the public that an electrically charged fence is in use shall be prominently displayed at the property lines.

B. Plants, Shrubs, Trees, Hedges, and Any Other Vegetation.

1. Clear Vision Requirements. Plants, Shrubs, trees, hedges, and any other vegetation having their location within, or any part hanging over the triangular area described in subsection C of this section shall not be allowed to exceed thirty (30) inches in height above the existing natural grade, unless such planting shall permit a clear and mostly unobstructed view from the top of the thirty (30) inches maximum height to a vertical height of eight feet or more above the existing natural grade.
2. Other Restrictions. Plants, shrubs, trees, hedges, and any other vegetation having their location outside, and not in any way hanging over the triangular area described in subsection C of this section, shall be unrestricted except when they, in fact, infringe the public safety and welfare, as supported by formal complaint, investigation, and subsequent citation authorized by the city council.

C. Clear Vision Area Described. The triangular area referred to in subsections A and B of this section shall be that portion of any street corner property included within the triangle formed by:

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 for a distance of not less than twenty (20) feet (or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured) and the third side of which forms a complete triangle across the corner of the lot joining the nonintersecting ends of the other two sides. (Ord. 194 § 4.4, 1995)

17.40.050 Vision clearance.

- A. Corner properties in commercial zones. Structures or buildings located on corner properties in areas zoned for commercial use, and having any part of their structure located within fifteen (15) feet of any property line adjacent to any dedicated street, shall provide clear vision area from ground level to a minimum vertical height of eight feet over the triangular area formed by a triangle in which the legs adjacent to the intersecting streets are each at least fifteen (15) feet in length as measured along the property line in each direction from the corner of the property formed by the intersecting street rights-of-way.
- B. Sight Obstructions Forbidden. Nothing in this title shall be deemed to permit a sight obstruction within any required yard area at a street intersection, which interferes



Oregon

Theodore R. Kulongoski, Governor

October 16, 2006

Department of Transportation
Right of Way Section
355 Capitol Street NE
Salem, Oregon 97301-3871
Telephone (503) 986-3600
FAX (503) 986-3625

File Code:

PLANNING DIRECTOR
CITY OF METOLIUS
636 JEFFERSON AVE
MADRAS OR 97741

RE: Signs visible to state highways (The Oregon Motorist Information Act)
Information, and Request for Notice of Applications

Dear Planner:

The Oregon Motorist Information Act (OMIA) is the state's regulation on signs visible to all state highways. These regulations are codified at ORS 377.700 – 377.840 & 377.992; the administrative rules are OAR chapter 734 Divisions 59, 60, 63, and 65.

In July the Oregon Supreme Court entered an appellate judgment in the case of Outdoor Media Dimensions v. ODOT (DMV), which held that the state could no longer enforce that part of the OMIA that requires permits on off-premise outdoor advertising signs. However, the regulations on size, spacing, zoning, etc., are still in effect and ODOT is continuing to enforce those regulations.

It has come to our attention that billboards are being approved by local planning offices and placed by applicants despite the fact they do not comply with the OMIA. Although some local planning offices are instructing applicants to check with ODOT for compliance, we have received very few inquiries from applicants.

I request notice of all applications for off-premise outdoor advertising signs, including but not limited to billboards, where the sign will be visible to a state highway. If the determination of visibility to a state highway is not part of your review or is too time-consuming to complete, then we ask for notice of any such application. With that information we can provide you with information about whether the sign will or will not comply with state regulations.

Please contact me with any questions. I look forward to providing information to you on each application to ensure that state law is followed. Thank you for your assistance.

Sincerely,

Amy Joyce
ODOT Outdoor Advertising Signs
Program Analyst

Form 734-2557 (1-03)

Amy B. Joyce
Program Analyst
Outdoor Advertising



Ore
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with the view of operations of motor vehicles on the streets to such an extent as to constitute a traffic hazard.

1. Authority to Order Removal or Modification. If the city recorder or city police chief find this is the case, the city recorder shall have the authority to order the removal or modification of any such obstruction. Such mitigating action shall take place within ten (10) working days.

a. The order shall be effective upon delivery of the notice to remove or modify the obstruction.

b. Said notice shall be in writing and may be given by certified letter, receipt requested, addressed to the owner at the address indicated in the records of the Jefferson County tax assessor.

c. The ten (10) day mitigation period shall run from the date of delivery of such notice.

2. Appeal of Order to Remove or Modify. Such decision by the city recorder may be appealed in writing as provided in Section 17.08.030.

C. Failure to Remove or Modify. It is unlawful for any owner of such real property, within which such an obstruction has been found, to fail to remove or modify the obstruction within ten (10) working days after receiving the notice to remove or modify; or, if appealed, within ten (10) working days after the final decision of the city council ordering removal or modification. (Ord. 194 § 4.5, 1995)

17.40.060 Sign regulations.

A. Residential (R- 1), Manufactured Home Residential (R-2), Multiple-Family Residential (R-3), and Open Space/Public Facilities (O/S) Zones. Signs erected in all zones except commercial and industrial shall meet the following standards:

1. Size. Maximum size shall be four square feet except that in the Open Space/Public Facilities Zone a larger size may be allowed as a conditional use.

2. Illumination. None allowed except that in the Open Space/Public Facilities Zone an illuminated sign may be allowed as a conditional use.

B. Commercial (C- 1) and Industrial (M- I) Zones. Signs over four square feet to be erected in the commercial and industrial zones shall be reviewed by the planning commission, and shall meet the following standards:

1. Size. The total area of a combination of signs shall not exceed one hundred fifty (150) square feet.

- a. Freestanding. Fifty (50) square feet, placed not to exceed twenty (20) feet above adjacent street grade.
- b. Flush-Mounted to Structure or Building. One hundred (100) square feet, placed not to exceed the height of the structure or building.
2. Illumination Types Prohibited. Signs prohibited: any flashing, moving, animated, blinking or rotating sign whose illumination changes with time, or which is designed in a manner to simulate motion; time and temperature signs excluded.
3. Sign Location Restrictions. No sign shall project more than two feet into a required yard or public right-of-way nor, when projecting more than four inches into said right-of-way, be placed less than ten (10) feet above ground level of such right-of-way.
4. Exempted Signs. Necessary traffic directional or similar public service signs are excluded from these provisions. (Ord. 194, 229 § 4.6, 1, 1995, 2002)

17.40.070 Historic structure preservation.

- A. Application for Demolition or Major Exterior Alterations. Upon receiving an application for demolition or major exterior alterations involving an historic area, site, structure or object, as designated by the comprehensive plan, the planning commission, in a public meeting, shall review the application to determine its conformance with the historic preservation factors of this title.
- B. Demolition or Exterior Modification Procedure.
 1. Review Requirements. If it is determined the land use action will result in the demolition or extensive exterior modification of any historical building, the planning commission shall review the application, taking into account the following:
 - a. State of repair of the building;
 - b. The reasonableness of the cost of restoration or repair;
 - c. The purpose of preserving such designated historical building and site;
 - d. The character of the neighborhood;
 - e. All other factors the planning commission feels are appropriate.
 2. Actions Available to Planning Commission. Following the planning commission review, the planning commission may approve or deny the permit for land use action, or delay action for sixty (60) working days to allow cognizant agencies or

other cognizant parties to explore alternatives. If no suitable alternatives are available, the permit may be issued. The planning commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) working days, as deemed necessary by the planning commission.

C. Major Exterior Alteration Procedure.

1. Exterior Alteration Requirements. Exterior alterations shall be in accordance with the following:
 - a. Upon receipt of an application for a major exterior alteration of an historic structure listed in the comprehensive plan, the planning commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historical significance contained in the comprehensive plan.
 - b. Major exterior alterations, as defined by this section, include any change or alteration of a facade, texture, design, materials, fixtures or other treatment.
 - d. All applications for major exterior alteration shall be accomplished by plans and specifications of the proposed alteration. The planning commission may request additional sketches and other information deemed necessary to make an informed decision.
 - e. In order to approve the application, the planning commission shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture and construction materials, and/or find the alterations will enhance the historical value of the resource. Conditions may be attached to the approval if the planning commission deems it necessary to achieve the above objectives. The planning commission shall disapprove the request if the proposal would reduce the resource's value or historic significance.
2. Conditions Which May Be Attached are Limited. Conditions attached to a permit for major exterior alteration of an historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.
3. Requirements Restricted. The planning commission shall not make any recommendations of requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

D. Maintenance or Repair. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not

involve a change of design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions. (Ord. 194 § 4.8, 1995)

17.40.080 Access.

Every lot shall abut a street, other than an alley, as provided in this title for the zone where the property is located. (Ord. 194 § 4.9, 1995)

17.40.090 Moving buildings.

- A. **Move Must Conform to Laws.** No building or structure shall be moved from, within or into the city without conforming to this title, to the building code, and to other applicable codes of the city of Metolius, Jefferson County, state of Oregon, and the United States of America.
- B. **Moving Permit Required.** Prior to moving the building or structure, a moving permit shall be obtained from the city.
- C. **Additional Requirements.**
 - 1. **Within Ninety (90) Days.** Within ninety (90) days after a building has been moved onto a lot within the city:
 - a. The building shall have been placed upon its foundation in accordance with the building code.
 - b. All sanitation facilities shall have been completed to the satisfaction of the city.
 - c. The building shall have been so remodeled and redesigned as to meet requirements of the building code.
 - d. All scrap lumber, trash, debris, and other materials including timbers and equipment for the moving of said building shall have been removed from the premises.
 - e. All holes, underground structures and excavations shall be filled to the rough grade level as indicated in the building permit
 - 2. **Building Occupancy Prohibited.** No building shall be occupied until all the above requirements have been met.
 - 3. **While Moving is in Progress.** While moving is in progress, the owner of said building shall at all times protect the same from damage and protect passersby and citizens of the city from injury due to condition of the building or property to or from which the building was moved.

4. Leaving Building on Streets Restricted. No building shall be left on the streets of the city after sunset unless the owner thereof, with written authorization by the city, shall provide warning lights (or flares) and a night watchman for protection of the citizens using said street.
5. Clean-Up Requirements. Within ten (10) working days after a building is moved:
 - a. The lot from which the building was moved shall be cleared of all debris including pipe, concrete, scrap lumber, and other materials which may cause a health hazard or nuisance, or constitute a danger.
 - b. The lot to which the building is moved shall be cleared of all debris including pipe, concrete, scrap lumber, and other materials which may cause a health hazard or nuisance, or constitute a danger.
 - c. All basements, abandoned septic tanks and wells shall be filled with earth, except that upon written application made to the planning commission, the city council may give permission for useful basements or other structures to remain, provided the same are fenced or left open only for such period of time as the council may allow. (Ord. 194 § 4.10, 1995)

17.40.100 Satellite receiving antenna.

A. Placement.

1. Must be Screened from View. All satellite receiving antennae shall be placed in such a manner as to be screened from view from the public right-of-way, excepting alleys, by a building, sight-obscuring fence, dense landscape buffer or any combination thereof.
2. Height Restricted. No satellite receiving antennae may be placed at a height in excess of the building height of the applicable zone.

B. Non-application of Provisions. The provisions of this section shall not apply to satellite receiving antennae having a diameter or largest lineal dimension of three feet, or less.

C. Placement in Zoning Districts with No Yard/Setback Area. The placement standards may be waived by the planning commission when a finding can be made that placement in compliance is not possible because of lack of yard/setback area. (Ord. 194 § 4.11, 1995)

17.40.110 Minimum standards for the construction or alteration of service stations.

Any service station which is constructed or undergoes major alteration after the effective date of the ordinance codified in this title shall conform to the following standards:

- A. Location. No portion of any service station shall hereafter be constructed within one thousand five hundred (1,500) feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under Section 17.40.120.
- B. Minimum Lot Size. The minimum lot size for a service station site shall be ten thousand (10,000) square feet on a corner lot and twelve thousand (12,000) square feet on any other lot.
- C. Minimum Street Frontages.
 - 1. The minimum street frontage on the major traffic-carrying street of a corner lot shall be one hundred (100) feet.
 - 2. The minimum street frontage on other than a corner lot shall be one hundred twenty (120) feet.
- D. Minimum Lot Depth. The minimum lot depth shall be one hundred (100) feet.
- E. Minimum Setbacks. The service station and any attached or freestanding canopies on the service station property shall be set back not less than ten (10) feet from any property line.
- F. Minimum screening requirements.
 - 1. When property used for a service station abuts property used for residential purposes, there shall be placed along the boundary between the residential property and the service station a solid wall or fence six feet high or as an alternative, an evergreen hedge at least four feet high and capable of attaining a height of six feet.
 - 2. Any area used for the storage of trash or other waste shall be screened by a solid wall or fence which prevents the objects from being visible from any public street or sidewalk.
- G. Landscaping. As a general guideline, there shall be landscaping on at least ten (10) percent of the service station lot. Landscaping shall require review and approval during the site plan approval process as provided in Chapter 17.48, and may be increased or decreased as the site plan committee deems necessary.

H. Lighting.

1. Lighting shall be of such illumination, direction, color and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.
2. Wiring for the business and its sign and outdoor light fixtures shall be underground.

I. Permitted Activities. A service station's principal use shall be the retail dispensing of motor vehicle fuels and lubricants, and may engage in the following activities, which shall be incidental to its principal use:

1. The sale and installation of motor vehicle accessories;
2. Motor vehicle repairs; and
3. Any other sale, service or activity customarily provided by service stations. (Ord. 194 § 4.12, 1995)

17.40.120 Service station abandonment.

- A. When Abandonment Occurs. Whenever a service station is not in use as a service station for a continuous period of twelve (12) months, all structures and facilities above and below the ground located on the lot which were connected with the operation of the service station shall be removed, unless said structures are converted to another use as allowed by the planning commission.
- B. Minimum Operation to Avoid Abandonment. Operation for at least ninety (90) consecutive working days shall be required to interrupt a continuous twelve (12) month period.
- C. Abandoned Service Stations Declared a Nuisance. All service stations which are not in use as a service station for a continuous period of twelve (12) months are declared to be a nuisance and subject to abatement and penalty as provided in this title and other applicable ordinances of the city.
- D. Fixing Responsibility for Compliance with Ordinance. It shall be the responsibility of the owner of the improvements to comply with all provisions of this title. In the event that the owner of said real property fails to comply, the city may remove the improvements and make the costs of said removal a lien against the property.
- E. Inspections. The city chief of police shall, at his or her discretion, make periodic inspections of the service station, and when a service station has been found not to be

in use as a service station for a period of twelve (12) consecutive months, the following persons shall be notified of the requirements to be met under this title:

1. The owner of record of the real property;
2. The oil company(ies) that last supplied petroleum products to the station;
3. The last operator of the station.

F. Notice and Abatement. The following shall be satisfactory notice under this section:

1. Notice Shall be Posted on the Property. A notice shall be prominently posted on the premises where the station is located.
2. Copy of Notice Shall be Mailed. At the time of posting, the city recorder shall cause a copy of the notice to be forwarded by registration or certified mail, postage prepaid, to the persons identified in subsection E of this section.
3. Content of Notices. The notice shall direct the owner or person in charge of the station to comply with the directives of this title. The notices shall contain:
 - a. A description of the real property, by street address or otherwise, on which the service station is located;
 - b. A description of the removal work necessary to comply with this title;
 - c. A direction to comply with the requirements contained in said notice within thirty (30) working days from the date of notice;
 - d. A statement that failure to perform as required by this title may result in penalty and/or abatement as provided in Section 17.08. 1 00, or in court prosecution, and that, unless the required work is done, the city may cause the work to be done and the cost thereof shall be a lien against the property; and
 - e. A statement that the owner or other person in charge of the property may appeal the directives contained in the notice by notifying the city recorder in writing within ten (10) working days from the date of the notice.
4. City Record keeping. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of mailing and posting.
5. Posted Notice Sufficient. An error in the name or address of the owner or person in charge of the property, or the use of a name other than that of the owner or such other person, shall not make the notice void, and in such a case, the posted notice shall be sufficient.

6. Appeal. An order of the city chief of police may be appealed within fifteen (15) working days after date of the notice required by this section.
 - a. Written notice of the appeal shall be filed with the city recorder.
 - b. If the appeal is not filed within the fifteen (15) day period, the decision of the chief of police shall be final.
 - c. If a timely appeal is filed, the city council shall receive the decision and findings from the chief of police and shall conduct a public hearing on the appeal as provided in Section 17.08.060.
 - d. The appellant and the city chief of police shall be granted a hearing before the city council as provided in Section 17.08.040, and action taken by the city council after the hearing shall be final. (Ord. 194 § 4.13, 1995)

17.40.130 Manufactured dwelling park design and improvement standards.

- A. Minimum Area. A manufactured dwelling park shall have a minimum area of two acres.
- B. Minimum Space Size. Each manufactured dwelling space shall have a minimum width of thirty-five (35) feet and a minimum depth of ninety (90) feet.
- C. Street Design and Improvements. Interior streets shall have a minimum width of thirty (30) feet with a sidewalk four feet in width. Interior streets may be reduced to twenty (20) feet in width where no parking is enforced and an equal amount of off-street parking is provided in each block, such parking bays or interior parking lots. Streets and parking areas shall be paved with a minimum of two inches asphalt concrete paving.

Primary vehicular access shall be provided from a dedicated street. Vehicular access to lots fronting on state highways or county or public roads shall be subject to the approval of the agency having responsibility for the public road.
- D. Off-Street Parking. Each manufactured dwelling space shall have at least two ten (10) foot by twenty (20) foot paved parking spaces. At least one additional off-street parking space shall be provided for every three manufactured dwelling spaces in the manufactured mobile dwelling park.
- E. Underground Utilities. All utilities in the manufactured dwelling park shall be installed underground.
- F. Screening. A decorative sight-obscuring fence in combination with shrubbery landscaping shall be provided along the perimeter of public streets and it shall be the continuing responsibility of the manufactured dwelling park owner to provide its

permanent maintenance. Such fencing and shrubbery shall be no less than six feet in height, except within the clear vision area at street and driveway intersections where it shall be not more than three feet in height and shall be maintained as such.

- G. Sewer and Water System. A manufactured dwelling park shall have a sewer and water system approved by the city and the state prior to the placement of manufactured dwellings. Engineered plans shall be submitted as part of the site plan requirements.
- H. City Approval. All street, sewer and water connections to city public works facilities shall be approved by the city engineer or engineering superintendent.
- I. Height Limits. No building or structure shall exceed twenty-two (22) feet in height.
- J. Landscaping requirements. Manufactured dwelling parks shall be landscaped as required in this chapter.
- K. Standards for Placement of Manufactured Dwellings in Manufactured Dwelling Parks.
 - 1. A structure that has a department of housing and urban development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; and is constructed for movement on the public highways, has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence.
 - 2. Placement of manufactured dwellings shall comply with the regulations of the Oregon State Department of Commerce and, except for a structure which conforms to the state definition of a manufactured dwelling accessory structure; no extension shall be attached to a manufactured dwelling.
 - 3. All perimeter manufactured dwelling spaces within a manufactured dwelling park shall be restricted to double-wide manufactured dwellings with a pitched nonmetal roof except where such interior spaces abut another manufactured dwelling park or manufactured dwelling subdivision.
 - 4. Manufactured dwellings and any accessory structures in a manufactured dwelling park shall comply with the following minimum setbacks:
 - a. Ten (10) feet between manufactured dwellings or attached accessory structures, or five (5) feet from the interior lot line, whichever is greater.
 - b. Five feet from any detached accessory building or other building located within the manufactured dwelling park;
 - c. Twenty-five (25) feet from any abutting public street right-of-way;

- d. Ten (10) feet from the manufactured dwelling park interior property boundary line, except that special setbacks may be required in areas with scenic impact and where the manufactured dwelling park adjoins frame dwelling residential units. The required setback shall be shown on the final site plan. (Ord. 215 § 1998)
- 5. Manufactured dwellings shall have continuous skirting between the manufactured dwelling and the ground and must be installed within thirty (30) days after placement. Skirting shall consist of pressure-treated wood, masonry or metal. Wood materials must be painted or stained and metal must be painted with baked enamel.
- 6. Manufactured dwellings shall have a minimum gross floor area of eight hundred forty (840) square feet.
- L. Manufactured Dwelling Park Performance Guarantee. The developer/owner shall enter into an agreement with the city guaranteeing faithful performance of all required improvements.
- M. Manufactured Dwelling Park Expiration of Approval. Approval of the preliminary site plan shall expire eighteen (18) months from the date of approval if the required final plans have not been submitted.

Approval of the final plans (site plan, sewer facilities plan, and water supply plans) shall expire twelve (12) months from the date of approval unless construction has begun. (Ord. 194 § 4.14, 1995)

17.40.140 Landscaping requirements.

- A. Developed Site Area. For purposes of this section, "developed site area," means the square footage of the area indicated on the plat plan minus the ground floor area of the building(s). At a minimum, the area indicated on the plat plan shall include the area required for parking, ingress and egress, setback areas, and other areas which may be required as a condition of site plan approval, which are part of the ownership.
- B. Standards for Landscaping Materials. Where landscaping is required, the materials used are subject to the following provisions:
 - 1. Allowable Materials. Landscaping shall include some combination of the following materials, where appropriate, to achieve the intended or required purpose of the landscaping (e.g., screening, etc.):
 - a. Trees, shrubs, ground cover, vines, flowers or lawns;
 - b. Natural features, such as rock or stone outcrops;

- c. Structural features including fountains, pools, artwork, walls and fences.
 2. Excluded Materials. Landscaping proposed to satisfy the requirements of this title shall not include plant materials which have root structures or branching habits which in their mature state may damage or interfere with the normal use of existing public or private under or above-ground electrical lines, cables or conduits, pipes or other utilities; or public or private side-walks, curbs, gutters or paved parking and turnaround areas, drainage improvements, or adjacent structures, foundations or landscape materials.
- C. Minimum Area Requirement-New Construction. Landscaping shall be provided as follows:
1. Industrial Use Types. Five percent of the developed site area;
 2. Commercial Use Types. Ten (10) percent of the developed site area;
 3. Civic Use Types. Ten (10) percent of the developed site area;
 4. Residential, Manufactured Dwelling Parks and Multifamily Use Types. Twenty (20) percent of the developed site area.
- D. Minimum Area Requirements- Additions. Additions to existing uses requiring landscaping and which represent greater than fifty (50) percent of the primary structure shall provide landscaping as follows:
1. Industrial Use Types. Five percent of the addition's total square footage;
 2. Commercial Use Types. Ten (10) percent of the addition's total square footage;
 3. Civic Use Types, Manufactured Dwelling Parks, Residential Use Types. Ten (10) percent of the addition's total square footage.
- E. Installation. Required landscaping shall be installed prior to occupancy. Extensions of time may be granted by the city if good faith efforts are being made to complete the required work.
- F. Maintenance. All required planting shall be maintained in good condition by the owner, and in any case where a required planting has not survived, shall be replaced as soon as is practical with new plant materials similar to those which died. (Ord. 194 § 4.16, 1995)

OFF-STREET PARKING SPACES AND LOADING FACILITIES

Sections:

- 17.44.010 Compliance with title.
- 17.44.020 Required off-street parking spaces.
- 17.44.030 Parking facilities for the physically disabled.
- 17.44.040 Required loading facilities.
- 17.44.050 Parking design standards.
- 17.44.060 Parking lot construction.
- 17.44.070 Parking uses not identified in the Table of Off-Street Parking Requirements.
- 17.44.080 Designated improvement standards for parking lots of four or more spaces.
- 17.44.090 Off-street loading requirements.

17.44.010 Compliance with title.

No parking or loading area, or parking spaces provided for the purpose of complying with the provisions of this title shall hereafter be eliminated, reduced, or converted in any manner below the requirements established in this title, unless equivalent facilities are provided elsewhere in conformity with the provisions of this section.

A. Eligibility of Street Parking Spaces. Parking spaces in a public street including an alley, shall not be eligible as fulfilling any part of the parking requirements.

B. Computation Rule for More than One Use in a Structure. In the event that several uses occupy a single structure or parcel of land, the total requirements of off-street parking shall be the sum of the requirements of the several uses computed separately.

C. Shared Parking Facilities. Required parking facilities of two or more uses, structures or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature), and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.

D. Computation Rule for Fractions. If after calculating the number of required off-street parking spaces, a quotient is obtained containing a fraction of one-half or more, an additional space shall be required; if such fraction is less than one-half it may be disregarded.

E. Computation Rule Based on Number of Employees. When the parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaged in the specified activity on the lot during the largest shift of the peak season.

F. Computation Rule Based on Number of Seats. When the parking requirement is based on the number of seats, each eighteen inches of benches, and twenty-four (24) inches of booths, pews or similar facilities shall be counted as one seat.

G. Computation Rule Based on Number of Students. When the parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.

H. Non-specified Number of Parking Spaces. When a required number of parking spaces is not specified for a particular use or facility, the planning department shall prescribe a number of parking spaces or loading berths based on a determination of the traffic generation of the activity, the amount of frequency of loading operations thereof, the time of operation of the activity, their location, and

such other factors as affect the need for off-street parking or loading. Any such determination shall be subject to appeal pursuant to the appeal procedures as defined in Section 17.08.030. (Ord. 194 § 4.15(t), 1995)

17.44.020 Required off-street parking spaces.

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this title. Standards for number of required parking spaces are presented in the Table of Off-Street Parking Requirements, set out at the end of this chapter. The table is part of the land development code and all references to this code include it. (Ord. 194 § 4.15(2), 1995)

17.44.030 Parking facilities for the physically disabled.

Public accommodations or facilities, including but not limited to: auditoriums, theaters, restaurants, hotels, motels, stadiums, shopping centers and office buildings, shall provide no less than one parking space for the physically disabled for each twenty-five (25) spaces in parking lots, or in accordance with the Uniform Building Code and American Disabilities Act. (Ord. 194 § 4.15(3), 1995)

17.44.040 Required loading facilities.

The following provisions shall apply to all loading facilities:

A. The minimum area required for loading spaces shall be not less than two hundred fifty (250) square feet each, where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.

B. The minimum area required for loading spaces shall not be less than five hundred (500) square feet each, where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.

C. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet each, where the gross floor area of all buildings on a lot or parcel of land exceeds fifty thousand (50,000) square feet.

D. The minimum required loading area shall not be less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.

E. The required loading area shall be easily accessible from a street, highway or area. (Ord. 194 § 4.15(4), 1995)

17.44.050 Parking design standards.

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this title. Standards for number of required parking spaces are presented in the Table of Off-Street Parking Requirements, set out at the end of this chapter. The table is part of this title and all references to this title include it.

A. Aisle Dimensions. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables a reduction of the aisle width, as shown.

D. The minimum required loading area shall not be less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.

E. The required loading area shall be easily accessible from a street, highway or area. (Ord. 194 § 4.15(4), 1995)

17.44.050 Parking design standards.

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this title. Standards for number of required parking spaces are presented in the Table of Off-Street Parking Requirements, set out at the end of this chapter. The table is part of this title and all references to this title include it.

A. Aisle Dimensions. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables a reduction of the aisle width, as shown.

Angle (a)	Space Width (b)	Space to Curb ©	Aisle (d)	Tier Width (e)
0 - 45	9' 0"	19'0"	16'0"	64'0"
	10'0"	20'0"	14'0"	54'0"
46 - 60	9'0"	20'0"	18'0"	58'0"
	10'0"	20'8"	16'0"	57'4"
61 - 90	9'0"	18'0"	24'0'	64'0"
	10'0"	18'0"	22'0"	58'0"

1. Aisle widths for forty-five (45) degree and sixty (60) degree spaces are one-way only.
2. Tier means two rows of parking spaces plus an aisle. Tier width may not add to aisle width plus two times the space to curb distance in the chart above, because additional tier width may be required for safety precautions.
3. Space dimensions for parallel parking are to be nine feet by twenty-two (22) feet. Aisle dimensions for parallel parking are to be twelve (12) feet for two-way aisles.

B. Parking Area Access.

1. Driveways serving residential uses shall have a minimum width of not less than nine feet when serving four or less dwelling units, and a driveway width of not less than sixteen (16) feet when serving five or more dwelling units, or in lieu thereof, two separate driveways not less than nine feet in width and unobstructed to a height of eight feet.
2. Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic, and a minimum width of twenty-five (25) feet to accommodate two-way traffic.
3. Parking areas for four or more vehicles are to be designed to prevent or discourage cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots are to be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.
4. Access driveways to parking areas containing four or more spaces are to be located and designed as follows:
 - a. Parking area entrance and exit driveways are to be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.

b. Entrance and exit driveways crossing the street property line of a single site are to be limited to two along the frontage of any single street. The centerline of driveways on the same property are to be separated by a minimum of thirty (30) feet.

c. Parking Area Location. The location of off-street parking and loading facilities shall be in accordance with the following provisions:

1. Required parking facilities for residential uses as provided herein shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible and located at a place where the erection of garages or carports is permitted.

2. Required parking facilities for uses other than residential shall be located as follows:

a. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve; except that for industrial uses, required parking shall not be located in a required front or side yard abutting a public street, unless the structure is provided with adequate setbacks and landscaping;

b. On a lot or parcel of land held under the same or joint ownership, provided such parking or loading facilities are located adjoining the use or uses served;

c. On a lot or parcel of land within five hundred (500) feet of the use or uses served;

d. Required loading facilities shall be located on the same lot or parcel of land as the uses served;

e. Binding agreements between land uses for mutual use of parking facilities during nonconflicting hours may be recognized by the city in lieu of the standards in this chapter.

D. Drop-Off Points Required. When located outside the central business zone, parking areas for public assembly facilities are to include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off areas are to consist of vehicle turnout lanes located outside of normal travel lanes. Drop-off points are to be provided for:

1. Hotels and motels;
2. Schools with fifty (50) or more students;
3. Churches with a capacity of one hundred (100) or more;
4. Restaurants with a capacity of fifty (50) or more customers;
5. Public transportation terminals;
6. Places of public assembly;
7. Public buildings; and
8. Offices larger than five thousand (5,000) feet. (Ord. 194 § 4.15(5), 1995)

17.44.060 Parking lot construction.

All parking areas containing three or more off-street parking spaces are to be improved as follows, except as otherwise provided by this section:

A. Surfacing. All parking areas are to be surfaced with an asphalt, concrete or chip seal surface in conformance with city standards. Where concrete or asphalt are required, brick or other masonry paving units may be substituted including vertically oriented concrete block.

B. Lining and Marking. Parking spaces in paved parking areas are to be marked with paint striping, a minimum of two inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.

C. Wheel Stops. Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking arm and to protect landscaping from vehicle encroachment. Wheel stops are to be constructed as follows:

1. Wheel stops are to be constructed of durable material not less than six inches in height. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.

2. Wheel stops or other vehicle barriers less than two feet in height are to be located no closer than three feet to any property lines.

D. Vertical Clearance. Covered parking spaces are to have a vertical clearance of at least seven feet six inches above the parking lot surface for all uses except residential.

E. Slope. The finished grade of a parking lot is not to exceed a five percent slope.

F. Landscaping. A minimum of five percent of the interior of all parking lots with twenty (20) or more spaces is to be landscaped, in addition to any perimeter landscaping required by subsection (G)(2) of this section. The total aggregate area of landscaping need not exceed the minimum requirements in Section 7.40.140.

G. Screening.

1. Parking lots which abut a residential zone shall be visually screened by a landscaping strip with a minimum height of five feet, or a six-foot-high solid fence or wall located on the parking lot side of the property.

2. Parking lots abutting a public street are to be separated from the street right-of-way by a landscaping strip with a minimum width of four feet.

H. All drainage resulting from the improvements shall be collected on-site in such a manner that it can be discharged to an approved storm water collection system without flowing across any public sidewalk or street. (Ord. 194 § 4.15(6), 1995)

17.44.070 Parking uses not identified in the Table of Off-Street

Parking Requirements. For any use not listed in the Table of Off-Street Parking Requirements, set out at the end of this chapter, the required off-street parking shall be determined by the planning commission. In determining the off-street parking requirements of any unlisted use, the planning commission shall first make a finding that all of the following conditions exist:

A. That field investigations disclose that the subject use and its operations are compatible with one or more uses under which parking area is designated;

B. That the proposed parking area requirements will adequately serve the intended use and be located in such a manner to protect the public health, peace, safety and general welfare. (Ord. 194 § 4.15(7), 1995)

17.44.080 Designated improvement standards for parking lots of four or more spaces.

A. Each paved space must be marked by striping.

B. Traffic flow arrows and signs may be required.

C. No parking space shall back onto a street without site plan approval.

D. Adequate drainage shall be specified at the time of site plan review.

E. Bumper guards or steel stops may be required near buildings, fences or sidewalks during site plan review.

F. Driveway locations shall be approved by the city or the State Highway Division.

G. Artificial lighting may be required but where installed shall not cast a direct light on residences. (Ord. 194 § 4.15(8), 1995)

Add bicycle provisions @ end of chapter.

17.44.090 Off-street loading requirements.

At the time a use is erected or enlarged, or an existing building use changed, off-street loading areas may be required.

A. Merchandise. Any use receiving a majority of its goods by truck shall provide an off-street loading/unloading area which will not impede traffic flow or parking availability.

B. Passengers. A lane or driveway must be provided out of the flow of traffic for loading and unloading passengers to any site designed to accommodate more than one hundred (100) people at one time. (Ord. 194 § 4.15(9), 1995)

incorporate old & new table.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Use Type	Parking Space Required
Automobile courts (motels)	One space for each sleeping or living unit plus one additional space for every two employees.
Bowling Alley	Five spaces for each alley plus one space for every tow employees
Establishments for the sale and consumption on the premises of food and beverages.	One space for each one hundred (100) square feet of gross floor area or one space per four seats, whichever is less, plus one space for each employee and employer.
Hospital	Two spaces for each bed.
Hotels.	One space for each guest room up to forty (40) guest rooms plus one additional space for each two rooms over the first forty (40) rooms and one space for each employee and employer.
Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, printing and engraving or similar use.	One space for every two employees, or not less than one space for each five hundred (500) square feet of gross floor area, whichever amount is greater, plus one space for each fleet vehicle.
Medical or dental clinics and medical professional schools.	One space for each doctor and each employee plus one space for each three hundred (300) square feet of gross floor area.
Mortuaries and funeral homes.	One space for each employee and one space per four seats based on maximum capacity.

Motor vehicles or machinery sales and automotive repair shops, wholesale stores.	One space for each eight hundred (800) square feet of gross floor area plus one space for each employee and employer.
Multiple-dwelling housing for senior citizens over sixty (60) years of age whose income level qualified the occupants to receive HUD rent subsidies.	One space per every two dwelling units, plus an off-street loading area.
Offices not providing customer service on the premises.	One space for each employee or one space for each four hundred (400) square feet of gross floor area, whichever amount is greater.
Residential use.	Two spaces per living unit for multiple family and two spaces per single family or one space plus a garage. ^{shall include a carport or garage}
Retail stores, except as otherwise specified herein, having not more than five thousand (5,000) square feet of floor space.	One space for each four hundred (400) square feet of gross floor area devoted to retail sales plus one space for each employee.
Retail stores having more than five thousand (5,000) square feet of floor area.	Twenty (20) spaces plus one space for each four hundred (400) square feet of gross floor area devoted to retail sales in excess of five thousand (5,000) square feet plus one space for each employee and employer.
Rooming houses, lodging houses, dormitories, clubs and fraternity houses, bed and breakfasts, residential homes and residential facilities.	One space for each sleeping room or one space for each two beds, whichever is greater.
Nursing and convalescent homes.	One space for every three patient beds plus one space for each employee and employer.
Rest homes, homes for the aged, or assisted living.	One space for every two patient beds or one space per apartment unit.
Day care schools.	One space for each employee and employer and a thirty (30) foot reserve area for picking up children.

Elementary or junior high.	One and one-half spaces for each classroom, plus one bus loading space for each one hundred fifty (150) students or portion thereof.
High schools.	Three spaces per classroom, plus one space per ten (10) students the school is designed to accommodate, one per each employee, one for each fleet vehicle, plus the requirements for public assembly as set forth herein.
Colleges, universities and trade schools.	Five spaces per classroom, plus one space for every two employees, plus one space per each fleet vehicle, plus the requirements for public assembly as set forth herein.
Gymnasiums, lodges, meeting halls, stadiums, sports arenas, theaters, auditoriums, and other public assembly areas.	Based on total seating capacity; one space for every three people when capacity is 0 - 300; one space for every four people when capacity is 301 - 1,000; and one space for every seven people when capacity is over 1,000, computed cumulatively, i.e., 301 capacity would be calculated at 300 @ 1:3 and 1 @ 1:5 = 101 spaces.
Trailer parks and/or mobile home parks.	Two spaces in conjunction with each trailer space, plus one space for each three trailer spaces, the latter to be provided in the trailer park separate from the trailer spaces.
Warehouses and storage buildings.	One space for each employee plus one for each fleet vehicle.
Banks, business or professional offices including real estate offices, personal service shops, libraries, museums, utility offices.	One space for each two hundred (200) square feet of gross floor area or fraction thereof. Equipment, computer and storage when supplemental to the main use shall not be considered in parking computations, plus one space for every two employees.
Retail sales lots such as lumber yards, builder supply stores, yards, nurseries, or any other retail use not listed herein and having portions of operations not within a building.	One space for each employer and employee plus space for each four hundred (400) square feet of gross retail floor area, and one space for each one thousand (1,000) square feet of gross retail sales area.

Barber shops and beauty parlors.	One space for each employee and employer plus one space for each one hundred (100) square feet of floor area.
Churches.	Based on total seating capacity; one space for every three people when occupancy is 0 - 300; one space for every four people when occupancy is 301 - 1,000; and one space for every seven people when occupancy is over 1,000, computed cumulatively, i.e., 301 capacity would be calculated at 300 @ 1:3 and 1 @ 1:4 = 101 spaces.

SITE PLAN APPROVAL

Sections:

- 17.48.010 Purpose.**
- 17.48.020 Public hearing required.**
- 17.48.030 Conditional uses involving construction, etc.**
- 17.48.040 Shall precede notice of intent to construct and building permits.**
- 17.48.050 Site plan committee.**
- 17.48.060 Procedures.**
- 17.48.070 Appeal.**
- 17.48.080 Revisions to an approved site plan.**
- 17.48.090 Time limit for compliance and procedure to extend time limit**

17.48.010 Purpose.

The purpose of site plan approval is to determine compliance with the objectives of this title in those zoning districts where inappropriate development may cause a conflict between uses in the same or adjoining zoning districts by creating unhealthful, unsafe or undesirable conditions and thereby adversely affect the public health, safety and general welfare. (Ord. 194 § 4.7(1), 1995)

17.48.020 Public hearing required.

Public hearing pursuant to Section 17.08.060 shall be required for all site plan approvals. (Ord. 194 § 4.7(2), 1995)

17.48.030 Conditional uses involving construction, etc.

All conditional uses involving construction or alteration of any building or structure shall require site plan approval. (Ord. 194 § 4.7(3), 1995)

17.48.040 Shall precede notice of intent to construct and building permits.

When required, site plan approval shall precede issuance of notice of intent to construct (pursuant to Section 17.08.020), which shall precede issuance of any building permit (pursuant to Section 17.08.020), and shall precede any construction, alteration, erection or moving in, of any building or structure. (Ord. 194 § 4.7(4), 1995)

17.48.050 Site plan committee.

A. Composition of Committee. The planning commission and the city recorder are, as a site plan committee, to carry out the duties set forth in this section.

B. Authority. This committee shall have the authority to approve, disapprove, or to approve with conditions the site plan for all proposed new buildings or structures in those circumstances where site plan approval is required.

C. Committee Governed by Purposes and Objectives. In the review of plans, the site plan committee shall be governed by the purposes and objectives of this section as set forth in Sections 17.48.010 and 17.48.030.

D. Decision Referred to City Council. The decision of the site plan committee shall then be

brought before the city council, along with a complete record of the meeting and applicable city regulations, at the next regular city council meeting following after the appeal period has expired on said decision.

E. City Council Actions Available. The city council shall review the decision of the site plan committee, on the record, without hearing further evidence. It shall either affirm the decision of the site plan committee, at which time the decision shall be final, or shall set the matter for hearing de novo before the city council, after which the city council shall affirm, reverse or modify the decision of the site plan committee. (Ord. 194 § 4.7(5), 1995)

17.48.060 Procedures.

A. Site Plan Requirements. Before any notice of intent to construct or any building permit shall be issued in any circumstance subject to site plan approval, a site plan for the total parcel or development shall have been approved as provided in this section. The site plan shall be drawn to scale and shall indicate the following:

1. Actual shape, dimensions and orientation of the parcel;
2. Locations and details of all buildings and structures, including fences, both existing and proposed;
3. Location, layout and details of all off-street parking and loading facilities;
4. Locations and details of all points of entry and exit for motor vehicles, and internal circulation pattern(s);
5. Location of all walls and fences and indication of their height(s) and materials of their construction;
6. Locations and details of exterior lighting standards and devices;
7. Locations, sizes and details of exterior signs and outdoor advertising;
8. Location and details of landscaping, lawns, trees, shrubs, etc.;
9. Locations and details of grading and slopes where they affect relationship of the buildings and drainage;
10. Indications of the heights of buildings and structures;
11. Indication of the proposed use of buildings shown on the site;
12. Any other architectural or engineering data which may be required to allow necessary findings that the provisions of this title are complied with;
13. Location and details of sidewalks, walkways, patios, courtyards and/or decks;
14. Location and details of storm drainage system, including but not limited to, drainage and grading plan, existing topography and elevations. Construction grading or other manmade physical changes shall not be allowed to increase runoff which may affect downstream property or properties. Additional runoff must be contained within on-site systems or an approved drainage system;
15. Location and details of existing utilities (i.e., electric, gas, television, telephone, water, etc.);
16. Location and details of sanitary sewer system or location and details of septic tank(s) and drain field(s);
17. Location and details of water supply, showing size of main(s), water flow(s) and size of water line(s);
18. Location and details of existing and, if any, proposed fire hydrants with size and flow data;
19. Location and details of proposed public improvements;
20. Where an attachment of a minor addition to an existing building or structure is proposed, the

site plan shall indicate the relationship of said proposal to the existing development, but need not include other data required in subsections (A)(1)--(19) of this section, unless they are affected by the proposed minor addition;

21. Specify and describe intended type of occupancy for the structure (i.e., assembly, educational, manufacturing, processing, storage and type of contents, etc.).

B. Site Plan committee Action and Time Limit. Within sixty (60) working days after the submission of a complete site plan, the site plan committee shall approve, approve with conditions, or disapprove the site plan.

1. Failure to render a decision within the sixty (60) day period shall be deemed approval of the plan as submitted.

2. In order to approve the site plan, the site plan committee shall find that:

a. All provisions of this title are complied with; and

b. All buildings, structures and facilities, access points, parking and loading facilities, signs, lighting and walls or fences, are so arranged that traffic congestion is avoided, and pedestrian and vehicular safety and welfare are protected; and

c. Adverse effect on surrounding property will be minimized.

3. The decision of the site plan committee shall be forwarded to the city council. (Ord. 194 § 4.7(6), 1995)

17.48.070 Appeal.

The applicant or any interested party may appeal a decision of the site plan committee to the city council, in accordance with the procedures of Section 17.08.030. (Ord. 194 § 4.7(7), 1995)

17.48.080 Revisions to an approved site plan.

Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it is unlawful for any person to cause or permit the proposed construction, alteration, improvement, or use in any manner except in complete and strict compliance with the approved site plan. (Ord. 194 § 4.7(8), 1995)

17.48.090 Time limit for compliance and procedure to extend time limit.

Site plan approval shall be valid for eighteen (18) months, or any lesser time as may be approved by the city council to allow completion as approved. An applicant may apply to the city council, through the planning commission, for extensions to allow completion of the site plan requirements, which, if granted, shall each be subject to the maximum time limitations of this section unless a lesser time limit is set for the extension. (Ord. 194 § 4.7(9), 1995)

EXCEPTIONS AND VARIANCES

Sections:

- 17.52.010 Nonconforming uses.**
- 17.52.020 General exceptions to yard requirements.**
- 17.52.030 General exceptions to building height limitations.**
- 17.52.040 Projections from buildings.**
- 17.52.050 Authorization to grant and deny variances.**

17.52.010 Nonconforming uses.

A. Continuing, Altering or Enlarging a Nonconforming Use. A nonconforming use or structure may be continued and may be altered or enlarged as provided herein.

1. Expansion of a Nonconforming Use. The expansion of a nonconforming use to a portion of a structure which already was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this title is not an enlargement or expansion of a nonconforming use.

2. Altering or Enlarging a Nonconforming Use. A nonconforming structure which conforms with respect to use may be altered or enlarged if the alteration or enlargement does not cause the structure to deviate further from the standards of this title.

3. When Alteration or Expansion Not Allowed. The alteration or expansion of a nonconforming use is not allowed unless the finished structure and lot meet the standards of the zone in which said structure would be allowed as a permitted or conditional use.

4. Site Plan Approval Required. Site plan approval as provided in Chapter 17.48 is required prior to the alteration, enlargement, expansion, construction or reconstruction of any nonconforming use.

B. If Nonconforming Use Discontinued for One Year. If a nonconforming use is discontinued for a period of one year:

1. Further Nonconforming Use Requires Approval. Further use of the property shall conform to this title except where application for an extension of time is received by the city during the first year after the nonconforming use is discontinued, and is subsequently reviewed by the planning commission and approved by the city council.

2. Approval Requires Extenuating Circumstances. Said approval may be granted only when the city council finds that extenuating circumstances exist.

C. If Nonconforming Use Replaced by Another Use. If a nonconforming use is replaced by another use, the new use shall conform to this title.

D. If Nonconforming Structure Destroyed. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause:

1. Said structure may be replaced.

2. Said replacement may continue the same nonconforming use.

3. Said replacement shall comply with requirements for building permits and shall meet all standards of the zone in which said structure would be permitted outright or as a conditional use.

4. If said replacement structure shall be to continue a nonconforming use as a residence then the replacement structure shall contain a minimum of one thousand (1,000) square feet of living area per single family (exclusive of facilities for parking), and provision shall be made to provide off-street parking for a minimum of two vehicles per single family, one of which shall be a garage or

carport.

5. Site plan approval as provided in Chapter 17.48 is required prior to the replacement of the destroyed structure.

E. Subsequent Owner's Rights. The rights granted under this title to continue, alter or enlarge a nonconforming use run with the land, and to the extent such right exists, may be utilized by any subsequent owner of the property. (Ord. 194 § 5. 1, 1995)

17.52.020 General exceptions to yard requirements.

The following exceptions to yard requirements are authorized for a lot in any zone, except a corner lot. Any front yard need not exceed:

A. The average of the front yards of abutting lots which have buildings within one hundred (100) feet of the lot; or

B. The average of the front yard of a single abutting lot which has a building within one hundred (100) feet and the required depth for that zone. (Ord. 194 § 5.2, 1995)

17.52.030 General exceptions to building height limitations.

Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, antennas, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this title. (Ord. 194 § 5.3, 1995)

17.52.040 Projections from buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues, and the cover or roof over decks or patios shall not project more than twenty-four (24) inches into a required yard. (Ord. 194 § 5.4, 1995)

17.52.050 Authorization to grant and deny variances.

A. When Planning Commission May Authorize Variance. The planning commission may authorize a variance from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific lot, strict application of the title would cause an undue or unnecessary hardship.

B. When Variance Prohibited. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

C. Planning Commission May Attach Conditions. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this title.

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

1. Exceptional or Extraordinary Circumstances Required. Exceptional or extraordinary circumstances shall apply to the property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography or other circumstances over which the owner of the property has had no control.

2. Variance Necessary for Preservation of a Property Right. A variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

3. Variance Would Not Be Detrimental or Conflict. The variance would not be materially detrimental to the purposes of this title, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

4. Variance Requested is Minimum Variance. The variance requested is the minimum variance which would alleviate the hardship.

E. Procedure for Taking Action on a Variance Application. The procedure for taking action on an application for a variance shall be as follows:

1. Only an Owner May Initiate a Variance Request. A property owner may initiate a request for variance by filing an application with the city recorder, using forms prescribed pursuant to Section 17.08.040.

2. Public Hearing Required. Before the planning commission may act on a variance application, it shall hold a public hearing thereon, following procedure established in Section 17.08.060.

3. Decision of Planning Commission to City Council. The decision of the planning commission shall then be brought before the city council, along with a complete record of the hearing, at the next regular council meeting after the appeal period has expired following said decision.

F. Review on the Record and Decision by City Council. 1. City Council Reviews Without Hearing Further Evidence. The city council shall review the decision of the planning commission on the record without hearing further evidence.

2. Actions Available to the City Council. The city council shall:

a. Either affirm the decision of the planning commission, at which time the decision shall be final; or

b. Shall set the matter for a hearing de novo before the city council, after which the council shall affirm, reverse or modify the decision of the planning commission.

G. Written Notice of Decision, to Applicant, Required Within Time Limit. Within ten (10) working days after a decision has been rendered with reference to a variance application, the city recorder shall provide the applicant with written notice of the decision of the city council.

H. Time Limit on a Permit for a Variance. Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on written request of the property owner, to complete the variance requirements. (Ord. 194 5.5, 1995)

CONDITIONAL USES

Sections:

- 17.56.010 Authorization to grant or deny conditional uses.**
- 17.56.020 Procedure for taking action on a conditional use application.**
- 17.56.030 Time limit on a permit for a conditional use.**

17.56.010 Authorization to grant or deny conditional uses.

A. How Conditional Use May Be Permitted, Enlarged, Altered. Conditional uses listed in this title may be permitted, enlarged, or otherwise altered upon authorization by the city council in accordance with the standards and conditions in this chapter.

B. Additional Conditions May Be Imposed. In permitting a conditional use, or the modification of a conditional use, the planning commission may impose, in addition to those standards and requirements expressly specified by this title, any additional conditions the planning commission considers necessary to protect the best interests of the surrounding property or the city as a whole.

C. Standards for Granting Conditional Use. Standards for granting conditional uses:

1. Proposal Shall Be Consistent. The proposal shall be consistent with the comprehensive plan and the objectives of this title and other applicable policies of the city.

2. Have Minimal Adverse Impact. Taking into account location, size, design and operating characteristics, the proposed use shall have a minimal adverse impact on the:

a. Livability;

b. Value; and

c. Appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

3. Location and Design Shall Be Attractive. The location and design of the site and structures for the proposed use shall be as attractive as the nature of the use and its setting warrants.

4. Use Shall Preserve Assets of Interest. The proposed use shall preserve assets of particular interest to the community.

5. Applicant Intent, Capability, Purpose and Motivation. The applicant shall have a bona fide intent and capability to develop and use the land as proposed, and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

6. Conditional Use Permit Amendments. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in this chapter. All conditional uses shall require continuing compliance with the terms of the approved conditional use and approved site plan, if any.

D. Additional Conditions May Be Imposed.

1. Planning Commission or City Council May Impose Additional Conditions. In permitting a new conditional use, or the alteration of an existing conditional use, the planning commission or city council may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which the city considers necessary to protect the best interests of the surrounding area or the city as a whole.

2. Conditions May Include. These conditions may include, but are not limited to, the following:

- a. Increasing the required lot size or yard dimension;
- b. Limiting the height, size or location of building or structure;
- c. Controlling the location and number of vehicle access points;
- d. Increasing the street width;
- e. Increasing the number of required off-street parking spaces;
- f. Limiting the number, size, location and lighting of signs;
- g. Requiring diking, grading, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property;
- h. Designating sites for open space;
- i. Designating specific hours of operation;
- j. Requiring a site plan to be filed and approved as provided in Chapter 17.48.

E. Changes in Use Shall Conform to This Title. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change in the use or in lot area, or an alteration of structure, shall conform with the requirements for conditional use.

F. Temporary Conditional Uses.

1. Conditions Necessary for Temporary Conditional Use. In the case where a property owner proposes that a conditional use be allowed for a specific period of time, and where the proponent demonstrates that the proposed use will not change the character or nature of the property nor make any permanent improvements thereon, or where the proponent demonstrates to the city that the proponent will utilize only temporary structures and/or temporary buildings, or structures or buildings that already conform to the provisions of the zone for which the use is intended, the city may issue a temporary conditional use permit.

2. City May Waive, Defer Or Modify Provisions of This Title. In permitting the temporary conditional use, the city may waive, defer or modify any provision of this title when the planning commission determines that the provision would impose an undue hardship or unnecessary restriction upon the proponent of the temporary conditional use, taking into consideration the best interests and development policies of the city.

3. This Chapter Governs. Except as specifically authorized under subsection (F)(2) of this section, the city shall issue the temporary conditional use permit only according to the provisions of this chapter.

G. Revisions in an Approved Conditional Use.

1. Changes in Approved Conditional Use. Any change in an approved conditional use shall be made pursuant to the procedures set forth in this section for conditional use approval.

2. Failure to Comply Unlawful. Where required conditional use has been approved, it is unlawful for any person to cause or permit any construction, reconstruction, improvement, erection or moving in of buildings, storage sheds, fences, decks, or other structures, or to cause or permit any change in use to take place in any manner except in complete and strict compliance with the approved conditional use.

3. Exception. If the change is solely a change in use to a permitted use in the zone where the property is located, the change shall not be unlawful. (Ord. 194 § 6. 1, 1995)

17.56.020 Procedure for taking action on a conditional use application.

The procedure for taking action on a conditional use application shall be as follows:

A. Owner May Initiate Request for Conditional Use. A property owner may initiate a request for a conditional use by filing an application with the city recorder.

B. Public Hearing Required. Before the planning commission may act on a conditional use application, it shall hold a public hearing thereon, following procedures established in Section 17.08.060.

C. Decision of Planning Commission to City Council. The decision of the planning commission shall then be brought before the city council, along with a complete record of the hearing, at the next regular council meeting after the appeal period has expired on the planning commission decision.

D. Review on the Record and Decision By City Council.

1. City Council Review Without Hearing Further Evidence. The city council shall review the decision of the planning commission on the record without hearing, further evidence.

2. Actions Available to the City Council. The city council shall:

a. Either affirm the decision of the planning commission, at which time the decision shall be final; or

b. Shall set the matter for a hearing de novo before the city council, after which the council shall affirm, reverse or modify the decision of the planning commission.

E. Written Notice of Decision, to Applicant, Required Within Time Limit. Within ten (10) working days after a decision has been rendered with reference to a conditional use application, the city recorder shall provide the applicant with written notice of the decision of the city council. (Ord. 194 § 6.2, 1995)

17.56.030 Time limit on a permit for a conditional use.

A. Authorization Good for Limited Time Only. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place; substantial construction shall be solely determined by the planning commission.

B. Conditions Under Which Planning Commission May Grant Extension. However, the planning commission may extend authorization for an additional period not to exceed one year, on written request by the property owner, to allow additional time to complete the requirements necessary to meet the conditional use provisions approved by the city council. (Ord. 194 § 6.3, 1995)

AMENDMENTS

Sections:

- 17.60.010** Amendments to text of title.
- 17.60.020** Amendment to zoning map.
- 17.60.030** Record of amendments.
- 17.60.040** Limitation on reapplication.
- 17.60.050** Notification of decision -Written notice of decision and time limit

17.60.010 Amendments to text of title.

Amendments to the text of this title may be initiated by the city council or the city planning commission. (Ord. 194 § 8.1, 1995)

17.60.020 Amendment to zoning map.

A. Who May Initiate Amendment. Amendment to the zoning map may be initiated by the planning commission, city council, or by application of the property owner.

B. Quasi-Judicial Change Requires Public Hearing. If the application is for a change of a quasi-judicial nature, as determined by the city administrative staff:

1. Timing of Public Hearing. The planning commission shall conduct a public hearing as provided in Section 17.08.060 on the proposed amendment at its earliest practical meeting date after the proposal is submitted; and

2. Follow Rules for Quasi-Judicial Hearings. The planning commission shall follow the adopted rules for quasi-judicial hearings.

C. Time Limit for Decision. Within sixty (60) working days after the hearing, the planning commission shall render a decision.

D. Decision of Planning Commission to City Council. The decision of the planning commission shall then be brought before the city council, along with a complete record of the hearing, at the next regular council meeting after the appeal period has expired on the planning commission decision.

E. Review on the Record and Decision by City Council.

1. City Council Reviews Without Hearing Further Evidence. The city council shall review the decision of the planning commission on the record without hearing further evidence.

2. Actions Available to the City Council. The city council shall:

a. Either affirm the decision of the planning commission, at which time the decision shall be final; or

b. Shall set the matter for a hearing de novo before the city council, after which the Council shall affirm, reverse, or modify the decision of the planning commission. (Ord. 194 § 8.2, 1995)

17.60.030 Record of amendments.

The city recorder shall maintain records of amendments to the text and zoning map of this title. (Ord. 194 § 8.3, 1995)

17.60.040 Limitation on reapplication.

No application of a property owner for an amendment to a zoning boundary shall be considered by the planning commission within a one-year period immediately following a previous denial of such request. (Ord. 194 § 8.4, 1995)

17.60.050 Notification of decision - Written notice of decision and time limit.

Within ten (10) days after a final decision on an amendment to the comprehensive plan, text of this title, or the plan/zone map, the city recorder shall provide:

A. To Applicant and DLCD. The applicant and the department of land conservation and development a complete copy of the city council decision,

B. To All Persons Who Participated and Requested in Writing. Notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice;

C. Notice Shall Meet Requirements of State. The notice shall meet the requirements of ORS 197.615. (Ord. 194 § 8.5, 1995)

Exhibit B

Chapter 16.04

LAND DIVISIONS GENERALLY

Sections:

16.04.010	Adoption.
16.04.020	Purposes and objectives.
16.04.030	Short title and revision policy.
16.04.040	Advisory role of the city\planning commission.
16.04.050	Relationship to the comprehensive plan.
16.04.060	Relationship to the comprehensive plan map.
16.04.070	Relationship to zoning ordinance.
16.04.080	Construction and definitions.

16.04.010 Adoption.

There is adopted, as provided in this title, a land division ordinance for the city of Metolius, a municipal corporation of the state of Oregon.

16.04.020 Purposes and objectives.

The land division ordinance is adopted to preserve, protect, and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the land division ordinance is adopted in order to achieve the following objectives:

- A. To aid in the implementation of the comprehensive plan of the city, as adopted by the city council on November 13, 1978 and subsequent revisions.
- B. To accommodate new development in a manner which creates livable neighborhoods, orderly development and coordinated development with public facilities which will preserve and enhance the city's living environment and will create new beauty through skilled subdivision design.
- C. To provide for water supply, sewage disposal, storm drainage and other utilities and facilities which may be required by conditions of an urban environment.
- D. To provide streets of adequate capacity for anticipated traffic which would utilize them, and to insure their design to promote safe vehicular and pedestrian traffic circulation system.
- E. To establish procedures, as provided in this code and ORS Chapter 92, for partitioning and subdividing lands within the city.

16.04.030 Short title and revision policy.

This title shall be known as the land division ordinance of the city and shall be reviewed on a biennial basis, and if necessary revised to keep it consistent with legislative changes or the changing needs and desires of the citizens of the city.

16.04.040 Advisory role of the city planning commission.

The planning commission of the city is charged by this title with the duty of making recommendations and reports to the council on the design and improvements of proposed land divisions. The commission shall have such additional powers and duties with respect to land division, the maps thereof, and the procedure relating thereto, as are prescribed by Chapter 92 of the Oregon Revised Statutes, by this title, or as council may hereafter direct.

16.04.050 Relationship to the comprehensive plan.

A subdivision plat shall conform to the policies of the comprehensive plan and elements thereof as adopted by the city council, with respect to the type and intensity of land use, residential densities and distributions, locations and sizes of public areas, rights-of-way and improvement of streets.

16.04.060 Relationship to the comprehensive plan map.

A subdivision plat shall conform with all applicable plans for the location and improvement of transportation facilities, parks, and other public facilities, as shown on the comprehensive plan map, as adopted by the city council.

16.04.070 Relationship to zoning ordinance.

A subdivision plat shall conform, in all respects, to applicable regulations of the zoning ordinance, as adopted by the city council.

16.04.080 Construction and definitions.

The definitions of words in this title, and the construction of the words in provisions thereof, shall be as follows:

- A. Construction. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this title:
1. Tense. Words used in the present tense shall include the future tense.
 2. Number. Words used in the singular shall include the plural, and words used in the plural shall include the singular.
 3. Shall and May. The word "shall" is mandatory. The word "may" is permissive.
 4. Gender. The masculine shall include the feminine and neuter.
 5. Headings. In the event there is any conflict or inconsistency between the heading of an article, section or paragraph of this title and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

B. General terminology. The word "city" means the city of Metolius, Oregon. The word "council" means the city council of the city of Metolius, Oregon. The word "commission" means the planning commission duly appointed by the mayor.

C. Definitions. For the purposes of this title, certain words and terms used in this title are defined as follows:

"Access" or "access way" means any way or means by which pedestrians and/or vehicles shall have safe and adequate and usable ingress and egress to/from a property; the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Alley" means a public way, permanently dedicated or reserved as a secondary means of access to abutting property. An alley is not a street as defined in this section.

"Block" means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way or pedestrian access ways.

"Building line" means a dashed or solid line on a site plan drawing or plot plan drawing indicating the location of buildings or structures on the property and the distance from the property lines as required by this title.

"Comprehensive plan" means the plan adopted by the commission and council providing the objectives and policy guidelines for the growth and development of the city, including amendments thereto.

"Contiguous" means two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership.

"Curb line" means the line dividing the roadway from a planting strip or footway.

"Design" means the design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.

"Development" means any man made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Easement" means a grant of the right to use a parcel of land or portion thereof for specific purposes, where ownership of the land or portion thereof is not transferred.

"Future street" means a proposed right-of-way (i.e. street or alley) as may be designed by the planning commission or other such agency, or authority as provided for herein,

which street is necessary for the future subdivision of property shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

"Legal description" means the method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

"Lot" means a single unit of land created by a subdivision plat filed in the office of the Jefferson County clerk, in conformance with ORS 92. The term "lot" does not include condominiums as used under ORS 91.505 through 91.675 "Unit Ownership Law."

"Lot area" means the total area of the lot measured in the horizontal plane within the lot boundary lines exclusive of public or private streets, but inclusive of any lawful easement providing access to other properties.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets.

"Lot depth," means the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Lot, Double Frontage. "Double frontage lot" means an interior lot having frontage on and with access on two parallel or approximately parallel streets.

Lot, Flag. "Flag lot," means a lot or parcel which has the buildable area located away from the public right-of-way and is connected to it through a corridor of minimum or less frontage.

Lot, Interior. "Interior lot" means a lot or parcel other than a corner lot or reverse corner lot.

Lot, Key. "Key lot," means the first lot to the rear of a reversed corner lot, whether or not separated by an alley.

"Lot line" means any line bounding a lot as defined in this section.

Lot Line, Front, "Front lot line" means the line on a lot abutting a street, other than an alley. Corner lots have two front lot lines.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line which is not a front line or a rear lot line.

Lot, Reverse Corner. "Reverse corner lot" means a corner lot which rear upon the side yard of another lot.

"Lot width," means the horizontal distance between the side lot lines, measured at the widest point of the lot.

"Major partition" means to partition a parcel of land into two or three parcels which includes the creation of a road or street.

"Minimum street standard" means that standard which must be met by a street before it may be used in a subdivision or partition or is accepted for dedication to the city. City street standards shall apply to public and private streets.

"Minor partition" means to partition a unit of land into two or three parcels that does not include the creation of a street.

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

"Official map" means the comprehensive plan map as adopted by the city council for the city.

"Owner" means the owner of record of real property as shown on tax rolls of Jefferson County or deed records of Jefferson County, or person who is purchasing property under contract. When land is being sold on contract, a development application must be signed by the deed holder/seller as well as the contract buyer, since the contract buyer has no ownership interest in the land until the contract is fully paid and a new deed is recorded.

"Parcel" means a tract of land as created by a partitioning of land.

"Parking space" means a rectangular area not less than twenty (20) feet long and ten (10) feet wide, together with maneuvering and access space required for a standard American automobile to park within the rectangle.

"Partition land" means to divide an area or tract of land into two or three parcels, in conformance with ORS 92, when such area or tract exists as a unit of contiguous land under a single ownership. "Partition land" does not include divisions of land resulting from lien foreclosures, division of land resulting from creation of cemetery lots; and "partition" does not include any adjustment of a lot line by relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot or parcel size established by applicable zoning ordinance.

“Pedestrian way” means a right-of way for pedestrian traffic; may include trails and pathways that provide direct and convenient pedestrian connections between long blocks.

"Person," unless context indicates otherwise, means and includes an individual, partnership, corporation, both public and private, association and club.

"Plat" means a map, diagram, drawing or replat containing all descriptions, locations, specifications, dedications, provisions and information concerning a land partition or subdivision as specified by this title.

“Public Works Standards and Specifications” refers to Metolius Public Works Standards.

"Right-of-way" means the area between the boundary lines of an alley, easement, street or highway.

“Roadway” means the portions of the right-of-way of a street or highway developed for vehicular and bicycle traffic. New streets are required to be developed with sidewalks.

“Sidewalk” means a pedestrian walkway with permanent surfacing contained within a public right-of-way.

“Street” means the entire area between the right-of-way lines of any public way, other than an alley, used or intended to be used for vehicular traffic, including public ways designated as roads, highways, lanes, places, circles, avenues, or by other similar designations.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts connected in some manner and which requires location on the ground or which is attached to something having a location on the ground.

“Subdivision and Subdivide lands” means to divide an area or tract of land into four or more lots, in conformance with ORS 92, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of the ordinance codified in this title.

"Subdivider" means any person who undertakes the subdivision of an area of land for the purpose of transfer of ownership or development.

“Subdivision” means an act of subdividing land or an area or tract of land, in conformance with ORS 92.

PROCEDURAL REQUIREMENTS FOR SUBDIVISIONS

Sections:

- 16.08.010 Powers of the Planning Commission.**
- 16.08.015 Application.**
- 16.08.020 Subdivisions and partitions.**
- 16.08.030 Tentative plans for subdivision and partitions.**
- 16.08.040 Subdivision and partition-Final plat.**

16.08.010 Powers of the Planning Commission.

Subject to final review and approval by the Council, the commission shall undertake the review of tentative and final subdivision application, supporting documents and partitioning maps, and make recommendations to the Council as provided herein. The commission shall perform other such duties as the Council may from time to time direct, or which is otherwise specified by law or ordinance.

16.08.015 Application.

Where required in this Chapter 16, applications shall be submitted on the appropriate form and in the manner required by the City. Before any application shall be considered by the City, the application shall be complete as required by the City. City shall advise applicants(s) of incomplete applications within 30 days of receipt.

16.08.020 Subdivisions and Partitions; Approval Criteria.

All subdivisions and partitions as defined in this chapter shall require a public hearing to be conducted by the Planning Commission. Upon reviewing an application for a subdivision or partition, the commission shall recommend in writing to the Council that it either approve, approve with conditions or deny the application based upon the criteria A through H, below, each of which the applicant shall have specifically referenced. Detailed responses will be provided to the Council by the commission with their recommendation.

- A. Compliance with Zoning and Other Ordinances. The proposed preliminary plat shall comply with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, the provisions of the underlying zoning district and the provisions of the Planned Unit Development ordinance, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 17.52. (Exceptions and Variances).
- B. Plat Name. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92.
- C. Transportation Plan. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities conform to the Capital Improvement Plan and are laid out so as to transition to the plats of subdivisions and

maps of major partitions already approved for adjoining property. All proposed public improvements and dedications are identified on the preliminary plat.

- D. Common Areas. All proposed common areas and improvements (e.g., open space, recreation areas, etc.) are identified as tracts on the preliminary plat.
- E. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:
1. All lots and parcels shall comply with the lot area, setback (i.e., existing structures), and dimensional requirements of the applicable zone, except as provided in subsection 2, below.
 2. No lot or parcel shall be less than 7,500 square feet. Every lot shall have a front lot line length of a minimum of 75 feet and lot depth of a minimum of 100 feet. Every block shall have a minimum length, on the longest side, of six hundred (600) feet between streets rights-of-way.
 3. Setbacks (i.e., for existing structures) shall be as required by the applicable land use zone.
 4. Each lot and parcel shall conform to the standards of Section 16.12.030 - Vehicular Access and Circulation.
 5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way.
 6. The minimum right-of-way to be dedicated to the public for a street shall be sixty (60) feet but may be greater as required by the City.
 7. Common drives to serve more than one lot or parcel may be required for traffic safety and access management.
- F. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.
- G. Future Re-division Plan. The purpose of this section is to provide guidelines for future re-division. When subdividing or partitioning tracts into large lots or parcels, the newly created lot(s) and parcel(s) shall be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted which identifies:
1. Potential future lot division(s) in conformance with the housing density standards

of the underlying zoning district.

2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way consistent with Chapter 16.12.020(H).
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the city or adjacent property owners, except as may be required through conditions of land division approval. For example, street improvements within the plan area may be required in the future to provide needed circulation.

H. Compliance. All submittals shall demonstrate compliance with the following development and design standards: Section 16.12.010 - Public Facilities Standards and Improvements - Generally, Section 16.12.020 - Section 16.12.030 - Vehicular Access and Circulation, Section 16.12.060 - Open Space, Section 16.12.070 - Sanitary Sewer and Water Service Improvements, Section 16.12.080 - Surface Water Management, Section 16.12.090 - Utilities, Section 16.12.100 - Fire Protection, Section 16.12.110 - Street Lights, and Section 16.12.120 - Sensitive Lands.

16.08.030 Tentative Plans for Subdivision and Partitions.

- A. Initial Submission. Fifteen (15) copies of a tentative map and a statement of any proposed subdivision and/or partition shall be submitted to the City Recorder together with a fee based on the city's adopted fee schedule.
- B. Preliminary Review.
 1. The City Recorder, with the City Planner's concurrence, shall determine whether the application is complete within thirty (30) days after receipt. If the application is not complete, the City Recorder shall request the additional information required from the applicant in writing, and the applicant shall have up to 180 days to either provide the same or state in writing his/her refusal to provide the requested information. After 180 days, a new application shall be submitted if the applicant still wishes to divide the property.
 2. Once the application is deemed to be complete, the City Recorder shall transmit one copy of the tentative map and application materials to the city departments, Planning Commission members and other public officials as necessary. Each city department, upon receipt of a copy of the tentative map, shall examine the map for conformance with requirements coming within the authoritative scope of the department; and, within seven (7) days after receipt thereof, shall make a written report to the City Recorder that states whether or not the application conforms to City requirements, and why. The City Planner shall prepare a written report on the plat for submission to the commission. The report shall include information

on compliance with city ordinances and standards, including land division and zoning ordinances and city standards for streets, alleys, pedestrian and bicycle ways, sewers, water mains, surface water management, private utilities, parks and open space, and tree protection, together with any other data as appears pertinent to the commission's review of the plat.

3. Copies of the complete land division application shall be submitted to the following additional officials, and they will be given thirty (30) days to review the plan and submit comments.
 - a. The county surveyor and the county assessor.
 - b. The irrigation district, if the property is within the district.
 - c. The school district, if there is indication of school district interest in property development in the area.
 - d. City's engineering consultant/contractor, as applicable.
 - e. Oregon Department of Transportation.
 - f. Jefferson County Rural Fire Protection District.
- C. Tentative Map Scale. Tentative maps shall be to a scale of one (1) inch equals one hundred (100) feet or less, except tracts over one hundred (100) acres, which may be to a scale of one (1) inch equals two hundred (200) feet, and shall be clearly and legibly reproduced.
- D. Information on Tentative Map. The tentative map shall contain the following information:
 1. The proposed subdivision's or partition's name, date, north point, scale, and sufficient description to define the location and boundaries of the proposed subdivision. The proposed name may not conflict with the name of an existing subdivision or partition.
 2. Name and address of recorded owner or owners (i.e., in the deed records) of the proposed subdivision or partition.
 3. Name and address of the subdivider.
 4. Name, business address and registration number of the licensed surveyor (licensed in the State of Oregon) who prepared the map of the proposed subdivision or partition.

5. The locations, names, widths, approximate radii of curves, and grades of all existing and proposed streets, alleys, pedestrian ways and easements in the proposed subdivision or partition and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment and future extension of the streets, alleys and pedestrian ways therein with the streets and alleys in the proposed subdivision.
6. Names of the recorded owners of all contiguous and adjacent land within two hundred (200) feet.
7. The approximate location and character of all existing and proposed easements and public facilities, including water and sewer facilities, surface water management facilities, and public parks and open spaces in the subdivision, partition or adjacent thereto.
8. Approximate lot layout and approximate dimensions of each lot and each to be numbered.
9. Proposed setback lines.
10. The outline of all existing buildings and their use, showing those which will remain.
11. The location and size of all existing trees that have a diameter of four (4) inches (as measured four (4) feet above grade), showing those which will remain and those that will be removed, consistent with this ordinance.
12. Contour lines shall be provided. If the slope of the ground is less than ten (10) percent, contour lines at two (2) foot intervals shall be required. If the slope is over ten (10) percent, contour lines at five (5) foot intervals shall be provided.
13. City boundary lines crossing or bounding the subdivision or partition.
14. Approximate location of all areas subject to inundation of storm water overflow and the location, width, high water elevation flood flow and direction of flow of watercourses.
15. Any areas proposed to be cut or filled or otherwise graded or protected from flooding.
16. If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads and watercourses.

17 All areas to be reserved as common private or public open space, such as pedestrian ways, recreation facilities, landscaping, entryway monuments, surface water management facilities and other common areas.

E. Information in Statement. A written statement to accompany the map shall contain the following information:

1. A general explanation of the subdivision or partition and proposed public improvements including water and sewer facilities, surface water management facilities, and public parks and open spaces proposed to be installed.
2. An explanation of how the application complies with the applicable provisions of the zoning ordinance and land division ordinance, including applicable provisions of Chapter 16.12 - Design and Improvement Requirements. Where deviations from city ordinances are requested, a statement shall be provided which demonstrates compliance with the applicable provisions of Section 17.52.050, Variations.
3. Public areas and private common areas proposed, if any.
4. A tree protection and/or planting proposed, if any.
5. A preliminary draft of restrictive covenants proposed, if any.
6. Possible future re-division plan, if any.
7. Any other information, plans, or studies deemed necessary by the City to describe the proposal and demonstrate compliance with the applicable approval criteria.

F. Planning Commission Review and Council Approval of Tentative Subdivision Or Partition Map. The Planning Commission shall conduct a public hearing in conformance with Section 17.08.050 to determine the need and whether the tentative map is in conformity with the provisions of law and of this title. Planning Commission recommendation to the Council, to approve, to approve with conditions or modifications, or to disapprove the proposed subdivision plan shall be made within sixty (60) days from the time the application is deemed complete. City Council shall take action so that the final decision on the tentative plat, including any appeals to city council, shall be made not later than one-hundred and twenty (120) days from the time the application is deemed complete. Approval of the tentative map shall require the commission's approval of the final plat, if there is no change in the plan of subdivision or partition as shown on the preliminary plat and there is full compliance with all conditions of tentative plan approval and all requirements of this title. The action of the Planning Commission shall be noted on three copies of the tentative map. One copy shall be returned to the subdivider, one shall be transmitted to the City Engineer, and the other retained by the City Recorder together with a

memorandum setting forth the action of the Planning Commission and all the findings of compliance with the provisions of this ordinance.

16.08.040 Subdivision and Partition-Final plat.

- A. Submission of Final Plat (Map). The applicant shall cause the proposed subdivision or partition, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved or conditionally approved. A tracing and five blue line or black line prints of the final map shall be submitted to the City Recorder, together with a fee in accordance with the city's fee schedule, within one year after approval or conditional approval. The tracing and prints are in addition to those required by Oregon Statutes. An extension of time for filing of the final map may be granted by the City Council provided written application is made by the applicant within one year after action on the tentative map.
- B. Supplemental Data. At the time of the submission of the final map, the subdivider shall also submit the following:
1. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
 2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
 - b. The computation of all distances, angles and courses shown on the final map.
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and State Highway stationing.
 - d. Coordinates of all block corners and all street center points.
 3. A copy of any deed restrictions applicable to the subdivision or partition.
 4. Electronic copy of the survey with coordinates of all lot corners set at the time, if available.
- C. Form of Final Map. The final subdivision/partition map shall be prepared in accordance with the provisions of this title and state laws, including but not limited to ORS 92.080. All tracings required shall be in accordance with state standards, including but not limited to ORS 92.120.

- D. Information on Final Map. The final map shall, in addition to other information required by law, show the following:
1. The date, scale, north point (generally pointing up), legend and controlling topography (i.e., creeks, highways, railroads, etc.).
 2. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - a. All stakes, monuments, or other evidence found on the ground and used to establish the initial point of the subdivision boundary, and to otherwise determine the boundaries of the subdivision.
 - b. Adjoining corners of all adjoining subdivisions and partitions.
 - c. Whenever there has been established or adopted a system of coordinates, ties into this system, but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat.
 - d. Whenever the City has established the centerline of a street adjacent to or within the proposed subdivision/partition, the location of this line and monuments found or reset.
 - e. All other monuments found or established in making the survey of the subdivision/partition, or required to be installed by the provisions of this title.
 3. Tract boundary lines, right-of-way lines, and centerline of streets, and lot and block lines with dimensions, bearings, or deflection angles and radii, arcs, points of curvature, and tangent bearings. Tract boundary and street bearings shall be shown to the nearest ten (10) seconds with basis of bearings. All distances shall be shown to the nearest 0.01-foot. Error of closure shall be within the limit of one foot in ten thousand (10,000) feet.
 4. The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths of each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius and center angle. Block corner curb data to be shown separately.
 5. All easements clearly labeled and identified and, if clearly of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision/partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

6. Lot or parcel numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions or partitions.
 7. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision/partition. The numbers shall be solid and have sufficient size and thickness to stand out and shall be so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision/partition.
 8. Appropriate words, symbols or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries and courses clearly shown and defined in every case.
- E. Certifications. The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate.
1. A certificate signed and acknowledged by all parties having any recorded title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
 - a. Rights-of-way, easements, or other interest.
 - b. Rights-of-way, easements or reversions which by reason of changed conditions, long disuse or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision/partition map, including land originally patented by the United States or the State of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the State of Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided or partitioned.
 2. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those lots or parcels other than streets, which are intended for the exclusive use of the lot or parcel owners in the subdivision/partition, their licensees, visitors, tenants and servants.
 3. A certificate signed and acknowledged by the surveyor responsible for the survey and final map, the signature of such surveyor to be accompanied by his seal.

4. Provision for additional certificates and acknowledgments required by law.

F. Approval by City Engineer/Engineering Consultant.

1. Upon receipt of the final plat and accompanying data, the City Engineer or City's Engineering Consultant shall review the final plat and documents to determine that the plat conforms with the approved tentative plan, and that there has been compliance with provisions of the law and of this title.
2. The City Engineer/Engineering consultant shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by this title. He or she may make checks in the field to verify that the plat is sufficiently correct on the grounds, and he or she may enter the property for this purpose.
3. If the City Engineer/Engineering consultant determines that there has not been full conformity, he or she shall advise the subdivider/partitioner of the changes or additions that must be made, and afford the subdivider/partitioner sixty (60) days to make such changes or additions.
4. If the City Engineer/Engineering consultant determines that full conformity has been made, he or she shall so certify. If full conformity has not been made within sixty (60) days, the city may require that the applicant submit a new final plat and application fee.

G. Final Approval of the Commission. Upon return of the final map by the City Engineer/Engineering Consultant, the Planning Commission shall examine the same in detail to determine whether the map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition of its acceptance. If the Planning Commission does not recommend approval of the map, the City shall advise the subdivider/partitioner in writing of the changes or additions that must be made for this purpose, and shall afford him or her sixty (60) days to make the same. If the Planning Commission determines that the map conforms to all requirements, the City shall approve the same; but before certifying its approval thereon, it shall require the subdivider/partitioner to file the agreement and bond, or make the deposit, required in subsections H and I of this section; and when the agreement and bond have been filed, and approved as prescribed, the Planning Commission approval shall be endorsed upon the map by execution of the appropriate certificates as prescribed by law. If full conformity has not been made within sixty (60) days, the City shall deny the final plat and require the applicant to submit a new final plat application with the fee.

H. Agreement for Improvements. Before Planning Commission approval is certified on the final map, the subdivider/partitioner shall either install required improvements or shall execute and file with the City Recorder-Treasurer an agreement between himself/herself and the city, specifying the period within which he or she or agent or

contractor shall complete all improvement work required by or pursuant to this title; and providing that if he shall fail to complete the work within the period, the City may complete the same and recover the full cost and expense thereof from the subdivider/partitioner. The agreement shall also provide for reimbursement of the City by the subdivider/partitioner for the cost of inspection by the City Engineer. The agreement may also provide for the construction of the improvements in units, for an extension of time under conditions therein specified, and for the termination of the agreement upon the completion, and proceedings under an assessment district act for the construction of improvements deemed by the City to be at least the equivalent of the improvements specified in the agreement and required to be constructed by the subdivider/partitioner. The agreement shall be recorded in the Jefferson County deed records.

I. Bond.

1. The subdivider/partitioner shall file with the agreement, to assure his full and faithful performance thereof, bonding or other performance guarantee that is determined to be acceptable to the City:
 - a. A surety bond executed by a surety company authorized to transact business in the state of Oregon.
 - b. Cash, or line of credit from a bank.
2. The amount of the bond or other surety shall be a sum determined by City Engineer/Consultant and approved by the City Council. The amount shall be sufficient to cover the City's cost of improvements, engineering, inspection, and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision/major partition. The bond or other surety must be approved by the City Attorney as to form.
3. In the event the subdivider/partitioner fails to complete all improvement work in accordance with the provisions of this title, and the City has to complete same, or if the subdivider/partitioner fails to reimburse the city for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvement damages in the development of the subdivision, the City shall call on the surety for reimbursement or shall appropriate from any cash deposit funds for reimbursements. In any such case, if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the City, it shall release the remainder of the bond or cash deposit; and if the amount of the surety bond or cash deposit is less than the cost and expense incurred by the City, the subdivider/partitioner shall be liable to the City for the difference.

- J. Filing of Final Plat. Approval of the final plat by the City Council, as provided in this chapter, shall be conditioned on its prompt recording with Jefferson County. The subdivider/partitioner shall without delay submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within thirty (30) days after the last required approving signature has been obtained.

DESIGN AND IMPROVEMENT STANDARDS

Sections:

16.12.010	Public works standards and improvements – generally.
16.12.020	Transportation standards.
16.12.030	Vehicular access and circulation.
16.12.040	Pedestrian access and circulation.
16.12.050	Street trees.
16.12.060	Open space.
16.12.070	Sanitary sewer service and water service improvements.
16.12.080	Surface water management.
16.12.090	Utilities.
16.12.100	Fire protection.
16.12.110	Streetlights.

16.12.010 Public Works Standards and Improvements - Generally.

A. Purpose. The purpose of this chapter is to provide planning and design standards for public and private transportation facilities, utilities, and other public improvements required for development.

Important cross-reference to the standards. All public improvements shall be in conformance with the City of Metolius Public Works Standards.

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the city shall occur in accordance with the standards of this Chapter. No development may occur unless the public works related to development comply with the public works requirements established in this Chapter.

C. Standard Specifications. The City has established written standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference to Public Works Standards and Specifications.

D. Conditions of Development Approval. No development may occur unless required public works are in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Written findings in the development approval shall indicate how the required improvements are roughly proportional to their impact.

16.12.020 Transportation Standards.

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Section 16.12.030 - Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with Public Works Standards and Specifications and the provisions of this Section.
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with the Public Works Standards and Specifications, and public streets shall be dedicated to the applicable city, county or state jurisdiction.
3. New streets, driveways, and aprons shall be paved with hard surface according to Metolius' Public Works Standards and Specifications.
4. The City may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:
 - a) A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - b) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future, and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation.
 - c) The improvement would be in conflict with an adopted capital improvement plan.
 - d) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets. In this case, sidewalk improvements may be required prior to issuance of building permits.

B. Variances. Variances to the Public Works Standards and Specifications may be granted in accordance with Section 17.52.050 - Variances.

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or major partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council, and the deeded right-of-way

conforms to the standards of this section. All deeds of dedication shall be in a form prescribed by the city engineer and shall name "the city" as grantee.

- D. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with section 16.12.030 - Vehicular Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
- E. Street Location and Width. Except as noted below, the location and width of all streets shall conform to the Public Works Standards and Specifications, as applicable, and approved street plan or subdivision/major partition plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets. Where the location of a street is not shown in an existing street plan or specific area plan, the location of streets in a development shall provide for the continuation and connection of existing streets in the surrounding areas, in conformance with subsection "H", below.
- F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in the Public Works Standards and Specifications. A variance shall be required to vary the standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
1. Street classification in accordance to Public Works Standards and Specifications.
 2. Anticipated traffic generation.
 3. On-street parking needs.
 4. Sidewalk and bikeway requirements based on anticipated level of use.
 5. Requirements for placement of utilities.
 6. Street lighting.
 7. Minimize drainage, slope, and sensitive lands impacts, as identified by the Public Works Standard and Specifications.
 8. Street tree location, as provided for in Public Works Standards and Specifications - Street Trees.
 9. Protection of significant trees.

10. Safety and comfort for motorists, bicyclists, and pedestrians.
11. Need for street furnishings (e.g., benches, lighting, bus shelters, etc.), when applicable.
12. Access needs for emergency vehicles.

Table 16.12.020 – City of Metolius Right of Way and Street Design Standards

Type of Street See notes at bottom of this page	Ave. Daily Trips (ADT)	Right of Way Width	Pavement Width	Within Roadway Area			Curb	Planting Strip/ Drainage Swale (on both sides)	Side-walks (on both sides)
				Motor Vehicle Travel Lanes	Meridian and/or Center Turn Lane	On-Street Parking (When Allowed)			
ARTERIAL STREETS i.e. Jefferson Ave.	3,000 to 1,000 ADT	60'	28'	12'	Per ODOT Standard	Per ODOT Standard	16" Standard	7' - 8'	5' - 10'
COLLECTOR STREETS Residential: Butte Avenue Washington Ave.	1,500 to 5,000 ADT	60'	28'-36'	12'	N/A	Parallel	12"	7'-8'	5'-8'
Washington Ave.		60'	28'-36'	12'		Parallel	12"	None	
New Collector Streets		60'-64'	38'	12'		Parallel	12" Standard	7'-8'	5' - 8'
COMMERCIAL STREETS New Commercial Streets	1,500 to 5,000 ADT	60'	26' - 28'	12'		Parallel Parking only	12" Standard	7' - 8'	5' - 10'
LOCAL RESIDENTIAL STREETS Existing Streets (as of year 2006)	Less than 1,500 ADT	60'	24'	12'	N/A	Parallel	optional	none	
New Local Residential Streets		60-64'	38	12'		Parallel parking only	12" Standard	6'-7'	5' - 6'
ALLEYS	N/A	16'	Gravel alleys with 3" of 1 1/2" minus and 2" of 3/4" minus rock	N/A	N/A	None	none	none	None
ACCESSWAYS & MULTI-USE PATHS	N/A	10'-18'	6'-10' paved width, 2'-4' strips on both sides	N/A	N/A	None	none	none	none
County Collector Streets 9 th Street	1,500 to 5,000 ADT	60'	22'	11'	N/A	Parallel	none	none	none
Dover Lane		60'	25'	12.5'		Parallel	none	none	none
a. Hardscape planting strip with tree wells may be used in commercial and mixed-use development areas where on-street parking is required. b. 5' Sidewalk may be installed in residential areas, 5'-10' sidewalk may be installed in commercial areas. c. Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 25 mph) streets (bikes can share the travel lanes with motor vehicles).									

- d. Option for residential street with 24 feet of pavement width and 5-foot wide sidewalks or pathways, separated from roadway by drainage swale (no curbs). Sidewalks may not be required on some existing local streets when existing and future traffic volumes are low, e.g. less than 500 ADT or 10 dwellings.
- e. Multi-use path subject to Conditional Use Permit with Site Plan Approval.

G. Traffic Signals and Traffic Calming Features. Special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.

H. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision or major partition in order to facilitate orderly development of the street system and comply with the Public Works Standard and Specifications. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is intended to show potential future street extensions with future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land; and as necessary to continue the city's street grid, in conformance with the block standards in subsection 5, below. The point where these stub streets temporarily end shall conform to all of a-c, below:
 - a) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs (dead-end streets) since they are intended to continue as through streets when the adjoining property is developed.
 - b) A temporary barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider/major partitioner and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) that meet the requirements of the fire district shall be constructed for stub streets over 150 feet in length.

I. Street Alignment and Connections.

1. Blocks abutting a collector street, and having their long side adjacent to the collector street, shall be only one half block in width and lots in such a half block shall face the local residential street, not the collector street. Spacing between street intersections on collector streets and arterial streets shall be at least 660 feet

in length and 276 feet in width, as measured from the centerline of the street, except spacing between street intersection of any half block abutting a collector street shall be at least 660 feet in length and 160 feet in width, as measured from the centerline of the streets.

2. Spacing between local street intersections shall be at least 660 feet in length and 276 feet in width, as measured from centerline of the streets, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar public amenity subject to Site Plan review and approval.
 3. All streets and alleys that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
 4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and neighborhood facilities, such as schools, shopping areas and parks.
 5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the maximum block length in new subdivisions shall conform to the provisions of 16.12.030(J) - Street Connectivity and Formation of Blocks.
- J. Sidewalks, Planter Strips/Swales, Trails. Sidewalks, planter strips/swales, and multi-use trails shall be installed in new subdivisions and major partitions, in conformance with the standards in Public Works Standards and Specifications and adopted street plans. Maintenance of city owned sidewalks, curbs and multi-use trails is the continuing obligation of the City, except the cost of repairs to damage caused by others shall be their responsibility when known, and maintenance of city owned planter strips/swales and privately owned sidewalks, planter strips/swales and multi-use trails is the continuing obligation of the adjacent property owner and shall be based on standards set by the City.
- K. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply.
1. Streets shall have at least 20 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance.

2. Local street intersections shall meet requirements of Public Works Standards and Specifications.
 3. Intersections with arterial streets and collector streets shall meet requirements of Public Works Standards and Specifications.
- L. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are less than the current standard width, additional rights-of-way shall be provided at the time of subdivision, major partition, or other development, subject to the provisions of Section 16.12.010(D).
- M. Cul-de-sacs. A permanent dead-end street shall be no more than 200 feet long, shall not provide access to more than 5 dwelling units, and shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:
1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a radius of no less than 30 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or landscaped parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width.
 2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the pavement.
- N. Grades and Curves. Grades shall not exceed 10 percent on any street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:
1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets.
 2. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.
- O. Curbs, Curb Cuts, Ramps, and Driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Public Works Standards and Specifications.

- P. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, site plan review and approval shall be required. New railroad crossings and modifications to existing crossings are subject to review, and approval by the Oregon Department of Transportation.
- Q. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street.
- R. Alleys, Public or Private. Alleys shall be extended within new development and conform to the standards in Public Works Standards and Specifications. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.
- S. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design and construction standards for private streets shall be the same as for public streets.
- T. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Jefferson County except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as required by emergency service providers.
- U. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be reestablished and protected.
- V. Street Signs. The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- W. Mail Boxes. Plans for mailboxes to be used and their location shall be approved by the United States Postal Service.
- X. Street Light Standards. Streetlights shall be installed in accordance with city standards.
- Y. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 50% of the structures in the new development are completed or 1 year from the

commencement of initial construction of the development, whichever is less. The construction standards shall meet the requirements of Public Works Standards and Specifications.

16.12.030 Vehicular access and circulation.

- A. Intent and Purpose. The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways as consistent with the Public Works Standards and Specifications. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. "Access management" is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the Public Works Standards and Specifications by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned division of land.

- B. Applicability. This ordinance shall apply to all public and private streets within the City and to all properties that abut these streets.
- C. Access Permit Required. Access to a public street requires an Access Permit in accordance with the following procedures:
1. Permits for access to city streets shall be subject to review and approval by the city based on the standards contained in this Section, and the provisions of Section 16.12.020 - Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice or building permit as a condition of approval.

2. Permits for access to county highways shall be subject to review and approval by Jefferson County, except where the county has delegated this responsibility to the city, in which case the city shall determine whether access is granted based on adopted county standards.
- D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified unbiased professional to determine access, circulation and other transportation requirements.
- E. Conditions of Approval. The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.
- F. Access Options. When vehicle access is required for development, access shall be provided by one of the following methods:
1. Option 1. Access is from an existing or proposed alley.
 2. Option 2. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing driveway access as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection G, below.
 3. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in residential zones, unless topographic or physical constraints require the formation of such lots. When double- frontage lots are permitted in residential zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner through appropriate conditions of approval (e.g., recorded covenant, deed restriction, etc.).
- G. Number of Access Points. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section H, below, in order to minimize the number of access points.
- H. Shared Driveways. The City shall require shared driveways as a condition of land division or site plan review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
 2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
 3. Exception. Shared driveways and frontage lots are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- I. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards (except as otherwise permitted as a result of Site Plan review and approval):
1. Block Length and Width. The minimum block length and width shall not be less than:
 - a. Residential Zone: 600 feet minimum in length and 216 feet minimum in width (including 16 foot wide alley). Each lot shall be a minimum of 75 feet wide on the street front, and a minimum of 100 feet deep between street and alley. Blocks shall be made up of a minimum total of 16 lots. Larger blocks (increased by multiples of two lots on each long street-side) may be permitted as a result of Site Plan review and approval.
 - b. Main Street Commercial Zone: 300 feet minimum in length and 216 feet minimum in width (including 16 foot wide alley). Each lot shall be a minimum of 25 feet wide on the street front, and a minimum of 100 feet deep between street and alley. Blocks shall be made up of a minimum total of 24 lots. Larger blocks increased by multiples of four lots on each long street-side) may be permitted as a result of Site Plan review and approval.
 - c. Industrial Zone: 600 feet minimum in length.
 2. Exception. Exceptions to the above standards may be permitted as a result of Site Plan review and approval, or when a pedestrian access way is provided at or near mid-block, in conformance with the provisions of Section 16.12.040, or when the

existence of a railroad right-of-way precludes a street connection from being made.

- J. Driveway Openings. Driveway openings and curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians.
1. Single family, two-family, and three-family uses shall have a minimum driveway opening width of 12 feet, and a maximum width of 36 feet.
 2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway opening width of 24 feet.
 3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway opening width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the city determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
 4. Access widths for all other uses shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Section 17.44.030.
 5. Driveway aprons. Driveway aprons are required and shall be constructed of concrete or asphalt and shall be installed from the property line to the edge of the paved (proposed or existing) surface, as shown below in Figure 16.12.030 K. Driveway aprons shall conform to ADA standards for sidewalks and pathway.
- K. Fire Access and Parking Area Turn-Around. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 16.12.020 - Transportation Standards.
- L. Vertical Clearances. Driveways, private streets,, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.
- M. Construction. The following development and maintenance standards shall apply to all driveways and private streets:

1. Surface Options. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality.
2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turnarounds shall drain into roadside swales or other retention areas to eliminate sheet flow of such waters onto streets and abutting property.

16.12.040 Pedestrian access and circulation.

All new developments that are subject to site development review shall comply with the following standards to promote non-motorized transportation alternatives and ensure safe and convenient pedestrian access and circulation:

- A. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets.
 1. Multi-use pathways (i.e., for pedestrians and bicyclists) shall be designed consistent with the Public Works Standards and Specifications.
 2. If the streets within the subdivision or neighborhood are lighted, the City may also require lighting for pathways.
 3. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties.
- B. Design and Construction. Pathways shall conform to all of the standards in 1-5 below:
 1. Vehicle/Pathway Separation. Where a pathway is along the side of a driveway or street (public or private), it shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped to provide buffering. Pathway/building separation may be required for commercial, industrial, public, or institutional uses.
 3. Crosswalks. Where pathways cross a parking area or street ("crosswalk"), it shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a

concrete crosswalk across an asphalt driveway. If painted striping is used, it shall consist of thermoplastic striping or similar type of durable application.

4. Pathway/Multi-use Path Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface approved by the City, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths shall be designed consistent with the Public Works Standards and Specifications and constructed of asphalt or concrete.
5. Accessible routes. Pathways shall comply with the federal Americans with Disabilities Act, which requires accessible routes of travel.

16.12.050 Street trees.

Street trees shall be planted for all developments that are subject to Land Division or Site Plan Review. Planting of trees on unimproved streets shall be deferred until the construction of sidewalks.

- A. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:
 1. Provide a broad canopy where shade is desired.
 2. Use low-growing trees for spaces under utility wires.
 3. Select trees which can be "limbed-up" where vision clearance is a concern.
 4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 5. Use species with similar growth characteristics on the same block for design continuity.
 6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
 8. Select trees for their seasonal color, as desired.
 9. Use deciduous trees for summer shade and winter sun.

- B. Caliper Size. The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.
- C. Spacing and Location. Street trees shall be planted within planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, at least one tree shall be planted for each lot, and shall be spaced no more than 30 feet apart (e.g., for species with a 30-foot spread), except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.
- D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation. The property owner shall be responsible for tree care (pruning, watering, fertilization, and replacement as necessary).
- E. Assurances. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting. Species must be approved by Public Works Department prior to planting.

16.12.060 Open space.

- A. Open Space Standard. Subdivisions and Planned Unit Developments (PUDS) shall set aside and dedicate open space. The Planning Commission shall recommend, with final approval by the City Council, if a subdivider/developer shall:
 - 1. Set aside and dedicate to the public for park and recreation purposes, not less than eight percent (8%) of the gross area of said development if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks; or
 - 2. In lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under (1) above. For the purpose of determining the fair market value, the latest value of the land as unplatted and without improvements as shown on the County Assessor's tax roll shall be used. The sum so contributed shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing subdivision.
- B. Recording of Open Space. The open space shall be recorded with the final subdivision plat or separate legal instrument in accordance with following methods:
 - 1. By dedication to the City as publicly owned open space. Open space proposed for dedication to the City must be acceptable to the City Council with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant

may be required to provide a level one environmental assessment), and budgetary and maintenance terms, or

2. As privately owned open space, by leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City Council.
- C. Expenditure of Funds. Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City Treasurer. Such funds may be expended only on order of the City Council for the purpose of acquiring, developing new parks or maintaining existing parks for recreation purposes.
 - D. Additional Open Space. If the developer is required to reserve additional land area in excess of the area in Subsection A for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 12 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.
 - E. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any system development charge for parks as may be adopted by City Council.

16.12.070 Sanitary sewer service and water service improvements.

- A. Sewer and Water Systems Required. All subdivisions and major partitions must be provided with a sanitary sewer collection system and water delivery system which are connected to the city municipal systems. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with Public Works Standards and Specifications. Where the city engineer/ engineering consultant determines they are applicable, stubs for future extensions shall be provided.
- B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the city engineer/engineering consultant has approved all sanitary sewer and water plans in conformance with Public Works Standards and Specifications and irrigation district standards.
- C. Over-sizing. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The over-sizing shall be eligible for system development charge credits, as may be adopted by City Council.

- D. Permits Denied. The City may deny or approve with conditions development permits (e.g., as to development timing) where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

16.12.080 Surface water management.

- A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and floodwater runoff have been made as determined by the city engineer/engineering consultant. The City may require the applicant to submit a drainage study prepared by a qualified professional to be submitted with a land division application. A study shall be required for developments greater than one (1) acre.
- B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area in its current state, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer/engineering consultant.
- C. Effect on Downstream Drainage. Where it is anticipated by the City that the additional runoff resulting from permits will overload an existing drainage facility, the City shall withhold approval of permits until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards, and any applicable statutory requirements for development moratoria.
- D. Easements. Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance in its current state.
- E. Street Drainage. Streets shall be designed in such a manner as to provide storm water drainage from the center of the street to swales, drainage ditches or other such means as the city shall approve. In no case shall storm water be designed to drain from a development onto a street or adjacent lots, except through an approved drainage way within an approved right-of-way or easement.

16.12.090 Utilities.

- A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface mounted transformers,

surface mounted connection boxes and meter cabinets which may be placed aboveground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions and major partitions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Above ground equipment shall not obstruct vision clearance areas for vehicular traffic (Section 16.12.030 - Vehicular Access and Circulation).
 2. The City reserves the right to approve the location of all surface-mounted facilities.
 3. All new underground utilities, including sanitary sewers and water mains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
 4. Stubs for service connections shall be long enough to avoid disturbing the street or alley improvements when service connections are made.
- B. Easements. Easements shall be provided for all underground utility facilities on the recorded plat.
- C. Exception to Underground Utility Requirement. The standard applies only to proposed subdivisions and major partitions. An exception to the underground utility requirement may be granted when the applicant demonstrates that physical constraints, such as sensitive lands, or existing development conditions, preclude underground utilities.

16.12.100 Fire protection.

Fire hydrants shall be placed in the subdivision as directed by the city.

16.12.110 Streetlights.

All subdivisions or major partitions shall install streetlights as directed by the city.

PENALTIES AND ENFORCEMENT

Sections;

- | | |
|------------------|--|
| 16.16.010 | Violation of title. |
| 16.16.020 | Enforcement . |
| 16.16.030 | Compliance with Oregon real estate regulations. |
| 16.16.040 | Certification conflicts. |

16.16.010 Violation of Title.

An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or major or minor partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded, shall be a civil violation of this title. Any person, firm, partnership or corporation, upon violation of this title, shall be subject to fines, civil proceedings or mediation as determined by City Council.

16.16.020 Enforcement.

It shall be the responsibility of the City Council to notify the city attorney of any violation of this title and to sign any necessary complaints. Alternatively, the council may refer the complaint to the Planning Commission with a request to provide recommended abatement measures to Council.

16.16.030 Compliance with Oregon Real Estate Regulations.

Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider/partitioner shall file a "Notice of Intent" with the Oregon State Real Estate Commission, in conformance with ORS 92.345.

16.16.040 Certification conflicts.

When any provision of Oregon state law or of this chapter requires the execution of any certificate or affidavit on the performance of any act by a person in his official capacity who is also a subdivider, partitioner, or any agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the commission.

INTRODUCTORY PROVISIONS

Sections:

17.04.010	Title.
17.04.020	Purpose.
17.04.030	Interpretation.
17.04.040	Definitions.

17.04.010 Title.

Chapter 17 shall be known as the City of Metolius zoning standards.

17.04.020 Purpose.

These standards are adopted for the purpose of promoting the health, safety, peace, convenience, economic well-being, and the general welfare of the City of Metolius. These standards are not limited to, but intended specifically to achieve the following designated objectives:

- A. To implement the comprehensive plan as adopted by the Metolius City Council on November 13, 1978;
- B. To comply with ORS Chapters 227 and 197;
- C. To promote the public health, safety and welfare of the citizens of the City.
- D. To protect the character and values of land and buildings, the economic stability of zoning districts, and to enhance the quality of the desired environment in each zone by preventing the intrusion of inharmonious uses, preventing encroachment on desirable open space, providing for the safe and efficient movement of present and future traffic, and assuring the provision of necessary off-street parking space for vehicles.
- E. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City.
- F. To assure that future development occurs in an orderly manner and provides for economy and efficiency in public services and utilities.
- G. To assure satisfactory physical relationships between zoning districts of different uses and to minimize conflicts among land uses.

17.04.030 Interpretation.

- A. Headings. In the event there is any conflict or inconsistency between the heading of a chapter, section or subsection of this title and the context thereof, the heading shall not be deemed to affect the scope, meaning or intent of such context.
- B. More Restrictive Provisions Shall Apply. Where a provision of this title differs from another ordinance or requirement of the city, the provision or requirement which is more restrictive shall govern.

17.04.40 Definitions.

As used in this title, the singular includes the plural, and the masculine includes the feminine and neuter; the word "may" is discretionary; the word "shall" is mandatory. The following words and phrases shall mean:

"Abutting" means adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures no less than eight feet in a single direction.

"Access" or "access way" means any way or means by which pedestrians and/or vehicles shall have safe and adequate and usable ingress and egress to/from a property; the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessory dwelling unit" means a secondary housing unit on a single-family lot used for residential purposes. See also, Table 17.16.110B.

"Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use, but not to be used for any residential purpose.

"Adjacent" means near, close; for example, an industrial zone across the street or highway from a residential zone shall be considered as "adjacent".

"Agent" means any person who represents or acts for any other person with regard to ownership interest in either developed or undeveloped property. Includes a real estate broker as defined in ORS 696.010(12) but does not include an attorney-at-law whose representation of another person consists solely of rendering legal services.

"Aisle" means the traveled way by which vehicles enter and depart parking spaces.

"Alley" means a public way, permanently dedicated or reserved as a secondary means of access to abutting property. An alley is not a street as defined in this section.

“Apartment” means a building or portion thereof designed for occupancy by five or more families living independently of each other.

“Applicant” means any person submitting an application in connection with either developed or undeveloped property.

“Automobile wrecking yard” means premises used for the commercial storage or sale of used automobile or truck parts or for the commercial storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, but not including such places where such uses are conducted entirely within a completely enclosed building and such uses are not of a commercial nature.

“Basement” means a story partly under ground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground.

“Block” means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way or pedestrian access ways.

“Building” means a sidewall enclosed covered structure, or manufactured dwelling, excluding a covered deck or patio without sidewalls, designed, built, or used for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building, Existing. “Existing building” means any building, upon which construction was lawfully begun prior to the effective date of the ordinance codified in this title or the effective date of amendments to the ordinance codified in this title, may be completed, and thereafter shall be considered an existing building.

“Building line” means a dashed or solid line on a site plan drawing or plot plan drawing indicating the location of buildings or structures on the property and the distance from the property lines as required by this title.

“Carport” means a permanent covered parking space that is not a garage and meets structural codes.

“Church” means a permanently located building or other structure commonly used for religious worship and instruction by a religious society within commonly accepted or historic meaning of the word.

“City” means the municipality of Metolius, Jefferson County, Oregon. The municipal corporation known as “City of Metolius”.

“City Council” means Metolius City Council.

“Clinic” means a place where group medical services, which do not involve overnight housing of patients, are offered or provided.

“Commercial” means the purchase, sale or other transaction involving the handling or disposition, other than as included in the term “industrial”, as defined in this section, of any article, substance, or commodity for livelihood or profit, including shops for the sale of personal services including professional services, and places where commodities, services or merchandise are sold or agreement are made to furnish them.

“Commission” means the City of Metolius Planning Commission.

“Comprehensive plan” means the plan adopted by the commission and council providing the objectives and policy guidelines for the growth and development of the city, including amendments thereto.

“Contiguous” means two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership.

“Curblineline” means the line dividing the roadway from a planting strip or footway.

“Deck” means a structure constructed of wood; a wooden platform structure built on concrete pads or pressure-treated wooden timbers placed on the earth; or other approved materials may be covered or uncovered. A covered deck shall not be considered a building unless it is enclosed by sidewalls.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

“Disabled parking” means off-street parking spaces as required by the federal Americans with Disabilities Act.

“Duplex” means a building containing two dwelling units designed or intended as the residence of two families living independently of each other on one lot or parcel.

“Dwelling” means a building, including structural additions, designed and/or used as a residence for human occupancy.

“Dwelling unit” means one or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other room or dwelling units which may be in the same building, and containing independent cooking and sleeping facilities.

“Easement” means a grant of the right to use a parcel of land or portion thereof for specific purposes, where ownership of the land or portion thereof is not transferred.

“Family” means two or more persons related by blood, marriage, or legal adoption or legal guardianship, living together in a dwelling unit at which meals or lodging may also be provided for not more than four additional persons, excluding servants, or individuals or groups of not more than five persons, excluding servants, who need not be related by blood, marriage, adoption or legal guardianship, living in a dwelling unit.

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

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

“Fourplex” means a detached building containing four dwelling units designed or intended as the residence of four families living independently of each other, on one lot or parcel.

“Fraternal organization” means an association of persons or fraternal order which has more than fifty (50) active members and/or which carries on commercial activities such as, but not limited to, dispensing or sale of alcoholic beverages.

“Garage” means a building or structure intended to be used for motor vehicle storage for the private use of a resident of a dwelling unit.

“Grade” means the surface of a lot, parcel or tract of land. The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley, or other public way, the finished ground level should be measured at the elevation of the sidewalk, alley or public way.

“Heavy industrial use” means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires or creates emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality.

“Height of building or structure” means the vertical distance measured from the “grade” to the highest point of the roof beams of flat roofs, to the deck line of mansard roofs, or to the highest point of any structure, or gable, hip or gambrel roofs.

“Historic area” means lands with sites, structures and objects that have been officially designated as having local, regional, statewide or national historical significance.

“Home occupation” means the lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, or accessory structure, on the same lot or parcel of land, in conformance with Chapter 17.40.150.

“Hotel (motel)” means a building or group of buildings used for transient residential purposes, containing three or more rental units which are designed to be used, or which are used, rented or hired out for sleeping purposes.

“Industrial” means the making of commodities by manufacturing, assembling, fabrication, generating or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.

“Landscape” means to improve by landscape architecture or gardening, or the result thereof. The term “landscape” includes primarily trees, grass, bushes, shrubs, flowers and garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework areas and artificial turf or carpeting.

“Light industrial use” means the manufacturing, processing, compounding, packaging warehousing, distribution, or assembling of product, the process of which does not require or create emissions or discharges, other than normal sanitary sewage wastes, or require the storage of materials which require permits issued by the Oregon Department of Environmental Quality.

“Livestock” means domestic animals of types customarily raised or kept on farms for profit or other purposes. Reference Ordinance 201.5.96.

“Lodge” means an association of persons or fraternal order which carries on no commercial activities such as the sale of food or alcoholic beverages and has fewer than fifty (50) active members.

“Lot” means a single unit of land created by a subdivision plat filed in the office of the Jefferson County Clerk, in conformance with ORS 92. The term “lot” does not include condominiums as used under ORS 91.505 through 91.675 “Unit Ownership Law.”

“Lot area” means the total area of the lot measured in the horizontal plane within the lot boundary lines exclusive of public or private streets, but inclusive of any lawful easement providing access to other properties.

“Lot depth,” means the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

“Lot line” means any line bounding a lot as defined in this section.

Lot Line, Front, “Front lot line” means the line on a lot abutting a street, other than an alley. Corner lots have two front lot lines.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line which is not a front line or a rear lot line.

Lot, Reverse Corner. "Reverse corner lot" means a corner lot which rear upon the side yard of another lot.

"Lot width," means the horizontal distance between the side lot lines, measured at the widest point of the lot.

"Manufactured home". A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety regulations, and is intended for permanent occupancy and must comply with all city codes.

"Manufactured Home Park", as defined by ORS 446. It does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

"Modular home" means a building, including structural additions, designed, built assembled or erected from pre-built sections or modules, such as complete or nearly complete wall sections transported to the site of assembly by vehicle, and designed for use as a single-family residence. Use of pre-built trusses may not cause a structure to be a "modular home".

"Multi-family housing" means housing that provides 3 or more dwellings on a lot (e.g., multi-plexes, apartments, condominiums).

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

"Open space" means lands used for agricultural or other open space used, and any land area that would, if preserved and continued in its present use:

1. Conserve and enhance natural or scenic resources;
2. Protect air or streams or water supply;
3. Conserve landscape areas, such as public or private golf courses, that reduce pollution and enhance the value of abutting or neighboring parks or other open space, enhance recreation opportunities, preserve historic, geological and archeological sites; or
4. Promote orderly urban development and minimize land-use conflicts.

“Owner” means a person whose name is on the most recently-recorded deed for a unit of land, or his/her authorized agent, or his/her lawful representative having legal authority to use, transfer or lease that land.

“Parcel” means a tract of land as created by a partitioning of land.

“Parking space” means an area designed for vehicular or bicycle parking that complies with the zoning code provisions for parking. (Chapter 17.44).

“Patio” means a structure resting on the earth and often placed next to an exterior sidewall of a building; usually a concrete slab resting on the earth, but may also be made of other materials placed on the earth; may be covered or uncovered. A covered patio shall not be considered a building unless it is enclosed by sidewalls.

“Person,” unless context indicates otherwise, means and includes an individual, partnership, corporation, and both public and private, association and club.

“Planning Commission,” means the Metolius City Planning Commission.

“Planting strip” means that part of a public right-of-way lying between a curb line and a property line, and designated as an area to be landscaped and maintained by the owner of adjacent property.

“Principal use” means the primary or predominant use to which the property is or may be devoted, and to which all other uses of the premises are accessory.

“Professional offices” means a place where professional services (including, but not limited to, accounting, law, medical, dental, counseling and insurance) are provided by licensed persons possessing specialized education qualifications particular to their profession.

“Public use” means a structure or use intended to be used as a public facility and to which all other uses on the premises are also public.

“Recreational vehicle” means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode.

“Recreational vehicle park” means any privately owned place or facility that provides temporary water, and/or electricity, and/or sewer hookups, and/or sewage disposal, and/or rents space for the temporary parking of recreational vehicles within five hundred (500) feet of one another on a lot, tract or parcel of land within the same ownership. “Recreational vehicle park” does not include a place used solely for the storage of recreational vehicles. (ORS 446)

“Residence or residential use” means a structure or use designed or used for occupancy as a human dwelling or lodging place, such as single-family dwelling, duplex, triplex, fourplex, apartment, boarding, lodging or rooming house, manufactured home, mobile home, manufactured home park, or mobile home park.

“Residential facility” means a residential treatment or training home or adult foster care home providing care for 6 to 15 individuals and licensed by the State of Oregon in accordance with ORS 197.660-670.

“Residential home” means a residential treatment or training home or adult foster care home providing care for 5 or fewer individuals, and licensed by the State of Oregon in accordance with ORS 197.660-670.

“Right-of-way” means the area between the boundary lines of an alley, easement, street or highway.

“Roadway” means the portions of the right-of-way of a street or highway developed for vehicular and bicycle traffic. New streets are required to be developed with sidewalks.

“Satellite receiving antenna” means a combination of:

1. A device or structure used for receiving television, telecommunication or microwave signals transmitted via satellites from earth-based transmitters; and
2. An amplifier which is situated at the focal point of the receiving components, the purpose of which is to magnify and transfer signals.

“Service station” means any lot or parcel used in the normal course of business for the retail sale of motor vehicle fuel and lubricants for delivery on the premises. May also include a convenience store or automotive services.

“Setback” means the minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure (which is not exempted in Section 17.52.040) as defined herein.

“Signs” means an outdoor sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface, and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.

“Single-family dwelling” means a building or modular unit constructed for the purposes of single-family occupancy constructed in accordance with the Uniform Building Code of Oregon, or a manufactured home designed for single-family occupancy. Single family dwellings include both attached (e.g., townhomes) and detached dwellings.

“Site plan” means a written plan with narrative prepared to scale, showing accurately and with complete dimensions, all of the uses proposed for a specific parcel of land.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the top-most floor and ceiling or roof above.

“Street” means a public way which provides or will provide or is intended to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This includes the entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms “road,” “highway,” “lane,” “place,” “avenue,” “alley” or other similar designation which is commonly open to use by the public. Private streets are located within a “tract”, and have an associated right-of-way for the benefit of covenant parties.

“Structural alteration” means any change to the supporting members of a structure including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

“Structure” means something which is designed, intended, assembled, erected, constructed or built having a fixed base on, or fixed connections to the ground or another structure. The word “structure” shall be construed to include any part thereof.

“Subdivision and subdivided lands” means to divide an area or tract of land into four or more lots, in conformance with ORS 92, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of the ordinance codified in this title.

“Tract or area” means measurable extent or stretch of contiguous land.

“Triplex” means a detached building containing three dwelling units designed or intended as the residence of three families living independently of each other on one lot or parcel.

“Use” means the purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.

“Vision clearance area” means a triangular area on a lot at the intersection of two streets, or at the intersection of a street and a railroad right-of-way, as provided in Section 17.40.050.

“Walkway” means a sidewalk or pathway designed for or used by pedestrians.

“Yard” means an open area on a lot that is unobstructed from the ground upward, except as otherwise permitted in this chapter, and includes driveways.

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

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

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

"Zoning District" see Chapter 17.12.

ADMINISTRATION AND ENFORCEMENT

Sections:

17.08.010	Compliance With Provisions Of This Title.
17.08.020	Building Permits and Occupancy Permits.
17.08.030	Appeals.
17.08.040	Filing Fees.
17.08.050	Public Hearings.
17.08.060	Authorization Of Similar Uses.
17.08.070	Proposed Amendments.
17.08.080	Final Action.
17.08.090	Abatement And Penalty.

17.08.010 Compliance With Provisions Of This Title.

- A. Strict Compliance Required. Land shall be used and a structure or part of a structure shall be constructed, reconstructed, altered, occupied or used only as this chapter shall permit.
- B. Illegal Occupancy. Any use of a premises or building or other structure which deviates from or violates any of the provisions of this chapter shall be an illegal occupancy and the persons responsible therefore shall be subject to penalties provided in this chapter.

17.08.020 Building Permits and Occupancy Permits.

- A. Notice Of Intent To Construct Shall be First Action Required. Prior to securing any required building permit, or construction, reconstruction alteration, improvement, modification, erection or moving in of any buildings, storage sheds, fences, decks or other types of structures within the city, the owner shall file with the city a notice of intent to construct. The City will notify the applicant if a site plan approval, in accordance with Chapter 17.48, is required.
- B. Building Permits. A building permit is required prior to any construction, reconstruction alteration, improvement, modification, or change of use of a structure or lot if such is required under the Uniform Building Code of the state of Oregon. A building permit may be obtained from the City Recorder or the Recorder's designee.
- C. City Requirements for Issuance of a Building Permit. No building permit shall be issued by the authorized building official unless:
 - 1. Notice of Intent to Construct Required Before Building Permit Issued. A notice of intent to construct, as set forth in subsection A of this section, has been filed

with the City Recorder and a copy of same is presented to the authorized building official at time application for a building permit is made.

2. Proposed Construction Etc., Must Conform to All Laws. The proposed construction, reconstruction, alteration or change of use of a structure or lot conforms to the requirements of all applicable law, including City ordinances.
3. Before any dwelling or other building to be used by humans is occupied. Before any dwelling or other building to be used by humans is occupied, it shall be connected to the established domestic water supply system and City sanitary sewer system, and the storm water management/disposal system shall meet the City standards in Title 16.
4. Occupancy Permit Required. Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the City Recorder by owner.

17.08.030 Appeals.

- A. Appeals of ruling of City Administrative Officer. Except where this chapter directs an appeal to the City Council, an appeal from a ruling of a City Administrative Officer regarding a requirement of this chapter may be made only to the Planning Commission. An appeal from a ruling of the Planning Commission may be made only to the City Council.
- B. Who May File, and Requirement to File Appeal. Any aggrieved party may appeal an action or ruling of the Planning Commission pursuant to this chapter within fifteen (15) working days after the decision.
 1. Written Notice of Appeal Required. Written notice of the appeal shall be filed with the City Recorder, and include: name, address, and phone number of appellant, decision appealed, basis for appeal, and applicable approval criteria.
 2. Failure to Make Timely Filing of Appeal. If an appeal is not filed within the fifteen (15) day period, the decision shall be final.
 2. Public Hearing Required. If an appeal is filed, the City Council shall receive the decision and findings from the City Recorder and shall conduct a public hearing on the appeal as provided in Section 17.08.060.

17.08.040 Filing Fees.

Filing fees shall be paid to the City Recorder upon filing of a land use or appeal application for which fees are required. Such fees shall not be refundable. These fees shall be established and changed by City Council resolution.

17.08.050 Public Hearings.

A. Notices of Public Hearings Required. Each notice of hearing authorized or required by this chapter shall be published in a newspaper of general circulation in the City at least ten (10) working days prior to the date of hearing.

B. When Mailed Notices are Required.

1. Requests for Variance, Conditional Use, Zone Change. A notice of hearing on a conditional use, a variance, or an amendment to a zone boundary shall be mailed to the applicant and owners of property within one hundred (100) feet of the property for which the variance, conditional use or zone boundary amendment has been requested. This notice shall:

- a. Explain the nature of the application and the proposed use or uses that would be authorized.
- b. List the applicable criteria from the ordinance and the plan that apply to the application.
- c. Set forth the street address or other easily understood geographical reference to the subject property.
- d. State the date, time and location of the hearing.
- e. State that the failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on the issue.
- f. State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised, precludes appeal to LUBA based on that issue.
- g. Include the name of a local government representative to contact and a telephone number where additional information may be obtained.
- h. State that a copy of (i) the application, (ii) all documents and evidence relied upon by the applicant, and (iii) applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
- i. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
- j. Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

2. Mailed at Least Ten (10) Days Before Hearing. The notice of hearing shall be mailed at least ten (10) working days prior to the date of the hearing.
 3. If Zone Boundary Change Includes Mobile Home Park. Notice of a mobile home park zone boundary change shall be given in accordance with the provisions of ORS Chapter 446.
- C. Failure to Receive Notice. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- D. Recess In Hearing Authorized. The Planning Commission and the City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners of persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

17.08.60 Authorization of Similar Uses.

The Planning Commission may, in a particular zone, recommend to the City Council a use not listed in this chapter, provided the use is of the same general type as the uses permitted in that zone by this chapter. However, this section does not authorize the inclusion, in a zone where it is not listed, of a use specifically listed in another zone, or which is of the same general type and is similar to a use specifically listed in another zone.

17.08.70 Proposed Amendments.

The City Council shall hold a public hearing on all changes to the comprehensive plan, zoning ordinance text, land division ordinance, and plan/zone map. All proposed amendments shall be processed in accordance with the procedures under Section 17.08.050. Written notice of text and map amendments shall also be submitted to the Oregon Department of Land Conservation and Development forty-five (45) days before the first public hearing at which public testimony or new evidence will be reviewed.

17.08.80 Final Action.

Except as provided for under ORS 227.178, the City Council shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within one hundred twenty (120) calendar days from the date a complete application is submitted to the city; unless a written extension is requested or agreed to by the applicant. The one hundred twenty (120) day time period will commence on the date the application is deemed complete.

17.08.090 Abatement and Penalty.

- A. Penalty for Violation. Violation of any provision of this chapter or of any amendment to this chapter is punishable by a fine of not more than one hundred dollars (\$100.00) for each day of violation where the offense is a continuing offense, but such fine may not exceed two thousand five hundred dollars (\$2,500.00).

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

ZONING DISTRICTS ESTABLISHED

Sections:

- 17.12.010 Establishment of Land Use Zones.
- 17.12.020 Location of Zones.
- 17.12.030 Zoning Map.

17.12.010 Establishment of Land Use Zones.

This establishes the following Land Use Zones.

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential	R-1
Manufactured home residential	R-2
Multiple-family residential	R-3
Commercial	C
Industrial	M-1
Open space/public facilities	O/S

17.12.20 Location of Zones.

The boundaries of the zones listed in this chapter are indicated on the Metolius Zoning Map, which is attached to the ordinance codified in this chapter, and on file in the office of the City Recorder.

17.12.030 Zoning Map.

- A. The official Zoning Map shall be maintained in the Metolius City Hall. Amendments to this map shall be reflected as soon as practicable after adoption by the Metolius City Council.
- B. Official ordinance text and map shall be maintained at the office of the Metolius City Recorder.

RESIDENTIAL ZONE (R-1, R-2 and R-3)

Sections:

17.16.100	Purpose.
17.16.110	Permitted Land Uses.
17.16.120	Building Setbacks.
17.16.130	Lot Area and Dimensions.
17.16.040	Building Height
17.16.150	Building Orientation.
17.16.160	Architectural Standards.
17.16.170	Special Standards for Certain Uses.

17.16.100 Purpose.

The Residential Zone 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.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Provide direct and convenient access to schools, parks and neighborhood services.

17.16.110 Permitted Land Uses.

A. Permitted Uses. The land uses listed in Table 17.16.110.A are permitted in the Residential Zone, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 17.16.110.A may be permitted. The land uses identified with a "*" in Table 17.16.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 17.56.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 17.08.060.

Table 17.16.110.A Land Uses and Building Types Permitted in the Residential Zones		
R-1	R-2	R-3
<i>Single-family Residential</i>	<i>Manufactured Home Residential</i>	<i>Multiple-Family Residential</i>
<ul style="list-style-type: none"> a. Single-family dwellings including single-family modular homes. b. Manufactured homes on individual lots. c. Accessory buildings and structures, (less than 240 sq. ft.) d. Public Parks. e. Duplexes (Site-plan approval required) f. Residential Facilities. g. Churches* h. Public Schools and libraries* i. Government uses* j. Lodges for civic organizations* k. Necessary public utilities* l. Professional offices* m. Home occupations* n. Bed & Breakfast Inns* o. Livestock* <i>Ref Ord 201.5.96</i> p. Accessory structures (over 240 square feet.) * 	<ul style="list-style-type: none"> a. Single-family dwellings including single-family modular homes. b. Manufactured homes on individual lots. c. Accessory buildings and structures, (less than 240 sq. ft.) d. Public Parks. e. Duplexes (Site-plan approval required) f. Manufactured Dwelling Parks (meeting Standards in Section 17.40.130) g. Residential Facilities. h. Churches* i. Public Schools and libraries* j. Government uses* k. Lodges for civic organizations* l. Necessary public utilities* m. Professional offices* n. Home occupations* o. Bed & Breakfast Inns* p. Livestock* <i>Ref Ord 201.5.96</i> q. Accessory structures (over 240 square feet.) * r. Recreational Vehicle Parks* 	<ul style="list-style-type: none"> a. Single-family dwellings including single-family modular homes. b. Manufactured homes on individual lots. c. Accessory buildings and structures, (less than 240 sq. ft.) d. Public Parks. e. Duplexes (Site-plan approval required) f. Multiple-family dwellings (Site-plan approval required) g. Residential facilities. h. Churches* i. Public Schools and libraries* j. Government uses* k. Lodges for civic organizations* l. Necessary public utilities* m. Professional offices* n. Home occupations* o. Bed & Breakfast Inns* p. Livestock* <i>Ref Ord 201.5.96</i> q. Accessory structures (over 240 square feet.) *
Uses marked with an asterisk (*) are subject to Conditional Use Permit (Chapter 17.56)		

Table 17.16.110.B Land Uses Prohibited in the Residential Zones		
Only uses specifically listed in Table 17.16.110.A, and uses similar to those in Table 17.16.110.A, are permitted in the Residential Zones. The following uses are expressly prohibited		
R-1	R-2	R-3
<i>Single-family Residential</i>	<i>Manufactured Home Residential</i>	<i>Multiple-Family Residential</i>
a. Wireless Communication Towers. b. Accessory Dwelling Unit c. Commercial	a. Wireless Communication Towers. b. Accessory Dwelling Unit c. Commercial	a. Wireless Communication Towers. b. Accessory Dwelling Unit c. Commercial

17.16.120 Building Setbacks.

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sunlight and air circulation.

Building setbacks are measured from the closest building foundation 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 apply to primary structures as well as accessory structures. An Exception or Variance is required in accordance with Chapter 17.52 to modify any setback standard.

A. Front Yard Setbacks

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

- a. A minimum setback of twenty (20) feet is required between the property line and the foundation, except that an unenclosed porch may be within fifteen (15) feet of the front property line, as long as it does not encroach into a public utility easement.
- b. New garages and carports can be accessed from alleys or set back from the front property line by a minimum of twenty (20) feet.
- c. New housing shall also comply with the building orientation standards in Section 17.16.180.

- B. Rear Yard Setbacks. There shall be a rear yard of not less than five (5) feet in depth between the property line and the foundation on lots that have alley access at the rear lot line. On lots that do not have alley access at the rear lot line, there shall be a rear yard of not less than ten (10) feet in depth.

- C. Side Yard Setbacks. The minimum side yard setback shall be 10 feet between the property line and the foundation. On corner lots, the interior side yard shall have a width of not less than ten (10) feet but the side yard on the street side of such corner lot shall not be less than twenty (20) feet in width.
- D. Setback Exceptions. The following architectural features are allowed to encroach into the yard setbacks: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than two (2) feet. Porches, decks and similar structures not exceeding thirty-six (36) inches in height may encroach into setbacks by no more than five (5) feet. Walls and fences may be placed on property lines, subject to the standards in Chapter 17.40.040 and 17.40.050.
- 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 twelve (12) 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.

17.16.130 Lot Area and Dimensions

Figure 17.16.130 - Lot Dimensions

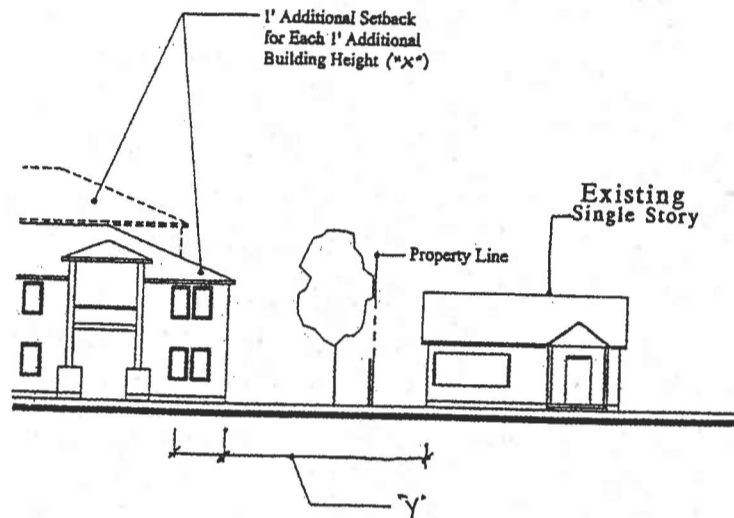
<i>Land Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
Detached Single Family Housing; Manufactured Homes on Lots	Minimum: 7,500 square feet. Maximum: None	Minimum Width: 75 feet at front property line. Maximum Depth: None	Note: All new housing shall have a primary entrance facing the street, in accordance with Section 17.16.180B.
Two-Family Housing (duplexes)	Minimum area for two-family: 11,250 square feet. Maximum: None	Minimum Width: 112 feet at front building line Maximum Depth: None	The maximum lot/parcel area shall comply with the standards in Chapter 16.12 - Land Divisions.
Multi-family Housing	Minimum area: 5,625 square feet per housing unit Maximum area: None.	Minimum Width: 50 feet per housing unit at front property line. Maximum Depth: None.	
Manufactured Home Parks	See Section 17.16.200 for Manufactured Home Park standards.		
Open Space, Parks, and Recreation Facility	None.	None.	N/A

17.16.140 Building Height.

- A. Buildings(s) or structure(s), or portions thereof, shall not be erected to exceed a height of two stories and in no instance shall the structure or building exceed a vertical height of twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs as “height of building or structure” is defined in Section 17.04.040, when measured from the average grade of the lot.
- B. Multifamily Dwellings (Other than shown in Subsection A of this Section). Building(s) or structure(s), or portions thereof, shall not be erected to exceed a height of three stories, and in no instance shall the building or structure exceed a vertical height of thirty (30) feet, as “height of building or structure” is defined in Section 17.04.040, when measured from the average grade of the

lot. Maximum height may further be reduced as approved during the site plan approval process as provided in Subsection C, below.

Figure 17.16.140 - Building Height Transition



C. Building Height Transition. To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).

1. This standard applies to new and vertically expanded buildings within twenty (20) feet (as measured horizontally) of an existing single-story building with a height of twenty (20) feet or less, as shown above.
2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown above.

17.16.150 Building Orientation.

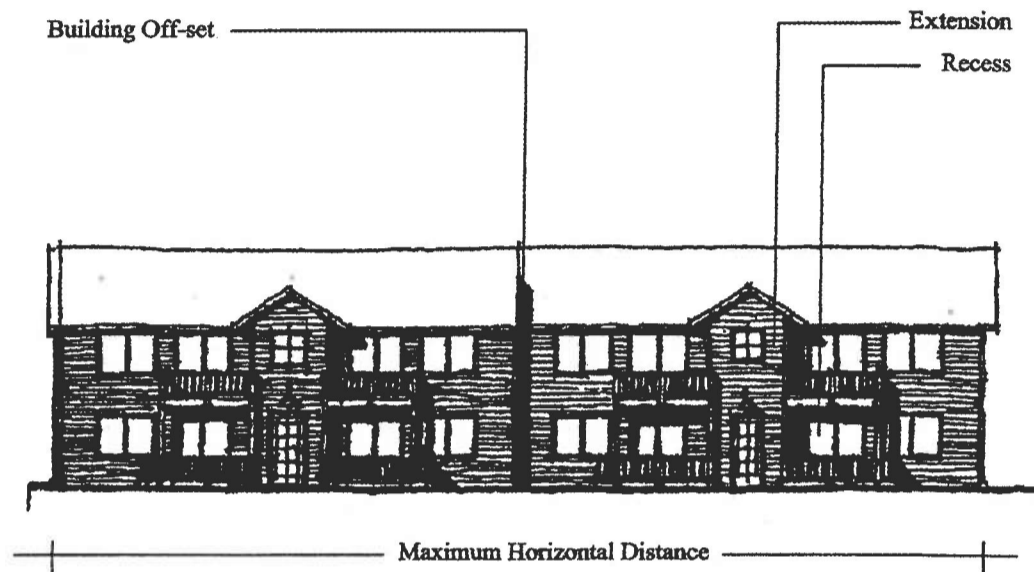
A. Building orientation standards. All developments shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 17.16.120.
2. All buildings, including site-built and manufactured homes, shall have their primary entryway facing the street. Multi-family building entrances used to comply with this standard, may be entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

17.16.160 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 Plan Review:
1. Multi-family housing; and
 2. Duplexes.
- 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 17.16.160C(1) - Building Form (Multi-family Housing Example)



1. **Building Form.** 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 thirty (30) 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 six (6) feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; and/or
 - c. Offsets or breaks in roof elevation of two (2) feet or greater in height.
2. **Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of sixty (60) percent of front (i.e., street-facing) elevations, and a minimum of thirty (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, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.
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 two

(2) 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. Dormers.
 - b. Gables.
 - c. Recessed entries.
 - d. Covered porch entries.
 - e. Cupolas or towers.
 - f. Pillars or posts.
 - g. Eaves (minimum 6-inch projection).
 - h. Off-sets in building face or roof (minimum 16 inches).
 - i. Window trim (minimum 4-inches wide).
 - j. Bay windows.
 - k. Balconies.
 - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features).
 - m. An alternative feature providing visual relief, similar to options a through l, above.
4. Garage or Carport Required. Every single-family and duplex dwelling shall have a garage or carport of a minimum size of ten (10) feet by twenty (20) feet with exterior materials matching the residence building.
 5. Supplemental Design and Use Standards. The supplemental standards in Chapter 17.40 shall also apply to all development.

17.16.170 Special Standards for Certain Uses.

This section supplements the standards contained Sections 17.16.100 through 17.16.160. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential Zone:

- A. Accessory dwelling (attached, separate cottage, or above detached garage). An accessory dwelling is a small secondary housing unit on a single-family lot.

Accessory dwellings shall not be permitted.

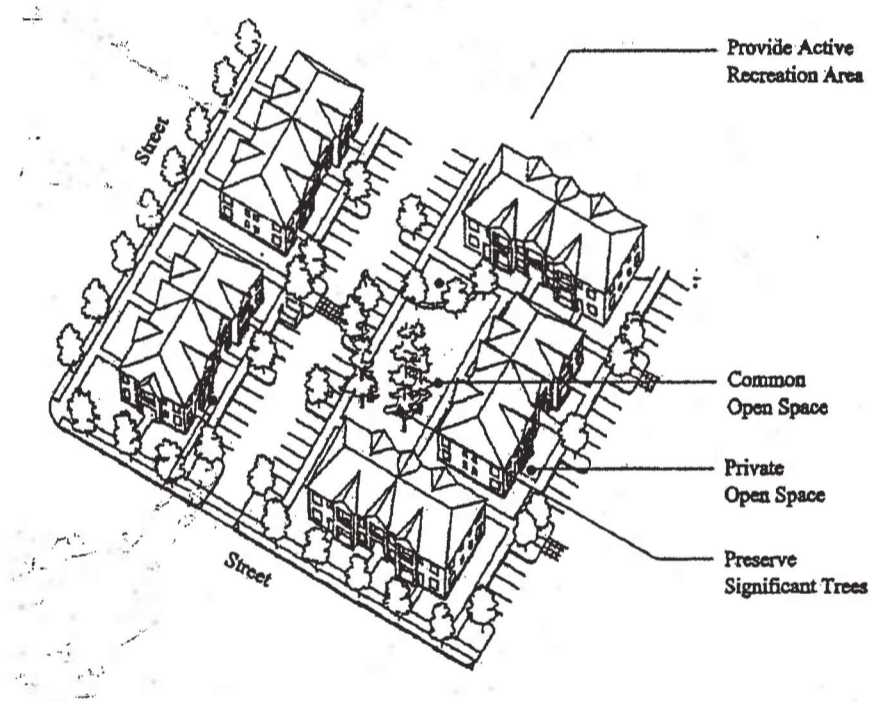
- B. Manufactured homes on individual lots. Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units that existed within the City prior to the adoption of Ordinance 194, 1995.
1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,200 sq. ft.
 2. Roof. The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each twelve (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.
 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 manufacturers 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 sixteen (16) inches above grade, and complying with the minimum set-up standards of the adopted Oregon Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home.
 7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with block or poured concrete skirting.
 8. Siting Restricted. Manufactured homes shall not be sited within any historic district listed on the Register of Historic Landmarks and Districts.
- C. Manufactured Home Park. Manufactured home parks are permitted on parcels of one (1) acre or larger only within the Manufactured Home zone (R-2) 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 Chapter 17.40.150 - Home Occupations.
2. Space. The minimum size pad or space for each home is 4,000 square feet, provided that the overall density of the park does not exceed eight (8) units per acre.
3. Setbacks and Building Separation. The minimum setback between park structures is five (5) feet. The minimum setback between park structures and public street right-of-way is twenty-five (25) feet. At least a ten (10)-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of fourteen (14) feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five (5) feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six (6) feet to any other structure or dwelling, except that a double carport or garage may be built which serves two (2) dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three (3) feet.
4. Perimeter landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way or abutting property, the City requires installation of fencing and planting of a fifteen (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 Manufactured homes in parks 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 three (3) feet in height for each twelve (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 Ord. 194, 1995 except that these dwellings may not be transferred to another lot, parcel, or manufactured home park within the city.

d. 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 manufacturers certification shall not be required.

D. Multi-family housing. Multi-family housing is allowed within the Multi-family zone (R-3). Multi-family housing means housing that provides three (3) or more dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

Figure 17.16.170F - Multifamily Housing (typical site layout)



1. Building Mass Supplemental Standard. Within the Multiple-family zone (R-3), the maximum width or length of a multiple family building shall not exceed one hundred sixty (160) feet (from end-wall to end-wall).
2. Common open space standard. Inclusive of required setback yards, a minimum of fifteen (15) percent of the site area shall be designated and permanently reserved as usable common open space (e.g., patio, children’s play area, or similar usable area 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.).

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. All ground-floor housing units shall have front porches, or rear patios, decks, or similar usable area measuring at least forty-eight (48) square feet. Ground-floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping).
 - b. A minimum of fifty (50) percent of all upper-floor housing units shall have balconies or porches measuring at least forty-eight (48) square feet. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.
 - c. Private open space areas shall be oriented toward streets or common open space areas, and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable.
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 six (6) feet in height.

E. Residential care homes and facilities. Residential care homes and facilities as defined under Section 17.04.040, 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.
2. Parking. Parking space shall be provided for employees and visitors, in accordance with Chapter 17.44 - Off-street Parking Spaces and Loading Facilities.
3. Site Plan 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.

F. 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 Zone include detached garages, sheds, workshops, green houses and similar structures. All accessory structures shall comply with the all of following standards:

1. Primary use required. An accessory structure shall be allowed without another permitted use only with an approved Conditional Use Permit.
 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. Building Height. The building height of detached accessory structure shall not exceed twenty-five (25) feet, as measured in accordance with Section 17.16.140.
 5. Buffering. A minimum four (4)-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided on the adjacent lot or the distance to adjacent dwelling(s) is greater than fifty (50) feet.
- G. Bed and Breakfast Inns. The purpose of this section is to provide standards for the establishment of a Bed and Breakfast Inn.
1. Accessory Use. A Bed and Breakfast Inn must be a use that is accessory to a household already occupying the structure as a residence. (Requires conditional use permit)
 2. Maximum size. The Bed and Breakfast Inn structure is limited to a maximum of 3 (three) bedrooms for guests and a maximum of 6 guests per night.
 3. Employees. The Bed and Breakfast Inn may have up to 2 (two) non-resident employees for the facility.
 4. Food Services. Food services may only be provided to overnight guests of the Bed and Breakfast Inn.
 5. Owner-occupied. The Bed and Breakfast Inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
 6. Signs. Signs for a Bed and Breakfast Inn must meet the standards in Chapter 17.40.060, Sign Regulations.
 7. Monitoring. All Bed and Breakfast Inns must maintain a guest log book. It must include the names and home address of guest, guests' license plate numbers if

traveling by car, dates of stay and room number of each guest. The log must be available for inspection by City staff upon request.

COMMERCIAL (C-1) ZONE

Sections:

17.28.005	Purpose.
17.28.010	Occupancy permit required.
17.28.020	Permitted Land Uses.
17.28.030	Conditional uses.
17.28.040	Lot Requirements
17.28.050	Building Setbacks
17.28.060	Building Orientation
17.28.070	Height Restrictions
17.28.080	Pedestrian Amenities
17.28.090	Special Standards for Certain Uses
17.28.100	Off-street parking requirements.
17.28.101	Sanitation regulations.
17.28.102	Water regulations.
17.28.103	Fences and walls.
17.28.110	Foundation requirements.
17.28.120	Landscaping requirements.

17.28.005 Purpose.

The purpose of the Commercial (C-1) zone is to create and preserve areas suitable for commercial uses and services on broad basis, to strengthen the area as the logical place for people to gather and create a business center and to serve as the central business area for the City.

17.28.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the City Recorder by owner.

17.28.020 Permitted Land Uses.

The uses listed in Table 17.28.020A are permitted in the Commercial (C-1) Zone. Only uses that are specifically listed in Table 17.28.020A, and uses that are approved by the Planning Commission as "similar" to those in Table 17.28.020A, may be permitted. The uses identified with a "CU" in Table 17.28.020A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 17.56.

**Table 17.28.020A
Land Uses and Building Types Permitted in the Commercial (C-1) Zone**

<p>1. Commercial:</p> <p>a. Entertainment (e.g., theaters, clubs, amusement uses) (CU)</p> <p>b. Hotels/motels</p> <p>c. Medical and dental offices, clinics and laboratories</p> <p>d. Office uses (i.e., those not otherwise listed)</p> <p>e. Personal and professional services (e.g., child care center (CU), catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</p> <p>f. Repair services, other than auto repair</p> <p>g. Retail trade and services (inside an enclosed structure)</p> <p>h. Retail trade and services (outside an enclosed structure) (CU)</p> <p>i. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>j. Grocery Stores, Food Markets.</p>	<p>2. Industrial*: Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail)(CU)</p> <p>3. Home occupations*</p> <p>4. Public and Institutional*:</p> <p>a. Churches and places of worship (CU)</p> <p>b. Clubs, lodges, similar uses (CU)</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, concert halls and similar uses</p> <p>e. Public parking lots and garages</p> <p>f. Private utilities (CU)</p> <p>g. Public parks and recreational facilities</p> <p>h. Schools, public and private (CU)</p> <p>i. Special district facilities</p> <p>j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>5. Accessory Uses and Structures* (less than two hundred forty (240) square feet combined floor area)</p> <p>6. Temporary Retail Businesses*</p>
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Uses marked with an asterisk (*) are subject to the standards in Section 17.28.130, "Special Standards for Certain Uses." Home Occupations are subject to the standards in Section 17.40.150. Temporary uses are subject to the standards in Section 17.40.160. CUs are subject to Conditional Use permit standards in Chapter 17.56.

17.28.030 Conditional uses.

Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.

17.28.040 Lot requirements.

Lot Area. Minimum lot size shall be 2500 square feet. Proposed commercial uses shall meet setback and off-street parking requirements as specified during the site plan approval process as provided in Chapter 17.48, and shall abut a street other than an alley for a minimum of twenty-five (25) feet, and must be in compliance with other sections of this code (landscape and pedestrian circulation).

17.28.050 Building Setbacks

- A. Front Yard Setback. Minimum front yard depth shall be ten (10) feet required between the property line and the foundation. The front ten (10) feet of the front yard shall be landscaped and maintained.
- B. Side Yard Setback. Side yard setbacks shall be a minimum of ten (10) feet. The required side yard setback shall be increased by one-half (1/2) foot for each foot by which the commercial zone building, height exceeds twenty (20) feet. Setback may be reduced based on fire code requirements/regulations.
- C. Rear Yard Setback. Rear yard setback shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building, located in a commercial zone, height exceeds twenty (20) feet. Setback may be reduced based on fire code requirements/regulations.

17.28.060 Building Orientation

This section is intended to promote the walkable, storefront character of the "downtown" Commercial Zone by placing buildings close to the street. The standards, as listed on the following page and illustrated above, compliment the front yard setback standards in Section 17.28.050.

- A. Applicability. This Section applies to new Land Divisions and all of the following types of development within the "downtown" Commercial Zone (i.e., subject to Site Design Review):
 - 1. Public and institutional buildings; and
 - 2. Commercial buildings subject to site design review.

Compliance with all of the provisions of subsections B through E, below, shall be required.

B. Building Orientation Standard. All of the developments listed in Section 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 Section 17.28.050 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 is provided between the building entrance and the street right-of-way.
3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street that is used to comply with subsection '2', above. On corner lots, buildings and their entrances shall be oriented to the street corner, as stated above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

C. Active Ground Floor Standard. The street-side portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided.

D. Continuous Building Frontage. Buildings should be built to the setback standards in Section 17.28.050 so as to create a near continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices etc. by an internal walkway.

17.28.070 Height restrictions.

The maximum height for any building, or portions thereof, shall not exceed twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from centerline grade of the adjacent street, except a vertical height of up to thirty (30) feet may be approved during the site plan approval process as provided in Chapter 17.48.

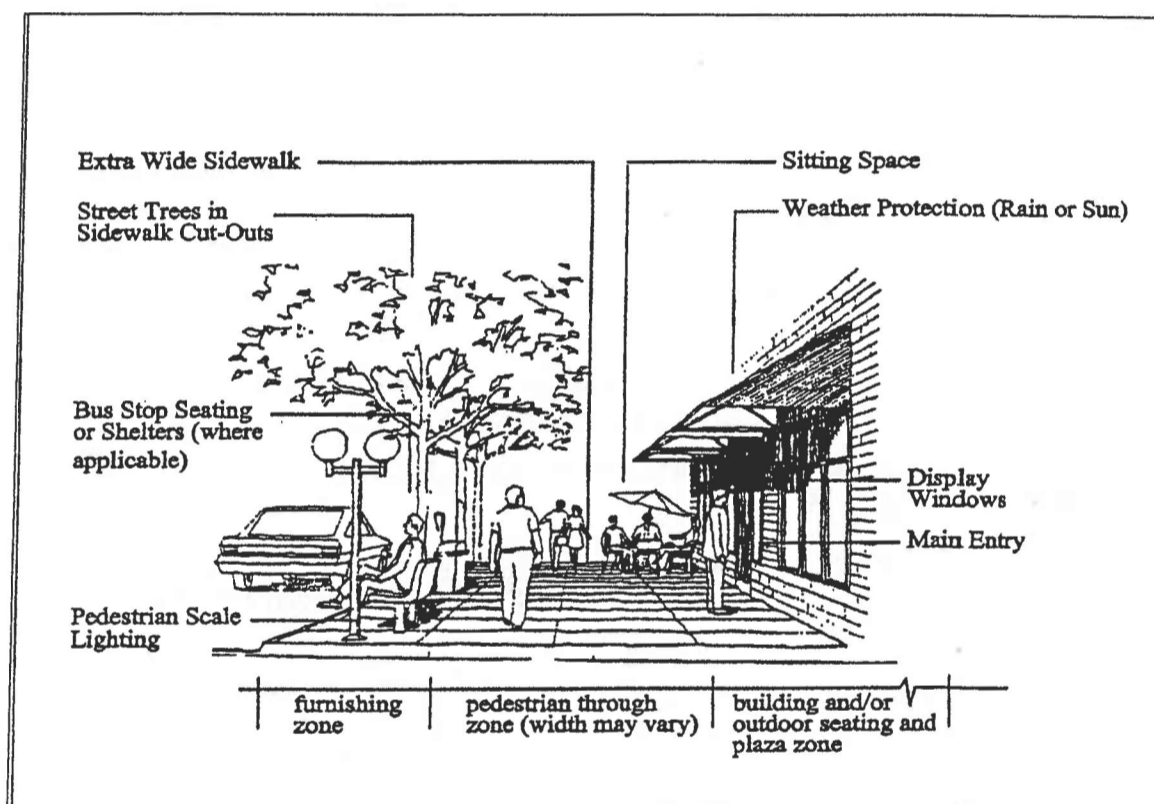
17.28.080 Pedestrian Amenities

Purpose and Applicability. This section is intended to complement the building orientation standards in Section 17.28.060 by providing comfortable and inviting pedestrian spaces within the Commercial (C-1) zone. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City's commercial areas, and contribute to a walkable district.

A. Pedestrian Amenity Standards. Every commercial development shall provide at least one of the "pedestrian amenities" listed and illustrated below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk or curb) when approved by the City (for City streets), Jefferson County (for County roads), or the Oregon Department of Transportation ("ODOT") for state highways.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of eight (8) feet);
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk with a minimum of sixteen (16) inches in height and thirty (30) inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a private sidewalk or other privately owned pedestrian space)
4. Public art that incorporates seating (e.g., fountain, sculpture, etc.).

Figure 17.28.070 - Pedestrian Amenities (Typical)



Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.

17.28.090 Special Standards for Certain Uses

This section supplements the standards contained Sections 17.28.010 through 17.28.080. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

Residential Uses
 Public and Institutional Uses
 Accessory Uses and Structures

Outdoor Storage and Display
Light Manufacture

- A. Residential Uses. Residential use is not permitted within the Commercial District. (Residential uses that existed prior to the effective date of this Code are non-conforming uses and exempt from this Section.)
- B. Public and Institutional Uses.
Public and institutional uses (as listed in Table 17.28.020A) are allowed in the Commercial (C-1) Zone.
- C. 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 Commercial (C-1) Zone include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Commercial (C-1) Zone, as identified in Table 17.28.020A.
Accessory structures shall comply with the following standards:
1. Combined floor area. Combined floor area shall be less than two hundred forty (240) square feet.
 2. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 17.28.020A
 3. Setback standards. Accessory structures shall comply with the setback standards in Section 17.28.050.
 4. Restrictions. A structure shall not be placed over a recorded 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.
- D. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to those sidewalks on private property; 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 four (4) feet shall be maintained on the sidewalk at all times to allow pedestrians to pass by the displays. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited. Temporary events such as parades or other special events where the City issues permits may modify this requirement.
- E. Light Manufacture. Light manufacture uses are allowed in the Commercial Districts. "Light manufacture" means production or manufacturing of small-scale goods, such

as crafts, electronic equipment, bakery products, printing and binderies, and similar goods. Light manufacture uses shall conform to all of the following standards that are intended to protect the pedestrian-friendly, storefront character of the downtown Commercial (C-1) Zone:

1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use (e.g., a bakery with retail baked goods outlet).
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.

F. Adult Businesses and Adult Entertainment

The purpose of this Section is to establish parameters by which an adult business or facility whose main purpose is to provide adult entertainment may locate within the City of Metolius. An adult business or use is permitted in any non-residential zone within the City, provided the following minimum standards are maintained:

1. Spacing: A use defined as an adult business or entertainment use must be at least the following distances away from the following pre-existing uses (measured in a straight line);
 - a. 1500 feet from a public or private school;
 - b. 1500 feet from a church, synagogue or other place of worship;
 - c. 1500 feet from a public park, library or recreational facility;
 - d. 500 feet from a residential zone, and,
 - e. 1500 feet from a similar adult business or adult entertainment use.
2. Permit Required. A permit shall be required from the Bureau of Licenses for any proposed adult business or use and prior to the establishment of this use or business. It shall be a violation of this Code for any person or persons to engage in conduct or carry on or to permit to be engaged in or upon any premises within the City of Metolius the operation of any adult business or use unless a permit has first been obtained from the Bureau of Licenses. At no time shall a person or persons be employed by such a use prior to a permit issued by the Bureau of Licenses.
3. Application Requirements. An applicant for an adult business or use shall provide the following;
 - a. Written proof that the applicant is at least 18 years of age.
 - b. Business occupation or employment for the 3 years immediately preceding the date of the application.
 - c. Business license and permit history of the person operating a business identical to or similar to those regulated by this Code section.
 - d. Whether such person previously operating such business in this or any other city or state under any license or permit, has had such license or permit

revoked or suspended. Reasons for any permit suspension or revocation shall be provided, and the business activity or occupation of the person subsequent to such action of suspension or revocation shall be provided.

- e. The name, address, telephone number, birth date, and principal occupation of the applicant and managing agent.
 - f. The name, address, telephone number of the proposed business or use, and a written description of the exact nature of the business to be operated.
 - g. The names, addresses, telephone number, birth dates of all partners in the business or use. Included shall be the principal occupation of each of the partners whether general, limited or silent, and the respective share of the business held by each partner. If a corporation, the corporate name, a copy of the Articles of Incorporation, and the names, addresses, birth dates, telephone numbers and principal occupations of every officer, director and shareholder (having more than 5 percent of the outstanding shares) and the number of shares held by each.
 - h. Any criminal convictions or arrests relating to theft, controlled substances, gambling, prostitution, obscenity, racketeering, fraud, or tax evasion as defined in Chapter 166 of Oregon Revised Statutes, of each applicant and natural person enumerated in section "a" through "h" herein.
 - i. All residence addresses of all persons described in section "a" through "h" herein within the past 3 years.
 - j. A personal financial statement of each natural person enumerated in section "a" through "h" herein, including the location of all bank accounts, the amounts respectively deposited therein, and a complete listing of all outstanding debts and loans.
 - k. Each applicant and person described within section "a" through "h" shall appear in person before the Jefferson County Sheriff, or his designee, for fingerprinting and the taking of photographs.
4. Confidentiality. The application form required pursuant to this section, which contains personal and business information, shall remain confidential to the maximum extent permitted by law.

G. Home Occupations, Commercial Transition Neighborhoods

This section applies only to existing residential use lots within the Commercial (C-1) Zone. Home occupations are permitted only in residential dwellings existing at the time of adoption of this Code and are subject to the following standards:

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.

- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
 - c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
 - d. No products and or equipment produced or used by the home occupation may be displayed outside any structure.
2. Storage:
- a. Outside storage is prohibited.
 - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
 - c. Storage of inventory, products, equipment, and fixtures associated with the home occupation shall be allowed in any structure.
3. Employees:
- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
 - b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
 - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
4. Vehicles, Parking and Traffic:
- a. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.
 - b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. Commercial vehicle deliveries are allowed during the hours of 8 a.m. to 6 p.m. weekdays, excluding holidays.
 - c. There shall be no more than two client or customer vehicles at any one time and no more than eight (8) per day at the home occupation site or in the right-of-way abutting the lot.
5. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 9 a.m. to 5 p.m. daily.

6. Prohibited Home Occupation Uses:

- a. Any activity that produces radio, TV, other electronic interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
- b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation or retail use that does not result in more than two (2) vehicle trips per hour is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to 1-6, above. Also, the business hours of retail operation would be restricted to 9:00 am to 5:00 pm.
- c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting and detailing;
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, appliances, or large equipment on-site.

7. Enforcement: The Code Enforcement Officer or City designee may visit and inspect the site of home occupations in accordance with this Chapter to insure compliance with all applicable regulations with reasonable notice during normal business hours. In the event of neighbor complaint(s), the home occupation shall cease and desist immediately upon notification by the City.

8. Site Plan Required: At the point in time that the Home Occupation no longer conforms to 1 through 8 above, owner shall terminate Home Occupation or submit and gain site plan approval to conform to Commercial development standards.

H. Temporary Retail Businesses

This section is to set parameters for temporary seasonal retail businesses operating for a maximum of thirty (30) working days per calendar year which take place either inside or outside an enclosed structure: e.g. Christmas tree sales, or seasonal fruit and/or vegetable stands (Other temporary uses refer to Chapter 17.40.160.)

1. Temporary retail business may be allowed under the following policy and guidelines as established by the Metolius City Council:
 - a. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval.);

- b. The applicant has proof of the property-owner's permission to place the use on his/her property;
 - c. No parking will be utilized by customers and employees of the temporary use, which is needed by the property owner to meet their minimum parking requirement under Chapter 17.44:
 - d. The use provides adequate vision clearance, as required by Chapter 17.40.050 and shall not obstruct pedestrian access on public streets;
 - e. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter 17.40.080;
 - f. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use; and
 - g. The use is adequately served by sewer and water, if applicable. (The applicant shall be responsible for obtaining any relating permits.)
2. City Recorder may, with Mayor's approval, under the above guidelines, issue a permit for a maximum of thirty (30) working days per calendar year to an operator to conduct such commercial endeavor.
 3. Operator shall pay, in advance at time of application for permit, a fee per day plus a cleanup/damage deposit, set by City Council as part of the policy and guidelines; fee shall be refundable if permit is not approved, and clean-up/damage deposit shall be refundable to the extent it is not required for clean-up/damage repair expenses; operator shall be responsible for actual expense exceeding deposit.
 4. Any permit issued by City Recorder may be for less than thirty (30) working days, but in no case shall any operator be allowed to operate a total of more than thirty (30) working days per calendar year.
 5. Failure to meet the conditions of the permit or creating a nuisance may be cause for the City to cancel the permit. The permit may be cancelled by providing written notice to the permit holder. The decision to cancel the permit may be appealed to the City Council by filing a written appeal with the City Recorder within three days of the written cancellation notice.

17.28.100 Off-street parking requirements.

Side and rear yards, where approved may be used for parking or access for parking or loading. All structures must meet the parking requirements in Chapter 17.44

17.28.101 Sanitation regulations.

Before any structure or building to be used by humans, is occupied, restroom facilities shall be connected to the City sanitary sewer system.

17.28.102 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, Deschutes Valley Water District water supply system.

17.28.103 Fences and walls.

A solid wall or fence of not less than three feet and no more than six feet in height may be required along a property line that is the zone boundary abutting a residential district. Need for the fence or wall will be determined during site plan approval process as provided in Chapter 17.48.

17.28.110 Foundation requirements.

- A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the current Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)
- B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed prior to the issuance of the required occupancy permit.

17.28.120 Landscaping requirements.

See section 17.40.140.

COMMERCIAL (C-1) ZONE

Sections:

17.28.005	Purpose.
17.28.010	Occupancy permit required.
17.28.020	Permitted Land Uses.
17.28.030	Conditional uses.
17.28.040	Lot Requirements
17.28.050	Building Setbacks
17.28.060	Building Orientation
17.28.070	Height Restrictions
17.28.080	Pedestrian Amenities
17.28.090	Special Standards for Certain Uses
17.28.100	Off-street parking requirements.
17.28.101	Sanitation regulations.
17.28.102	Water regulations.
17.28.103	Fences and walls.
17.28.110	Foundation requirements.
17.28.120	Landscaping requirements.

17.28.005 Purpose.

The purpose of the Commercial (C-1) zone is to create and preserve areas suitable for commercial uses and services on broad basis, to strengthen the area as the logical place for people to gather and create a business center and to serve as the central business area for the City.

17.28.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the City Recorder by owner.

17.28.020 Permitted Land Uses.

The uses listed in Table 17.28.020A are permitted in the Commercial (C-1) Zone. Only uses that are specifically listed in Table 17.28.020A, and uses that are approved by the Planning Commission as "similar" to those in Table 17.28.020A, may be permitted. The uses identified with a "CU" in Table 17.28.020A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 17.56.

**Table 17.28.020A
Land Uses and Building Types Permitted in the Commercial (C-1) Zone**

<p>1. Commercial:</p> <p>a. Entertainment (e.g., theaters, clubs, amusement uses) (CU)</p> <p>b. Hotels/motels</p> <p>c. Medical and dental offices, clinics and laboratories</p> <p>d. Office uses (i.e., those not otherwise listed)</p> <p>e. Personal and professional services (e.g., child care center (CU), catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</p> <p>f. Repair services, other than auto repair</p> <p>g. Retail trade and services (inside an enclosed structure)</p> <p>h. Retail trade and services (outside an enclosed structure) (CU)</p> <p>i. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>j. Grocery Stores, Food Markets.</p>	<p>2. Industrial*: Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail(CU)</p> <p>3. Home occupations*</p> <p>4. Public and Institutional*:</p> <p>a. Churches and places of worship (CU)</p> <p>b. Clubs, lodges, similar uses (CU)</p> <p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p> <p>d. Libraries, museums, community centers, concert halls and similar uses</p> <p>e. Public parking lots and garages</p> <p>f. Private utilities (CU)</p> <p>g. Public parks and recreational facilities</p> <p>h. Schools, public and private (CU)</p> <p>i. Special district facilities</p> <p>j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>5. Accessory Uses and Structures* (less than two hundred forty (240) square feet combined floor area)</p> <p>6. Temporary Retail Businesses*</p>
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Uses marked with an asterisk (*) are subject to the standards in Section 17.28.130, "Special Standards for Certain Uses." Home Occupations are subject to the standards in Section 17.40.150. Temporary uses are subject to the standards in Section 17.40.160. CUs are subject to Conditional Use permit standards in Chapter 17.56.

17.28.030 Conditional uses.

Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.

17.28.040 Lot requirements.

Lot Area. Minimum lot size shall be 2500 square feet. Proposed commercial uses shall meet setback and off-street parking requirements as specified during the site plan approval process as provided in Chapter 17.48, and shall abut a street other than an alley for a minimum of twenty-five (25) feet, and must be in compliance with other sections of this code (landscape and pedestrian circulation).

17.28.050 Building Setbacks

- A. Front Yard Setback. Minimum front yard depth shall be ten (10) feet required between the property line and the foundation. The front ten (10) feet of the front yard shall be landscaped and maintained.
- B. Side Yard Setback. Side yard setbacks shall be a minimum of ten (10) feet. The required side yard setback shall be increased by one-half (1/2) foot for each foot by which the commercial zone building, height exceeds twenty (20) feet. Setback may be reduced based on fire code requirements/regulations.
- C. Rear Yard Setback. Rear yard setback shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the building, located in a commercial zone, height exceeds twenty (20) feet. Setback may be reduced based on fire code requirements/regulations.

17.28.060 Building Orientation

This section is intended to promote the walkable, storefront character of the "downtown" Commercial Zone by placing buildings close to the street. The standards, as listed on the following page and illustrated above, compliment the front yard setback standards in Section 17.28.050.

- A. Applicability. This Section applies to new Land Divisions and all of the following types of development within the "downtown" Commercial Zone (i.e., subject to Site Design Review):
 - 1. Public and institutional buildings; and
 - 2. Commercial buildings subject to site design review.

Compliance with all of the provisions of subsections B through E, below, shall be required.

B. Building Orientation Standard. All of the developments listed in Section 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 Section 17.28.050 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 is provided between the building entrance and the street right-of-way.
3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street that is used to comply with subsection '2', above. On corner lots, buildings and their entrances shall be oriented to the street corner, as stated above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

C. Active Ground Floor Standard. The street-side portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided.

D. Continuous Building Frontage. Buildings should be built to the setback standards in Section 17.28.050 so as to create a near continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices etc. by an internal walkway.

17.28.070 Height restrictions.

The maximum height for any building, or portions thereof, shall not exceed twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from centerline grade of the adjacent street, except a vertical height of up to thirty (30) feet may be approved during the site plan approval process as provided in Chapter 17.48.

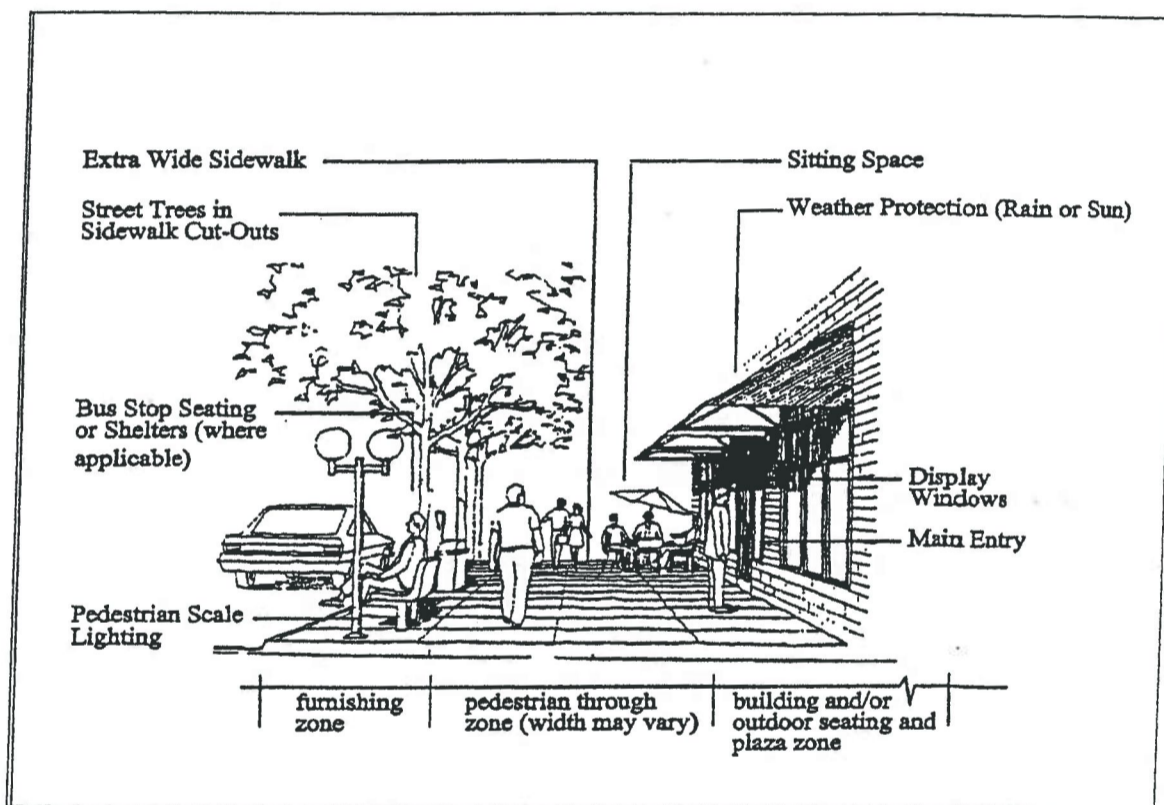
17.28.080 Pedestrian Amenities

Purpose and Applicability. This section is intended to complement the building orientation standards in Section 17.28.060 by providing comfortable and inviting pedestrian spaces within the Commercial (C-1) zone. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City's commercial areas, and contribute to a walkable district.

A. Pedestrian Amenity Standards. Every commercial development shall provide at least one of the "pedestrian amenities" listed and illustrated below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk or curb) when approved by the City (for City streets), Jefferson County (for County roads), or the Oregon Department of Transportation ("ODOT") for state highways.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of eight (8) feet);
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk with a minimum of sixteen (16) inches in height and thirty (30) inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a private sidewalk or other privately owned pedestrian space)
4. Public art that incorporates seating (e.g., fountain, sculpture, etc.).

Figure 17.28.070 - Pedestrian Amenities (Typical)



Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.

17.28.090 Special Standards for Certain Uses

This section supplements the standards contained Sections 17.28.010 through 17.28.080. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

- Residential Uses
- Public and Institutional Uses
- Accessory Uses and Structures

Outdoor Storage and Display
Light Manufacture

- A. Residential Uses. Residential use is not permitted within the Commercial District. (Residential uses that existed prior to the effective date of this Code are non-conforming uses and exempt from this Section.)
- B. Public and Institutional Uses. Public and institutional uses (as listed in Table 17.28.020A) are allowed in the Commercial (C-1) Zone.
- C. 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 Commercial (C-1) Zone include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Commercial (C-1) Zone, as identified in Table 17.28.020A.
- Accessory structures shall comply with the following standards:
1. Combined floor area. Combined floor area shall be less than two hundred forty (240) square feet.
 2. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 17.28.020A
 3. Setback standards. Accessory structures shall comply with the setback standards in Section 17.28.050.
 4. Restrictions. A structure shall not be placed over a recorded 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.
- D. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to those sidewalks on private property; 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 four (4) feet shall be maintained on the sidewalk at all times to allow pedestrians to pass by the displays. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited. Temporary events such as parades or other special events where the City issues permits may modify this requirement.
- E. Light Manufacture. Light manufacture uses are allowed in the Commercial Districts. "Light manufacture" means production or manufacturing of small-scale goods, such

as crafts, electronic equipment, bakery products, printing and binderies, and similar goods. Light manufacture uses shall conform to all of the following standards that are intended to protect the pedestrian-friendly, storefront character of the downtown Commercial (C-1) Zone:

1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use (e.g., a bakery with retail baked goods outlet).
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.

F. Adult Businesses and Adult Entertainment

The purpose of this Section is to establish parameters by which an adult business or facility whose main purpose is to provide adult entertainment may locate within the City of Metolius. An adult business or use is permitted in any non-residential zone within the City, provided the following minimum standards are maintained:

1. Spacing: A use defined as an adult business or entertainment use must be at least the following distances away from the following pre-existing uses (measured in a straight line);
 - a. 1500 feet from a public or private school;
 - b. 1500 feet from a church, synagogue or other place of worship;
 - c. 1500 feet from a public park, library or recreational facility;
 - d. 500 feet from a residential zone, and,
 - e. 1500 feet from a similar adult business or adult entertainment use.
2. Permit Required. A permit shall be required from the Bureau of Licenses for any proposed adult business or use and prior to the establishment of this use or business. It shall be a violation of this Code for any person or persons to engage in conduct or carry on or to permit to be engaged in or upon any premises within the City of Metolius the operation of any adult business or use unless a permit has first been obtained from the Bureau of Licenses. At no time shall a person or persons be employed by such a use prior to a permit issued by the Bureau of Licenses.
3. Application Requirements. An applicant for an adult business or use shall provide the following;
 - a. Written proof that the applicant is at least 18 years of age.
 - b. Business occupation or employment for the 3 years immediately preceding the date of the application.
 - c. Business license and permit history of the person operating a business identical to or similar to those regulated by this Code section.
 - d. Whether such person previously operating such business in this or any other city or state under any license or permit, has had such license or permit

revoked or suspended. Reasons for any permit suspension or revocation shall be provided, and the business activity or occupation of the person subsequent to such action of suspension or revocation shall be provided.

- e. The name, address, telephone number, birth date, and principal occupation of the applicant and managing agent.
 - f. The name, address, telephone number of the proposed business or use, and a written description of the exact nature of the business to be operated.
 - g. The names, addresses, telephone number, birth dates of all partners in the business or use. Included shall be the principal occupation of each of the partners whether general, limited or silent, and the respective share of the business held by each partner. If a corporation, the corporate name, a copy of the Articles of Incorporation, and the names, addresses, birth dates, telephone numbers and principal occupations of every officer, director and shareholder (having more than 5 percent of the outstanding shares) and the number of shares held by each.
 - h. Any criminal convictions or arrests relating to theft, controlled substances, gambling, prostitution, obscenity, racketeering, fraud, or tax evasion as defined in Chapter 166 of Oregon Revised Statutes, of each applicant and natural person enumerated in section "a" through "h" herein.
 - i. All residence addresses of all persons described in section "a" through "h" herein within the past 3 years.
 - j. A personal financial statement of each natural person enumerated in section "a" through "h" herein, including the location of all bank accounts, the amounts respectively deposited therein, and a complete listing of all outstanding debts and loans.
 - k. Each applicant and person described within section "a" through "h" shall appear in person before the Jefferson County Sheriff, or his designee, for fingerprinting and the taking of photographs.
4. Confidentiality. The application form required pursuant to this section, which contains personal and business information, shall remain confidential to the maximum extent permitted by law.

G. Home Occupations, Commercial Transition Neighborhoods

This section applies only to existing residential use lots within the Commercial (C-1) Zone. Home occupations are permitted only in residential dwellings existing at the time of adoption of this Code and are subject to the following standards:

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.

- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- d. No products and or equipment produced or used by the home occupation may be displayed outside any structure.

2. Storage:

- a. Outside storage is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory, products, equipment, and fixtures associated with the home occupation shall be allowed in any structure.

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

4. Vehicles, Parking and Traffic:

- a. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.
- b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. Commercial vehicle deliveries are allowed during the hours of 8 a.m. to 6 p.m. weekdays, excluding holidays.
- c. There shall be no more than two client or customer vehicles at any one time and no more than eight (8) per day at the home occupation site or in the right-of-way abutting the lot.

5. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 9 a.m. to 5 p.m. daily.

6. Prohibited Home Occupation Uses:

- a. Any activity that produces radio, TV, other electronic interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
 - b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation or retail use that does not result in more than two (2) vehicle trips per hour is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to 1-6, above. Also, the business hours of retail operation would be restricted to 9:00 am to 5:00 pm.
 - c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting and detailing;
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, appliances, or large equipment on-site.
7. Enforcement: The Code Enforcement Officer or City designee may visit and inspect the site of home occupations in accordance with this Chapter to insure compliance with all applicable regulations with reasonable notice during normal business hours. In the event of neighbor complaint(s), the home occupation shall cease and desist immediately upon notification by the City.
8. Site Plan Required: At the point in time that the Home Occupation no longer conforms to 1 through 8 above, owner shall terminate Home Occupation or submit and gain site plan approval to conform to Commercial development standards.

H. Temporary Retail Businesses

This section is to set parameters for temporary seasonal retail businesses operating for a maximum of thirty (30) working days per calendar year which take place either inside or outside an enclosed structure: e.g. Christmas tree sales, or seasonal fruit and/or vegetable stands (Other temporary uses refer to Chapter 17.40.160.)

1. Temporary retail business may be allowed under the following policy and guidelines as established by the Metolius City Council:
 - a. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval.);

- b. The applicant has proof of the property-owner's permission to place the use on his/her property;
 - c. No parking will be utilized by customers and employees of the temporary use, which is needed by the property owner to meet their minimum parking requirement under Chapter 17.44:
 - d. The use provides adequate vision clearance, as required by Chapter 17.40.050 and shall not obstruct pedestrian access on public streets;
 - e. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter 17.40.080;
 - f. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use; and
 - g. The use is adequately served by sewer and water, if applicable. (The applicant shall be responsible for obtaining any relating permits.)
2. City Recorder may, with Mayor's approval, under the above guidelines, issue a permit for a maximum of thirty (30) working days per calendar year to an operator to conduct such commercial endeavor.
 3. Operator shall pay, in advance at time of application for permit, a fee per day plus a cleanup/damage deposit, set by City Council as part of the policy and guidelines; fee shall be refundable if permit is not approved, and clean-up/damage deposit shall be refundable to the extent it is not required for clean-up/damage repair expenses; operator shall be responsible for actual expense exceeding deposit.
 4. Any permit issued by City Recorder may be for less than thirty (30) working days, but in no case shall any operator be allowed to operate a total of more than thirty (30) working days per calendar year.
 5. Failure to meet the conditions of the permit or creating a nuisance may be cause for the City to cancel the permit. The permit may be cancelled by providing written notice to the permit holder. The decision to cancel the permit may be appealed to the City Council by filing a written appeal with the City Recorder within three days of the written cancellation notice.

17.28.100 Off-street parking requirements.

Side and rear yards, where approved may be used for parking or access for parking or loading. All structures must meet the parking requirements in Chapter 17.44

17.28.101 Sanitation regulations.

Before any structure or building to be used by humans, is occupied, restroom facilities shall be connected to the City sanitary sewer system.

17.28.102 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, Deschutes Valley Water District water supply system.

17.28.103 Fences and walls.

A solid wall or fence of not less than three feet and no more than six feet in height may be required along a property line that is the zone boundary abutting a residential district. Need for the fence or wall will be determined during site plan approval process as provided in Chapter 17.48.

17.28.110 Foundation requirements.

- A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the current Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)
- B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed prior to the issuance of the required occupancy permit.

17.28.120 Landscaping requirements.

See section 17.40.140.

INDUSTRIAL (M-1) ZONE

Sections:

- 17.32.005 Purpose.
- 17.32.010 Occupancy permit required.
- 17.32.020 Permitted uses.
- 17.32.030 Conditional uses.
- 17.32.040 Lot requirements.
- 17.32.050 Development Setbacks
- 17.32.060 Height restrictions.
- 17.32.070 Lot coverage.
- 17.32.080 Water regulations.
- 17.32.090 Fences and walls.
- 17.32.100 Access.
- 17.32.110 Sanitation regulations.
- 17.32.120 Parking regulations
- 17.32.125 Limitations of Use

17.32.005 Purpose

To provide for light industrial uses such a light manufacturing, research, transportation facilities and similar uses that have a limited impact on surrounding properties and are compatible with clean non-polluting industries and to provide for heavier industrial uses by conditional use.

17.32.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and must be furnished to the city recorder by owner.

17.32.20 Permitted uses.

- A. Site plan approval as provided in Chapter 17.48 is required.
- B. Light industrial uses listed in Table 17.32.020A are permitted in the M-1 zone.

Table 17.32.020.A
Land Use Types Permitted in the Industrial (M-1) Zone

- 1. Industrial:**
 - a. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
 - b. Research facilities
 - c. Warehousing and distribution
 - d. Mini-warehouse and storage
 - e. Similar uses

- 2. Commercial:**
 - a. Automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)
 - b. Medical and dental offices, clinics and laboratories
 - c. Outdoor commercial uses (e.g., outdoor storage and sales)
 - d. 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)
 - e. Repair services
 - f. Retail trade and services, not exceeding 60,000 square feet of floor area per building
 - g. Wholesale trade and services, not exceeding 60,000 square feet of floor area per building
 - h. Uses similar to those listed above

- 3. Civic and Semi-Public Uses:**
 - a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities.
 - b. Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)
 - c. Special district facilities (e.g., irrigation district, and similar facilities)
 - d. Uses similar to those listed above.

- 4. Accessory Uses and Structures**
- 5. Wireless communication equipment**
- 6. Business Parks (CU)**

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 17.56.

17.32.030 Conditional uses.

- A. Site plan approval as provided in Chapter 17.48 is required.**
- B. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan.
- C. Conditional uses not listed in Table 17.32.020A may be allowed, except for the following:
 - 1. Explosives manufacture or storage.
 - 2. Garbage, offal, or dead animal reduction or dumping.
 - 3. Any use which has been declared a nuisance by statute or ordinance, or by any court of competent jurisdiction, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

17.32.040 Lot requirements.

Lot requirements for the Industrial (M-1) Zone will be determined by spatial requirements for that use, associated landscaped areas and parking requirements.

17.32.050 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 fifteen (15) feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. Rear Yard Setbacks. The minimum rear yard setback shall be ten (10) feet, except that buildings shall be setback from the Residential Zone by a minimum of twenty (20) feet.
- C. Side Yard Setbacks. The minimum side-yard setbacks shall be ten (10) feet, except that buildings shall be setback from the Residential Zone by a minimum of fifteen (15) feet.
- D. Other Yard Requirements.
 - 1. Buffering. A twenty (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 17.40.140 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.
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.).

17.32.060 Height restrictions.

Maximum building or structure height shall be twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the industrial lot or parcel of land. The planning commission shall review each industrial development proposal during the site plan approval process as provided in Chapter 17.48, and may increase or decrease the requirement as deemed necessary.

17.32.070 Lot Coverage.

The maximum allowable lot coverage in the Light Industrial District is ~~80~~ seventy-five (75) 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.

17.32.080 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, local water supply system.

17.32.090 Fences and walls.

Security fencing may be required to protect the health, safety and general welfare.

17.32.100 Access.

Vehicular and pedestrian access to a lot or parcel shall be from a dedicated and improved public street other than an alley.

17.32.110 Sanitation regulations.

Before any industrial use building or structure is occupied, restroom facilities shall be connected to the city sanitary sewer system. No liquid residue or by-product from any industrial use may be discharged into the city sanitary sewer system without Level IV

processing by the industry doing the discharging and properly certified by party (ies) approved by the city.

17.32.120 Parking regulations.

As a general rule, one parking space for each one thousand (1,000) square feet of retail or wholesale floor area, plus one parking space for each one hundred fifty (150) square feet of office and public use floor area, shall be required. The planning commission shall review each industrial development proposal and may increase or decrease the requirement as deemed necessary during the site plan approval process as provided in Chapter 17.48.

17.32.125 Limitations On Use

- A. All uses must meet local, state and federal environmental standards relating to noise, smoke, odor, water, sewage, air emissions, dust and hazardous waste.
- B. Materials shall be stored and grounds maintained in a manner that will not attract insects or rodents or otherwise create a health hazard. All materials stored outdoors shall be screened from view of adjacent properties and the public.
- C. All parking or loading shall be accommodated on the premises and entirely off all public streets.
- D. The City may require pretreatment of any waste generated by the use.

OPEN SPACE/PUBLIC FACILITIES (O/S) ZONE**Sections:**

17.36.001	Purpose.
17.36.005	Occupancy Permit Required.
17.36.010	Permitted Uses.
17.36.020	Conditional Uses.
17.36.030	Yards, Minimum Building Setbacks.
17.36.040	Height Restrictions.
17.36.050	Open Space and Building Coverage.
17.36.060	Water regulations.
17.36.070	Fences and walls.
17.36.080	Access.
17.36.090	Sanitation regulations.
17.36.100	Parking regulations.
17.36.110	Foundation requirements.

17.36.001 Purpose.

The purpose of the O/S zone is to provide for open space areas of natural, scenic or historical significance, to provide areas for recreational use, and to provide public facility uses such as public schools, wastewater treatment facilities, well sites, and Public Works facilities.

17.36.005 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and must be furnished to the City by owner.

17.36.010 Permitted Uses.

The O/S zone allows open space, recreation, school, and other public uses. The uses listed in Table 17.36.010A are permitted in the Open Space (O/S) Zone. Only uses that are specifically listed in Table 17.36.010A, and uses that are approved as "similar" to those in Table 17.36.010A, may be permitted. The uses identified with a "CU" in Table 17.36.010A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 17.56. All uses shall require site plan approval as provided in Chapter 17.48. Any physical changes to an approved site plan shall require approval of an amended site plan.

**Table 17.36.010A
Land Uses and Building Types Permitted in the Open Space (O/S) Zone**

Permitted Uses	
1. Community Building	11. Accessory uses and buildings customarily used to support a permitted use or an approved conditional use. (CU)
2. Concession stand providing food, beer and/or wine.	12. Minor repairs and maintenance to any permitted or conditional use.
3. Museum	13. Parking lots and parking areas to serve a permitted or conditional use.
4. Public buildings, structures and/or yards, excluding correctional facilities.	14. Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies.
5. Public park, playground, swimming pool, skateboard park, or similar recreation facilities intended for use by the public.	15. Public ball fields, sports complexes, and similar outdoor recreational areas that have night lighting and/or amplified sound systems. (CU)
6. Public play fields, sports complexes and similar recreational facilities without night lighting for play fields.	16. Permanent outdoor facilities for performance of music, theater, and similar community events that have night lighting and/or amplified sound systems. (CU)
7. Public reservoirs, well sites, pump stations, and similar utility buildings or structures. Sewage treatment facilities.	
8. Public or private schools.	
9. Public trails, natural areas, open space, future park sites, and similar public or special district owned minimal improvements.	
10. Public college or university.	

Conditional Uses (CU) are subject to approval as provided in Chapter 17.56

17.36.020 Conditional Uses.

A. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.

B. Conditional uses which may be allowed are:

1. Necessary traffic directional or similar public service signs that exceed four square feet.
2. Illuminated public service signs.

17.36.030 Yards, Minimum Building Setbacks.

No building shall be located closer than forty (40) feet from a right-of-way or from any side or rear property line. The setback requirement may be decreased to a minimum of

zero (0) feet at the discretion of the Council if it finds that a lesser setback would not adversely impact surrounding properties and would promote orderly development.

17.36.040 Height Restrictions.

Maximum building or structure height shall be twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the industrial lot or parcel of land.

17.36.050 Open Space and Building Coverage.

No requirements, except as provided in Section 17.36.030.

17.36.060 Water regulations.

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, Deschutes Valley Water supply system.

17.36.070 Fences and walls.

Security fencing or retaining walls may be required, as determined during the site plan review process as provided in Chapter 17.48, to protect the health, safety and general welfare.

17.36.080 Access.

Vehicular and pedestrian access shall be from a dedicated and improved public street other than an alley.

17.36.090 Sanitation regulations.

Before any building or structure is occupied, it shall be connected to the City sanitary sewer system.

17.36.100 Parking regulations.

One parking space for each one thousand (1,000) square feet of public use open space area, plus one parking space for each one hundred fifty (150) square feet of office and public use floor area shall be required. The Planning Commission shall review each open space/public facilities proposal, during the site plan review process as provided in Chapter 17.48, and may increase or decrease the requirement as permitted by Chapter 17.48.

17.36.110 Foundation requirements.

- A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and back filled foundation of block or concrete construction, constructed in accordance with the current Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)

B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed prior to the issuance of the final permit inspection, use or the date of the written notice by the City to the owner of record at the address shown on the tax assessor's records, if required, whichever is later.

SUPPLEMENTAL DESIGN AND USE REGULATIONS

Sections:

17.40.010	Maintenance Of Minimum Requirements Of This Chapter
17.40.020	General Provisions.
17.40.030	General Provisions Regarding Accessory Uses.
17.40.040	Regulate Fences, Walls And Plants(ings) For Safety.
17.40.050	Vision Clearance.
17.40.060	Sign Regulations.
17.40.070	Historic Structure Preservation.
17.40.080	Access and Circulation.
17.40.090	Moving Buildings.
17.40.100	Satellite Receiving Antenna.
17.40.110	Minimum Standards For The Construction Or Alteration Of Service Stations.
17.40.120	Service Station Abandonment.
17.40.130	Manufactured Dwelling Park Design And Improvement Standards.
17.40.140	Landscaping Requirements.
17.40.150	Home Occupations.
17.40.160	Temporary Use Permits.

17.40.010 Maintenance Of Minimum Requirements Of This Chapter.

No lot or parcel area, yard, or other undeveloped area existing on or after the effective date of the ordinance codified in this Chapter shall be reduced below the minimum required for it by this Chapter, and no lot or parcel area, yard or other open space which is required by this Chapter for use shall be used as the required lot or parcel area, yard, or other open space for another use.

17.40.020 General Provisions.

- A. Must Conform to Laws. All buildings, structures, utilities, lots and tracts shall conform to this Chapter, and to applicable provisions of the current Uniform Building Code of Oregon, any other applicable codes of the City of Metolius, of Jefferson County, of the State of Oregon, and of the United States of America.
- B. Occupancy Permit Required. Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required, and a copy shall be furnished to the City Recorder.
- C. Manufactured Homes. Every manufactured home shall comply with the provisions of Chapter 17.16.170(B) or (C), as applicable.
- D. Other Buildings. Buildings other than manufactured homes in manufactured home parks that exceed one hundred twenty (120) square feet in floor area shall be placed

upon a concrete slab or permanent and continuous excavated and back-filled foundation of block or concrete construction, constructed in accordance with the current Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)

- E. Garage or Carport Required. Every detached and attached single-family and duplex dwelling shall have a garage or carport of a minimum size of ten (10) feet by twenty (20) feet with exterior materials matching the residence building.
- F. No Bare Metal Siding or Roofing Allowed. No building or other structure in residential or industrial zones shall have bare metal siding or roofing. Baked enamel, vinyl or painted surfaces shall be required.
- G. Clean-Up Requirements and Time Limit for Completion. Within ten (10) working days after a building or other structure is completed and put into use:
 - 1. Construction Materials, Debris, Etc. All scrap lumber, trash, debris, and other materials and equipment used in completing the dwelling or other structure or facilities shall have been removed from the premises.
 - 2. Holes, Underground Structures and Utilities, Excavations, Etc. All holes, underground structures and utilities, excavations, etc., shall be filled to the rough grade level as indicated in the building permit.

17.40.030 General Provisions Regarding Accessory Uses.

An accessory use shall comply with the requirements for a principal use except that additional standards for accessory uses may be required by this Chapter.

17.40.040 Regulate Fences, Walls and Plants(ings) for Safety.

A. Fence Regulations.

- 1. Workmanship and Materials. All fences must be constructed in a workmanlike manner of attractive and properly finished materials. Fences will be maintained in such a manner that will not be offensive or obnoxious to the neighborhood.
- 2. Maximum Height or Special Permit Requirements. Fences located on or along any property line shall not exceed a vertical height of six feet above existing natural grade at time of erection and/or construction, except as permitted by variance procedures outlined in Chapter 17.52. Fences within front yards, including along side lot lines within front yard setbacks, shall not exceed a vertical height of four (4) feet above existing natural grade.
- 3. Clear Vision at Corners Required. Any fence located within the triangular area described in Section 17.40.050 of this section shall be of open type construction

and not exceed 36 inches in height, to permit clear vision across said triangular area.

4. Use of Barbed Wire Requires Special Permit. Fences shall not utilize barbed wire in any way or fashion except as permitted by special permit.
 - a. The special permit for barbed wire may be granted by the City Council upon approval of the application made by the property owner citing, as reason, the necessity for use of barbed wire in providing "security" for the affected property, and then only when evidence submitted by the property owner clearly supports the need cited in the application.
 - b. Permitted barbed wire shall be added to the top of another fence of at least six feet in height above the existing natural grade.
 - c. And, provided such addition of barbed wire would not, solely in the opinion of the City Council, infringe the public safety and welfare or the individual rights of any adjacent property owner.
 - d. Special permits required by this section shall be revocable by the City Council on ten (10) working days' notice, mailed to the property owner at his last address on record in City files, and such notice may require removal within the number of days specified by such notice.
5. Electric Fences Restricted. Fences charged with electricity shall not be allowed except under the following circumstances:
 - a. When located on private property a minimum of three feet inside a property line bounded by another fence or hedge, or more than fifty-four (54) inches above the existing natural grade on the inside of another fence;
 - b. When powered by a commercially manufactured charger approved by the Underwriters Laboratories, and rated and operated at no more than two and one-half watts, one hundred ten (110) volts, and when said charger is located inside a building or other structure, and is fused as specified by the manufacturer and local electrical code; or
 - c. When powered by a commercially manufactured charger rated and operated at no more than manufacturer's specifications when attached to a single six or twelve (12) volt battery, and when said charger and battery are located inside a building or other structure, and is fused as specified by the manufacturer and local electrical code.
 - d. The charged wire shall be smooth and free of all barbs or other sharp ends, and signs advising and warning the public that an electrically charged fence is in use shall be prominently displayed at the property lines.

B. Plants, Shrubs, Trees, Hedges, and Any Other Vegetation.

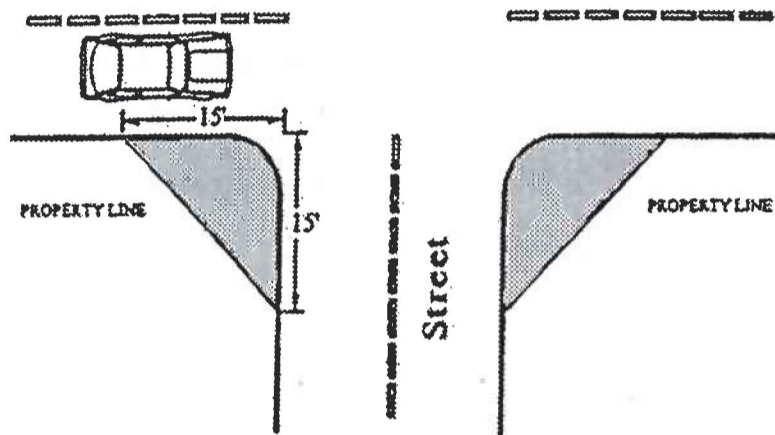
1. Clear Vision Requirements. Plants, shrubs, trees, hedges, and any other vegetation having their location within, or any part hanging over the triangular area described in Section 17.40.050 of this section shall not be allowed to exceed thirty (30) inches in height above the existing natural grade, unless such planting shall permit a clear and mostly unobstructed view from the top of the thirty (30) inches maximum height to a vertical height of eight feet or more above the existing natural grade.
2. Other Restrictions. Plants, shrubs, trees, hedges, and any other vegetation having their location outside, and not in any way hanging over the triangular area described in Section 17.40.050 of this section, shall be unrestricted except when they, in fact, infringe the public safety and welfare, as supported by formal complaint, investigation, and subsequent citation authorized by the City Council.

17.40.050 Vision Clearance.

- A. Clear Vision Area Described. The triangular area referred to in subsections A and B of this section shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street for a distance of not less than fifteen (15) feet (or where the lot lines have rounded comers, the lot lines extended in a straight line to a point of intersection and so measured) and the third side of which forms a complete triangle across the corner of the lot joining the nonintersecting ends of the other two sides.

(Vision Clearance Areas shown on next page.)

Figure 17.40.050 – Vision Clearance Areas



- B. Corner properties in the Main Street Commercial Zone. Structures or buildings located on corner properties in areas zoned for main street commercial use may be located within thirty (30) feet of a property line adjacent to a public or private street or driveway, provided there is a clear vision area from ground level to a minimum vertical height of eight feet over the triangular area illustrated in Figure 17.40.050.
- C. Sight Obstructions Forbidden. Nothing in this Chapter shall be deemed to permit a sight obstruction within any required yard area at a street intersection, which interferes with the view of operations of motor vehicles on the streets to such an extent as to constitute a hazard to drivers, pedestrians, or bicyclists.
1. Authority to Order Removal or Modification. If the City finds a sight obstruction within any required yard area at a street intersection, which interferes with the view of operations of motor vehicles on the streets to such an extent as to constitute a hazard to drivers, pedestrians, or bicyclists, the City shall have the authority to order in writing the removal or specific modification of any such obstruction within ten (10) working days.
 - a. The order shall be effective upon delivery of the notice to remove or modify the obstruction.
 - b. Said notice shall be in writing and may be given by certified letter, receipt requested, addressed to the owner at the address indicated in the records of the Jefferson County tax assessor.
 - c. The ten (10) day period shall run from the date of delivery of such notice.

2. Appeal of Order to Remove or Modify. Such decision by the City may be appealed in writing to the City Council as provided in Section 17.08.030.

D. Failure to Remove or Modify. It is unlawful for any owner of such real property, within which such an obstruction has been found, to fail to remove or modify the obstruction within ten (10) working days after receiving the notice to remove or modify; or, if appealed, within ten (10) working days after the final decision of the City Council ordering removal or modification. The penalty for failure to comply with an order shall be a fine and/or lien on the subject property for the purpose of abating the violation. The City Attorney or Police Chief, as designated by City Council, shall be responsible for enforcing the provisions of this code.

17.40.060 Sign Regulations.

A. Residential (R-1), Mobile Home Residential (R-2), Multiple-Family Residential (R-3), and Zones. Signs erected in all zones except Main Street Commercial, Industrial and Open Space/Public Facilities shall meet the following standards:

1. Size. Maximum size shall be four (4) square feet per side.

2. Illumination. None allowed.

B. Main Street Commercial (C) and Industrial (I) Zones. Applications for signs over four (4) square feet per side to be erected in Main Street Commercial and Industrial zones shall be reviewed by the Planning Commission, and shall meet the following standards:

1. Size. The total area of a combination of all signs shall not exceed one hundred fifty (150) square feet, in accordance with the following:

a. Freestanding. Fifty (50) square feet, placed not to exceed twenty (20) feet above adjacent street grade.

b. Flush-Mounted to Structure or Building. One hundred (100) square feet, placed not to exceed the height of the structure or building.

2. Illumination Types Prohibited. Signs prohibited: any flashing, moving, animated, blinking or rotating sign whose illumination changes with time, or which is designed in a manner to simulate motion; time and temperature signs excluded.

3. Sign Location Restrictions. No sign shall project more than two feet into a required yard or public right-of-way nor, when projecting more than four inches into said right-of-way, be placed less than ten (10) feet above ground level of such right-of-way.

4. Exempted Signs. Necessary traffic directional or similar public service signs are excluded from these provisions.
- C. Open Space/Public Facilities Zone. Signs that exceed the standards in Section A of this Chapter shall require conditional use approval as provided in Chapter 17.56.
1. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.
 2. Conditional uses that may be allowed are:
 - a. Necessary traffic directional or similar public service signs that exceed four square feet.
 - b. Illuminated public service signs.

17.40.070 Historic Structure Preservation.

- A. Application for Demolition or Major Exterior Alterations. No historic site, structure, or object, as designated by the comprehensive plan, may be demolished, nor may major exterior alterations be made thereto, without an application and procedure complying with this Chapter. Upon receiving an application for demolition or major exterior alterations involving an historic area, site, structure or object, the Planning Commission, in a public meeting, shall review the application to determine its conformance with the historic preservation criteria of this Chapter.
- B. Demolition or Exterior Modification Procedure.
1. Review Requirements. If it is determined the land use action will result in the demolition or extensive exterior modification of any historical building, the Planning Commission shall review the application, taking into account the following:
 - a. State of repair of the building.
 - b. The reasonableness of the cost of restoration or repair.
 - c. The purpose of preserving such designated historical building and site.
 - d. The character of the neighborhood.
 - e. All other factors the Planning Commission feels are appropriate.

2. Actions Available to Planning Commission. Following the Planning Commission review, the Planning Commission may recommend approval, approval with conditions or denial of the permit for land use action, or delay action for sixty (60) working days to allow cognizant agencies or other cognizant parties to explore alternatives. If no suitable alternatives are available, the permit may be issued. The Planning Commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) working days, as deemed necessary by the Planning Commission.

C. Major Exterior Alteration Procedure.

1. Exterior Alteration Requirements. Exterior alterations shall be in accordance with the following:
 - a. Upon receipt of an application for a major exterior alteration of an historic structure listed in the comprehensive plan, the Planning Commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historical significance contained in the comprehensive plan.
 - b. Major exterior alterations, as defined by this section, include any change or alteration of a facade, texture, design, materials, fixtures or other treatment.
 - c. All applications for major exterior alteration shall be accompanied by plans and specifications of the proposed alteration. The Planning Commission may request additional sketches and other information deemed necessary to make an informed decision.
 - d. In order to recommend approval of the application, the Planning Commission shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture and construction materials, and/or find the alterations will enhance the historical value of the resource. Conditions may be attached to the approval if the Planning Commission deems it necessary to achieve the above objectives. The Planning Commission shall disapprove the request if the proposal would reduce the resource's value or historic significance.
2. Conditions Which May Be Attached are Limited. Conditions attached to a permit for major exterior alteration of an historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.

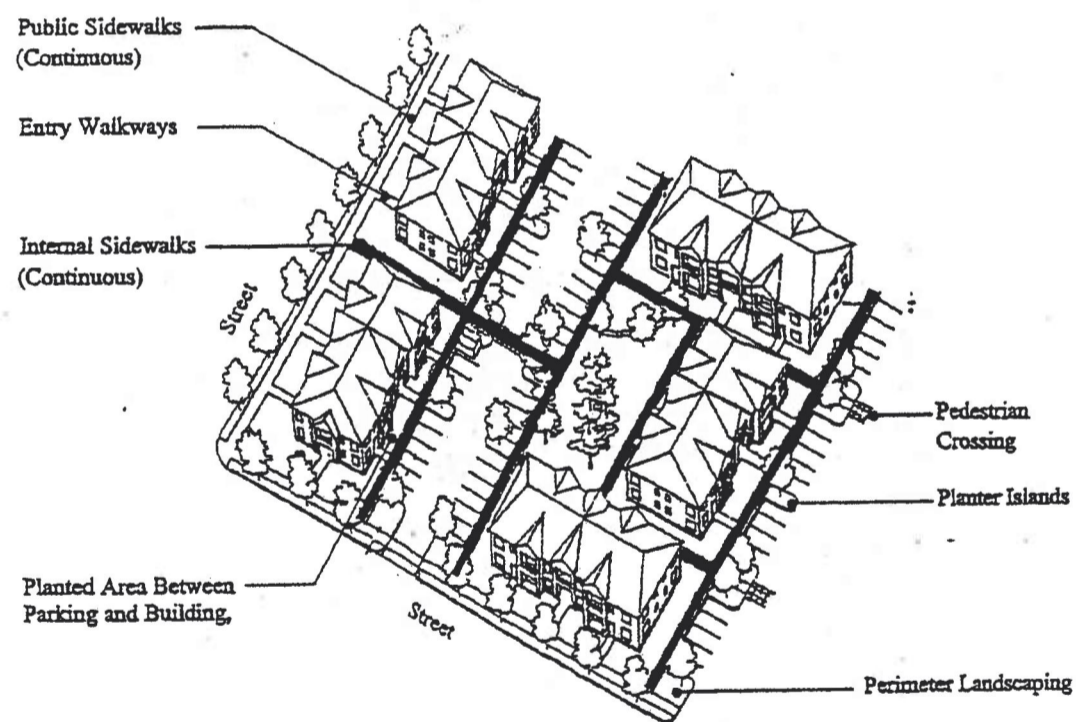
3. Requirements Restricted. The Planning Commission shall not make any recommendations of requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

D. Maintenance or Repair. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change of design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions.

17.40.080 Access and Circulation.

All developments shall comply with the vehicle access and circulation standards contained in Chapter 16, Section 12. Additionally, all of the following standards for pedestrian access and circulation shall be met:

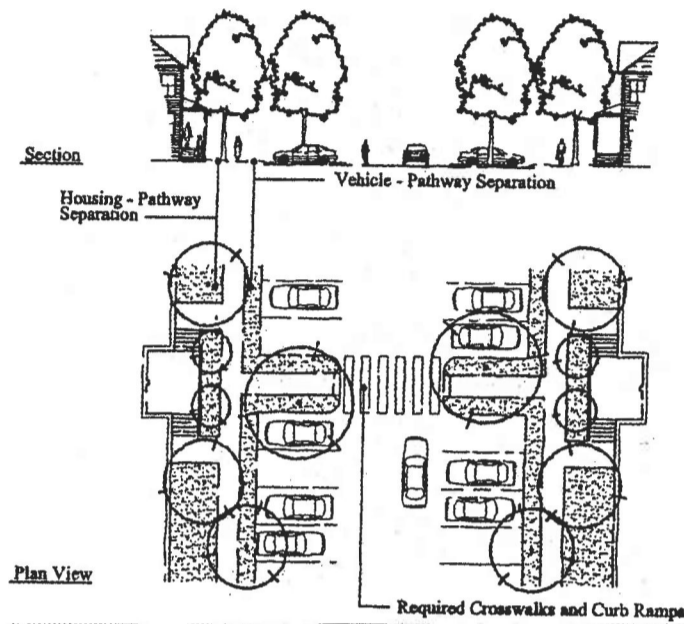
Figure 17.40.080A – Pedestrian Pathway System (Multifamily Development Example)



A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Chapter 16.
2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - b. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - d. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway, which serves as a common entrance for more than one dwelling.
3. Connections Within Development. Pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

Figure 17.40.080B – Pathway Standards (Typical)



B. Design and Construction. Pathways shall conform to all of the standards in 1-5:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Section 17.40.140. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. Crosswalks. Where pathways cross a parking area, driveway, or street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry paves, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide.

5. Accessible routes. Pathways shall comply with the federal Americans with Disabilities Act, which requires accessible routes of travel.

17.40.090 Moving Buildings.

- A. Move Must Conform to Laws. No building or structure shall be moved from, within or into the City without conforming to this Chapter, to the building code, and to other applicable codes of the City of Metolius, Jefferson County, State of Oregon, and the United States of America.
- B. Moving Permit Required. Prior to moving the building or structure, a moving permit shall be obtained from the City.
- C. Additional Requirements.
 1. Within Ninety (90) Days. Within ninety (90) days after a building has been moved onto a lot within the City:
 - a. The building shall have been placed upon its foundation in accordance with the building code.
 - b. All sanitation facilities shall have been completed to the satisfaction of the City.
 - c. The building shall have been so remodeled and redesigned as to meet requirements of the building code.
 - d. All scrap lumber, trash, debris, and other materials including timbers and equipment for the moving of said building shall have been removed from the premises.
 - e. All holes, underground structures and excavations shall be filled to the rough grade level as indicated in the building permit
 2. Building Occupancy Prohibited. No building shall be occupied until all the above requirements have been met.
 3. While Moving is in Progress. While moving is in progress, the owner of said building shall at all times protect the same from damage and protect passersby and citizens of the City from injury due to condition of the building or property to or from which the building was moved.
 4. Leaving Building on Streets Restricted. No building shall be left on the streets of the City after sunset unless the owner thereof, with written authorization by

the City, shall provide warning lights (or flares) and a night watchman for protection of the citizens using said street.

5. Clean-Up Requirements. Within ten (10) working days after a building is moved:
 - a. The lot from which the building was moved shall be cleared of all debris including pipe, concrete, scrap lumber, and other materials that may cause a health hazard or nuisance, or constitute a danger.
 - b. The lot to which the building is moved shall be cleared of all debris including pipe, concrete, scrap lumber, and other materials that may cause a health hazard or nuisance, or constitute a danger.
 - c. All basements, abandoned septic tanks and wells shall be filled with earth, except that upon written application made to the Planning Commission, the City Council may give permission for useful basements or other structures to remain, provided the same are fenced or left open only for such period of time as the Council may allow.

17.40.100 Satellite Receiving Antenna.

A. Placement.

1. Must be Screened from View. Satellite receiving antennae having a diameter or largest lineal dimension of three feet, or more shall be placed in such a manner as to be screened from view from the public right-of-way, excepting alleys, by a building, sight-obscuring fence, dense landscape buffer or any combination thereof.
 2. Height Restricted. No satellite receiving antennae may be placed at a height in excess of the building height of the applicable zone.
- B. Placement in Zoning Districts with No Yard/Setback Area. The placement standards may be adjusted through the variance process when a finding can be made that placement in compliance is not possible because of lack of yard/setback area.

17.40.110 Minimum Standards For The Construction Or Alteration Of Service Stations.

Any service station (i.e., gas station or gas station/convenience store) that is constructed or undergoes major alteration after the effective date of the ordinance codified in this Chapter shall conform to the following standards:

- A. Location. No portion of any service station shall hereafter be constructed within one thousand five hundred (1,500) feet of any part of a building housing another service

station, except where such other service station is abandoned and subject to removal under Section 17.40.120.

- B. Minimum Lot Size. The minimum lot size for a service station site shall be ten thousand (10,000) square feet on a corner lot and twelve thousand (12,000) square feet on any other lot.
- C. Minimum Street Frontages.
 - 1. The minimum street frontage of a corner lot shall be one hundred (100) feet.
 - 2. The minimum street frontage on other than a corner lot shall be one hundred twenty (120) feet.
- D. Minimum Lot Depth. The minimum lot depth shall be one hundred (100) feet.
- E. Minimum Setbacks. The service station and any attached or freestanding canopies on the service station property shall be set back not less than ten (10) feet from any property line.
- F. Minimum screening requirements.
 - 1. When property used for a service station abuts property used for residential purposes, there shall be placed along the boundary between the residential property and the service station a solid wall or fence six feet high or as an alternative, an evergreen hedge at least four feet high and capable of attaining a height of six feet.
 - 2. Any area used for the storage of trash or other waste shall be screened by a solid wall or fence that prevents the objects from being visible from any public street or sidewalk.
- G. Landscaping. As a general guideline, there shall be landscaping on at least ten (10) percent of the service station lot. Landscaping shall require review and approval during the site plan approval process as provided in Chapter 17.48, and may be increased or decreased as the site plan committee deems necessary.
- H. Lighting.
 - 1. Lighting shall be of such illumination, direction, color and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.
 - 2. Wiring for the business and its sign and outdoor light fixtures shall be underground.

I. Permitted Activities. A service station's principal use shall be the retail dispensing of motor vehicle fuels and lubricants, and may engage in the following activities, which shall be incidental to its principal use:

1. The sale and installation of motor vehicle accessories.
2. Motor vehicle repairs.
3. Sale of food, beverages, and convenience items.
4. Any other sale, service or activity customarily provided by service stations.

17.40.120 Service Station Abandonment.

A. When Abandonment Occurs. Whenever a service station is not in use as a service station for a continuous period of twelve (12) months, all structures and facilities above and below the ground located on the lot which were connected with the operation of the service station shall be removed, unless said structures are converted to another use as allowed by the underlying zone.

B. Minimum Operation to Avoid Abandonment. Operation for at least ninety (90) consecutive working days shall be required to interrupt a continuous twelve (12) month period.

C. Abandoned Service Stations Declared a Nuisance. All service stations which are not in use as a service station for a continuous period of twelve (12) months are declared to be a nuisance and subject to abatement and penalty as provided in this Chapter and other applicable ordinances of the City.

D. Fixing Responsibility for Compliance with Ordinance. It shall be the responsibility of the owner of the improvements to comply with all provisions of this Chapter. In the event that the owner of said real property fails to comply, the City may remove the improvements and make the costs of said removal a lien against the property.

E. Inspections. The City shall make periodic inspections of the service station, and when a service station has been found not to be in use as a service station for a period of twelve (12) consecutive months, the following persons shall be notified of the requirements to be met under this Chapter:

1. The owner of record of the real property.
2. The oil company(ies) that last supplied petroleum products to the station.
3. The last operator of the station.

F. Notice and Abatement. The following shall be satisfactory notice under this section:

1. Notice Shall be Posted on the Property. A notice shall be prominently posted on the premises where the station is located.
2. Copy of Notice Shall be Mailed. At the time of posting, the City Recorder shall cause a copy of the notice to be forwarded by registration or certified mail, postage prepaid, to the persons identified in subsection E of this section.
3. Content of Notices. The notice shall direct the owner or person in charge of the station to comply with the directives of this Chapter. The notices shall contain:
 - a. A description of the real property, by street address or otherwise, on which the service station is located.
 - b. A description of the removal work necessary to comply with this Chapter.
 - c. A direction to comply with the requirements contained in said notice within thirty (30) working days from the date of notice.
 - d. A statement that failure to perform as required by this Chapter may result in penalty and/or abatement as provided in Section 17.08.090, or in court prosecution, and that, unless the required work is done, the City may cause the work to be done and the cost thereof shall be a lien against the property.
 - e. A statement that the owner or other person in charge of the property may appeal the directives contained in the notice by notifying the City Recorder in writing within ten (10) working days from the date of the notice.
4. City Record Keeping. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of mailing and posting.
5. Posted Notice Sufficient. An error in the name or address of the owner or person in charge of the property, or the use of a name other than that of the owner or such other person, shall not make the notice void, and in such a case, the posted notice shall be sufficient.
6. Appeal. An order of the City may be appealed within fifteen (15) working days after date of the notice required by this section.
 - a. Written notice of the appeal shall be filed with the City Recorder.
 - b. If the appeal is not filed within the fifteen (15) day period, the decision shall be final.

- c. If a timely appeal is filed, the City Council shall receive the decision and findings and shall conduct a public hearing on the appeal as provided in Section 17.08.050.
- d. The appellant shall be granted a hearing before the City Council as provided in Section 17.08.050, and action taken by the City Council after the hearing shall be final.

17.40.130 Manufactured Dwelling Park Design And Improvement Standards.

Manufactured dwelling parks shall require Site Plan Review approval, and shall comply with the provisions of Chapter 17.16.170.

17.40.140 Landscaping Requirements.

- A. Developed Site Area. For purposes of this section, "developed site area" means the square footage of the area indicated on the site plan minus the ground floor area of the building(s), including accessory structures. At a minimum, the area indicated on the site plan shall include the area required for parking, ingress and egress, setback areas, and other areas that may be required as a condition of site plan approval, which are part of the ownership.
- B. Standards for Landscaping Materials. Where landscaping is required, the materials used are subject to the following provisions:
 - 1. Allowable Materials. Landscaping shall include some combination of the following materials, where appropriate, to achieve the intended or required purpose of the landscaping (e.g., screening, etc.):
 - a. Trees, shrubs, ground cover, vines, flowers or grass lawns.
 - b. Natural features, such as rock or stone outcrops.
 - c. Structural features including fountains, pools, artwork, walls and fences.
 - 2. Excluded Materials. Landscaping proposed to satisfy the requirements of this Chapter in locations abutting existing public or private under or above-ground electrical lines, cables or conduits, pipes or other utilities; or public or private sidewalks, curbs, gutters or paved parking and turnaround areas, drainage improvements, or adjacent structures, foundations or landscape materials, shall not include plant materials which have root structures or branching habits which in their mature state may damage or interfere with the normal use of public facilities and utilities.
- C. Minimum Area Requirement-New Construction. Landscaping shall be provided as follows:

1. Industrial Uses. Five (5) percent of the developed site area.
2. Commercial Use Types. Ten (10) percent of the developed site area.
3. Open space/public use. Ten (10) percent of the developed site area.
4. Residential, Manufactured Dwelling Parks and Multifamily Uses. Twenty (20) percent of the developed site area.

D. Minimum Area Requirements- Additions. Additions to existing structures that require landscaping, and which represent greater than fifty (50) percent of the floor area of the primary structure, shall provide landscaping as follows:

1. Industrial Uses. Five (5) percent of the addition's total square footage;
2. Commercial Use Types. Ten (10) percent of the addition's total square footage;
3. Open Space/public facilities. Ten (10) percent of the addition's total square footage.
4. Manufactured Dwelling Parks, Residential Uses. Ten (10) percent of the addition's total square footage.

E. Street Trees.

1. Plantings. Street trees shall be planted in planter strips on all streets in accordance with the City of Metolius Public Works Standards and in Chapter 16. Planting of unimproved or substandard existing streets shall be deferred until the construction of sidewalks.
2. Growth Characteristics. Trees shall be selected based on Ordinance 236, 2006. The following should guide tree selection:
 - a. Provide a broad canopy where shade is desired.
 - b. Use low-growing trees for spaces under utility wires.
 - c. Select trees that can be "limbed-up" where vision clearance is a concern.
 - d. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - e. Use species with similar growth characteristics on the same block for design continuity.

- f. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
 - g. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
 - h. Select trees for their seasonal color, as desired.
 - i. Use deciduous trees for summer shade and winter sun.
3. Caliper Size. The minimum caliper size at planting shall be two (2) inches, based on the American Association of Nurserymen Standards.
4. Spacing and Location. If a planter strip is provided, street trees shall be planted within the planting strip. If a planter strip is not provided, trees shall be planted behind the sidewalk or in sidewalk tree wells. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with clear vision requirements, existing trees, retaining walls, utilities and similar physical barriers.
5. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.
6. Assurances. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care and any necessary tree replacement during the first two years after planting.
- F. Installation. Required landscaping shall be installed prior to occupancy. Extensions of time may be granted by the City if good faith efforts are being made to complete the required work and the developer provides a bond to the City to cover the cost of required landscaping.

- G. Maintenance. All required planting shall be maintained in good condition by the adjacent property owner, and in any case where a required planting has not survived, shall be replaced as soon as is practical with new plant materials similar to those which died.

17.40.150 Home Occupations.

When allowed under Conditional Use Permit and Business Licenses, home occupations shall be subject to the following standards:

A. Appearance of Residence:

1. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business, except that one small sign shall be permitted in conformance with subsection D, below.
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
3. The home occupation shall not violate any condition of development approval (i.e., prior development permit approval).
4. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

B. Storage:

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure, unless prohibited by the current Uniform Building Code as adopted by the State of Oregon.

C. Employees:

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this Chapter, the term

“home occupation site” means the lot on which the home occupation is conducted.

2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs: Signs shall comply with the provisions of Section 17.40.060. In no case shall a sign exceed the Residential District standard of four (4) square feet per side (e.g., two (2) feet by two (2) feet). Signs mounted onto vehicles (except magnet-type signs) shall not be permitted.

E. Vehicles, Parking and Traffic:

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 6 p.m. to 8 a.m.
3. There shall be no more than one client or customer's vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. only, subject Sections A and E, above.

G. Prohibited Home Occupation Uses:

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.

3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
 - a. Ambulance service.
 - b. Animal hospital, veterinary services, kennels or animal boarding.
 - c. Auto and other vehicle repair, including auto painting.
 - d. Sale, repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
4. Any activity for which the structure does not meet Uniform Building Code requirements (e.g., welding).

H. Enforcement: The City Police Officer or designee may visit and inspect the site of home occupations in accordance with this Chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with the provisions of Section 17.08.090.

17.40.160 Temporary Use Permits.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Two types of temporary uses require permit approval using the Site Plan Approval procedure in Chapter 17.48:

- A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer a period than 30 days. The Planning Commission shall recommend approval, approval with conditions or denial of a temporary use permit based on findings that all of the following criteria are satisfied:
 1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 2. The applicant has proof of the property-owner's permission to place the use on his/her property.
 3. No parking will be utilized by customers and employees of the temporary use that is needed by the property owner to meet their minimum parking requirement under Chapter 17.44.

4. The use provides adequate vision clearance, as required by this Chapter, and shall not obstruct pedestrian access on public streets.
5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by this Chapter.
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use.
7. The use is adequately served by sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

B. Temporary Sales Office or Model Home. The Planning Commission shall recommend approval, approval with conditions or denial of an application for the use of any real property within the City as a temporary sales office for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:

- a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
- b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
- c. The sales office shall be removed no later than 60 days after closing on the sale of the last lot or house within the subdivision.

2. Model house:

- a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
- b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable laws.

C. Temporary Building. The Planning Commission shall recommend approval, approval with conditions or denial of an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located.
2. The primary use on the property to be used for a temporary trailer is already developed.
3. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by this Chapter.
4. There is adequate parking for the customers or users of the temporary use as required by Chapter 17.44.
5. The use will not result in vehicular congestion on streets.
6. The use will pose no hazard to pedestrians in the area of the use.
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use.
8. The building complies with applicable building codes.
9. The use can be adequately served by sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

The length of time that the temporary building will be used shall not exceed twelve (12) months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

OFF-STREET PARKING SPACES AND LOADING FACILITIES

Sections:

17.44.010	Compliance with title.
17.44.020	Required off-street parking spaces.
17.44.030	Parking facilities for the physically disabled.
17.44.040	Required loading facilities.
17.44.050	Parking design standards.
17.44.060	Parking lot construction.
17.44.070	Parking uses not identified in the Table of Off-Street Parking Requirements.
17.44.080	Designated improvement standards for parking lots of four or more spaces.
17.44.090	Off-street loading requirements.
17.44.100	Bicycle Parking Requirements

17.44.010 Compliance with title.

No parking or loading area, or parking spaces provided for the purpose of complying with the provisions of this title shall hereafter be eliminated, reduced, or converted in any manner below the requirements established in this title, unless equivalent facilities are provided elsewhere in conformity with the provisions of this section.

- A. Eligibility of Street Parking Spaces. Parking spaces in a public street including an alley, shall not be eligible as fulfilling any part of the parking requirements.
- B. Computation Rule for More than One Use in a Structure. In the event that several uses occupy a single structure or parcel of land, the total requirements of off-street parking shall be the sum of the requirements of the several uses computed separately.
- C. Shared Parking Facilities. Required parking facilities of two or more uses, structures or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature), and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
- D. Computation Rule for Fractions. If after calculating the number of required off-street parking spaces, a quotient is obtained containing a fraction of one-half or more, an additional space shall be required; if such fraction is less than one-half it may be disregarded.
- E. Computation Rule Based on Number of Employees. When the parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaged in the specified activity on the lot during the largest shift of the peak season.

- F. Computation Rule Based on Number of Seats. When the parking requirement is based on the number of seats, each eighteen inches of benches, and twenty-four (24) inches of booths, pews or similar facilities shall be counted as one seat.
- G. Computation Rule Based on Number of Students. When the parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.
- H. Non-specified Number of Parking Spaces. When a required number of parking spaces is not specified for a particular use or facility, the planning department shall recommend a number of parking spaces or loading berths based on a determination of the traffic generation of the activity, the amount of frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as affect the need for off-street parking or loading. Any such determination shall be subject to appeal pursuant to the appeal procedures as defined in Section 17.08.030.

17.44.020 Required off-street parking spaces.

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this title. Standards for number of required parking spaces are presented in the Table 17.44.020A - Off-Street Parking Requirements, set out at the end of this chapter. The table is part of the land development code and all references to this code include it.

17.44.030 Parking facilities for the physically disabled.

Public accommodations or facilities, including but not limited to: auditoriums, theaters, restaurants, hotels, motels, stadiums, shopping centers and office buildings, shall provide parking spaces for the physically disabled in accordance with the Uniform Building Code and American Disabilities Act.

17.44.040 Required loading facilities.

The following provisions shall apply to all loading facilities:

- A. The minimum area required for loading spaces shall be not less than two hundred fifty (250) square feet each, where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.
- B. The minimum area required for loading spaces shall not be less than five hundred (500) square feet each, where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.
- C. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet each, where the gross floor area of all buildings on a lot or parcel of land exceeds fifty thousand (50,000) square feet.

D. The minimum required loading area shall not be less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.

E. The required loading area shall be easily accessible from a street, highway or area.

17.44.050 Parking design standards.

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this title. Standards for number of required parking spaces are presented in the Table 17.44.020 A - Off-Street Parking Requirements, set out at the end of this chapter. The table is part of this title and all references to this title include it.

A. Aisle Dimensions. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables a reduction of the aisle width, as shown.

Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	N/A	23'	12'	24'	9'
30°	Standard	10'	20'	12'	24'	16'
45°	Standard	10'	14'	12'	24'	20'
60°	Standard	10'	11'6"	20'	24'	22'
90°	Standard	10'	10'	28'	28'	22'

1. Tier means two rows of parking spaces plus an aisle. Tier width may not add to aisle width plus two times the space to curb distance in the chart above, because additional tier width may be required for safety precautions.
2. Space dimensions for parallel parking are to be nine feet by twenty-three (23) feet.

B. Parking Area Access.

1. Driveways serving residential uses shall have a minimum width of not less than twelve (12) feet when serving four or less dwelling units, and a driveway width of not less than sixteen (16) feet when serving five or more dwelling units, or in lieu thereof, two separate driveways each no less than nine feet in width.
2. Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic, and a minimum width of twenty-five (25) feet to accommodate two-way traffic.
3. Parking areas for four or more vehicles shall be designed to prevent cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots shall be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.
4. Access driveways to parking areas containing four or more spaces shall be located and designed as follows:

- a. Parking area entrance and exit driveways shall be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.
 - b. Entrance and exit driveways crossing the street property line of a single site shall be limited to two along the frontage of any single street. The centerline of driveways on the same property is to be separated by a minimum of thirty (30) feet.
- C. Parking Area Location. The location of off-street parking and loading facilities shall be in accordance with the following provisions:
1. Required parking facilities for residential uses as provided herein shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible and located at a place where the erection of garages or carports is permitted.
 2. Required parking facilities for uses other than residential shall be located as follows:
 - a. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve; except that for industrial uses, required parking shall not be located in a required front or side yard abutting a public street, unless the structure is provided with adequate setbacks and landscaping.
 - b. On a lot or parcel of land held under the same or joint ownership, provided such parking or loading facilities are located adjoining the use or uses served.
 - c. On a lot or parcel of land within five hundred (500) feet of the use or uses served.
 - d. Required loading facilities shall be located on the same lot or parcel of land as the uses served.
 - e. Binding agreements between land uses for mutual use of parking facilities during nonconflicting hours may be recognized by the city in lieu of the standards in this chapter.
- D. Drop-Off Points Required. When located outside the central business zone, parking areas for public assembly facilities shall include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off areas are to consist of vehicle turnout lanes located outside of normal travel lanes. Drop-off points are to be provided for:
1. Hotels and motels.

2. Schools with fifty (50) or more students.
3. Churches with a capacity of one hundred (100) or more.
4. Restaurants with a capacity of fifty (50) or more customers.
5. Public transportation terminals.
6. Places of public assembly.
7. Public buildings.
8. Offices larger than five thousand (5,000) feet.

17.44.060 Parking lot construction.

All parking areas containing three or more off-street parking spaces shall be designed as follows, except as otherwise provided by this section:

- A. Surfacing. All parking areas shall be surfaced with an asphalt, concrete or chip seal surface in conformance with city standards. Where concrete or asphalt is required, brick or other masonry paving units may be substituted including vertically oriented concrete block.
- B. Lining and Marking. Parking spaces in paved parking areas shall be marked with paint striping, a minimum of four inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.
- C. Wheel Stops. Wheel stops or continuous concrete or asphalt curbing shall be required in all parking lots to define the perimeter of the parking arm and to protect landscaping from vehicle encroachment. Wheel stops shall be constructed as follows:
 1. Wheel stops shall be constructed of durable material not less than six inches in height. Wheel stops shall be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.
 2. Wheel stops or other vehicle barriers less than two feet in height shall be located no closer than three feet to any property lines.
- D. Vertical Clearance. Covered parking spaces shall have a vertical clearance of at least seven feet six inches above the parking lot surface for all uses except residential.
- E. Slope. The finished grade of a parking lot shall not exceed a five percent slope.
- F. Landscaping. A minimum of five percent of the interior of all parking lots with twenty (20) or more spaces shall be landscaped, in addition to any perimeter

landscaping required by subsection (G)(2) of this section. The total aggregate area of landscaping need not exceed the minimum requirements in Section 17.40.140.

G. Screening.

1. Parking lots which abut a residential zone shall be visually screened by a landscaping strip with a minimum height of five feet, or a six-foot-high solid fence or wall located on the parking lot side of the property.
2. Parking lots abutting a public street shall be separated from the street right-of-way by a landscaping strip with a minimum width of four feet.

H. Storm water. All drainage resulting from the improvements shall be collected on-site in such a manner that it can be discharged to an approved storm water collection system without flowing across any public sidewalk or street.

17.44.070 Parking uses not identified in the Table of Off-Street Parking Requirements.

For any use not listed in the Table of Off-Street Parking Requirements, set out at the end of this chapter, the required off-street parking shall be recommended by the planning commission. In recommending the off-street parking requirements of any unlisted use, the planning commission shall first make a finding that all of the following conditions exist:

- A. That field investigations disclose that the subject use and its operations are compatible with one or more uses under which parking area is designated.
- B. That the proposed parking area requirements will adequately serve the intended use and be located in such a manner to protect the public health, peace, safety and general welfare.

17.44.080 Designated improvement standards for parking lots of four or more spaces.

- A. Each paved space must be marked by striping.
- B. Traffic flow arrows and signs may be required.
- C. No parking space shall back onto a street without site plan approval.
- D. Adequate drainage shall be specified at the time of site plan review.
- E. Bumper guards or steel stops may be required near buildings, fences or sidewalks during site plan review.
- F. Driveway locations shall be approved by the city or the State Highway Division.

- G. Artificial lighting may be required but where installed shall not cast a direct light on residences.

17.44.090 Off-street loading requirements.

At the time a use is erected or enlarged, or an existing building use changed, off-street loading areas may be required.

- A. Merchandise. Any use receiving a majority of its goods by truck shall provide an off-street loading/unloading area which will not impede traffic flow or parking availability.
- B. Passengers. A lane or driveway must be provided out of the flow of traffic for loading and unloading passengers to any site designed to accommodate more than one hundred (100) people at one time.

17.44.100 Bicycle Parking Requirements.

All uses which are subject to Site Plan Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- A. Number of Bicycle Parking Spaces. A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than ten (10) vehicle parking spaces. The following additional standards apply to specific types of development:
 - 1. Multi-Family Residences. Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
 - 2. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every ten (10) motor vehicle parking spaces.
 - 3. Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every ten (10) students and employees. High schools provide one bicycle parking space for every five (5) students and employees. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
 - 4. Colleges and trade schools shall provide one bicycle parking space for every ten (10) motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces should be sheltered under an eave, overhang, independent structure, or similar cover.

5. **Main Street Commercial Zone.** Within the Main Street zone, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) should be provided at a rate of one space per ten (10) employees, with a minimum of one space per store.
- B. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten (10) vehicle parking spaces.
- C. Location and Design. Bicycle parking should be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters and other pedestrian amenities.
- D. Visibility and Security. Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- F. Lighting. Bicycle parking should be at least as well lit as vehicle parking for security.
- G. Reserved Areas. Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only.
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards of Section 17.40.050.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Table 17.44.020.A - TABLE OF OFF-STREET PARKING REQUIREMENTS

When using the "minimum standard option", the number of required off-street vehicle parking spaces shall be determined in accordance with the following standards:

Residential Uses

Single family detached housing. 2 parking spaces, one of which may be a garage, shall be provided for each detached single-family dwelling or manufactured home on an individual lot.

Two- and three-family housing. 2 spaces per dwelling unit.

Multi-family and single family attached housing.

- a. Studio units or 1-bedroom units less than 500 sq. ft.--1 space/unit. One of which may be a garage.
- b. 1-bedroom units 500 sq. ft. or larger--2 spaces/unit. One of which may be a garage.
- c. 2-bedroom units--2 spaces/unit. One of which may be a garage.
- d. 3-bedroom or greater units--2.00 spaces/unit. One of which may be a garage.
- e. Retirement complexes for seniors 55-years or greater--Two spaces per unit.

Rooming and boarding houses, dormitories. One space for each guest room.

Manufactured home parks. 2 parking spaces, one of which may be a garage, shall be provided for each detached single-family dwelling or manufactured home on an individual lot.

Commercial Uses

Auto, boat or trailer sales, retail nurseries and similar bulk retail uses. One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.

Business, general retail, personal services. General - one space for 350 square feet of gross floor area.

Furniture and appliances - one space per 750 square feet of gross floor area.

Chapels and mortuaries. One space per four fixed seats in the main chapel.

Hotels and motels. One space for each guest room, plus one space for the manager.

Offices. Medical and Dental Offices - one space per 350 square feet of gross floor area;

General Offices - one space per 450 square feet of gross floor area.

Restaurants, bars, ice cream parlors and similar uses. One space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.

Theaters, auditoriums, stadiums, gymnasiums, similar uses. One space per four seats.

TABLE OF OFF-STREET PARKING REQUIREMENTS (continued)

Table 17.44.020.A – TABLE OF OFF-STREET PARKING REQUIREMENTS (continued)

Industrial Uses

Industrial uses, except warehousing. One space per employee on the largest shift plus one space per company vehicle.

Warehousing. One space per employee plus one space per company vehicle.

Public utilities (gas, water, telephone, etc.), not including business offices. One space per employee on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.

Public and Institutional Uses

Childcare centers having 13 or more children. One space per employee; a minimum of two spaces is required.

Churches and similar places of worship. One space per four seats.

Golf courses, except miniature. Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses -four spaces per hole.

Hospitals. Two spaces per patient bed.

Nursing and convalescent homes. One space per three patient beds.

Rest homes, homes for the aged, or assisted living. One space per two patient beds or one space per apartment unit.

Schools, elementary and junior high. Two spaces per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.

High schools. Two spaces per classroom, plus one space per 10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.

Colleges, universities and trade schools. Two spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing.

Unspecified Uses.

Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs.

SITE PLAN APPROVAL

Sections:

17.48.010	Purpose.
17.48.020	Applicability and Public Hearing Requirement.
17.48.030	Notice Of Intent To Construct Shall be First Action Required.
17.48.040	Site Plan Committee.
17.48.050	Procedures.
17.48.060	Appeal.
17.48.070	Revisions To An Approved Site Plan.
17.48.080	Time Limit For Compliance And Procedure To Extend Time Limit.

17.48.010 Purpose.

The purpose of site plan approval is to determine compliance with the objectives of this title, implement the Metolius Comprehensive Plan and preserve the public health, safety and general welfare.

17.48.020 Applicability and Public Hearing Requirement.

All developments except for single family detached housing, (including conditional uses involving construction or alteration of any building or structure), shall be subject to Site Plan Review. [covered in 17.48.040 below]. A public hearing before the planning commission pursuant to Section 17.08.050 shall be required for all site plan approvals.

17.48.030 Notice Of Intent To Construct Shall be First Action Required.

Owner of a property shall file with the City a Notice of Intent to Construct before any structure, including any fence, shall be constructed, demolished, altered, erected, or moved onto any property. Notice of Intent forms shall be available from the City Recorder. When required, a Notice of Intent to Construct shall precede issuance of site plan approval (pursuant to Section 17.08.020), which shall precede issuance of any building permit (pursuant to Section 17.08.020), and shall precede any construction, demolition, alteration, erection, or moving onto any property, of any building or structure.

17.48.040 Site Plan Committee.

- A. Site plan committee. The planning commission and the City Recorder are, as a site plan committee, to carry out the duties set forth in this section. The City Recorder shall review all site plan applications for completeness. Upon finding an application is complete, per Section 17.48.050, City Recorder shall provide the application and staff report to the Planning Commission.
- B. Authority. This committee shall recommend to the council to approve, disapprove, or to approve with conditions the site plan for all proposed new buildings or structures in those circumstances where site plan approval is required.

- C. Committee Governed by Purposes and Objectives. In the review of plans, the site plan committee shall be governed by the purposes and objectives of this section as set forth in Sections 17.48.010 and 17.48.020.
- D. Recommendation Referred to City Council. The recommendation of the site plan committee shall then be brought before the city council, along with a complete record of the meeting and applicable city regulations, at the next regular city council meeting following after the appeal period has expired on said decision.
- E. City Council Actions Available. The city council shall review the recommendation of the site plan committee, on the record, without hearing further evidence. It shall either affirm the recommendation of the site plan committee, at which time the decision shall be final, or shall set the matter for hearing de novo before the city council, after which the city council shall affirm, reverse or modify the recommendation of the site plan committee.

17.48.050 Procedures.

- A. Site Plan Requirements. The site plan shall be drawn to scale and shall indicate the following:
 - 1. Actual shape, dimensions and area of the parcel.
 - 2. Locations and details of all buildings and structures, including fences, both existing and proposed.
 - 3. Location, layout and details of all off-street parking and loading facilities.
 - 4. Locations and details of all points of entry and exit for motor vehicles and pedestrians, and internal circulation pattern(s).
 - 5. Location of all walls and fences and indication of their height(s) and materials of their construction.
 - 6. Locations and details of proposed exterior lighting standards and devices.
 - 7. Locations, sizes and details of proposed exterior signs and outdoor advertising.
 - 8. Location and details of proposed landscaping, lawns, trees, shrubs, etc.
 - 9. Locations and details of proposed grading and slopes where they affect relationship of the buildings and drainage.
 - 10. Indications of the heights of proposed buildings and structures.
 - 11. Indication of the proposed use(s) of existing and proposed buildings.

12. Any other architectural or engineering data which may be required to allow necessary findings that the provisions of this title are complied with.
 13. Location and details of proposed sidewalks, walkways, patios, courtyards and/or decks.
 14. Location and details of proposed storm drainage system, including but not limited to, drainage and grading plan, existing topography and elevations. Construction grading or other manmade physical changes shall not be allowed to increase runoff which may affect downstream property or properties. Additional runoff must be contained within on-site systems or an approved drainage system.
 15. Location and details of existing utilities (i.e., electric, gas, television, telephone, water, etc.).
 16. Location and details of existing and proposed sanitary sewer system or location and details of septic tank(s) and drain field(s).
 17. Location and details of proposed water supply, showing size of main(s), water flow(s) and size of water line(s).
 18. Location and details of existing and, if any, proposed fire hydrants with size and flow data.
 19. Location and details of existing and proposed public improvements.
 20. Where an attachment of a minor addition (i.e., less than a 50 percent increase in floor space) to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development, but need not include other data required in subsections (A)(1)--(19) of this section, unless they are affected by the proposed minor addition.
 21. Specify and describe intended use(s) of the structure(s) (i.e., residential, assembly, educational, manufacturing, processing, storage and type of contents, etc.).
- B. Site Plan Committee Action and Time Limit. Within sixty (60) working days after the submission of a complete site plan, the site plan committee shall recommend approval, approval with conditions, or disapproval of the site plan. Failure of council to render a final decision (including all appeals) within 120 calendar days after submission of a complete site plan shall be deemed approval of the plan as submitted.
- C. Approval Criteria. In order to recommend approval of the site plan, the site plan committee shall find that:

1. All provisions of this title are complied with, and
2. All buildings, structures and facilities, access points, parking and loading facilities, landscaping, signs, lighting and walls or fences, are so arranged that traffic congestion is avoided, and pedestrian and vehicular safety and welfare are protected, and
3. Adverse effect on surrounding property will be minimized, and
4. All provisions of the Public Works Standards and Specifications are complied with, and
5. All provisions of Title 16 of the Metolius Municipal Code are complied with.

17.48.060 Appeal.

The applicant or any interested party may appeal a recommendation of the planning commission to the city council, in accordance with the procedures of Section 17.08.030.

17.48.070 Revisions To An Approved Site Plan.

Revisions made by the applicant to an approved site plan may be made pursuant to the procedures set forth in Chapter 17.60.

17.48.080 Time Limit For Compliance And Procedure To Extend Time Limit.

Site plan approval shall be valid for eighteen (18) months, or any lesser time as may be approved by the city council to allow completion as approved. An applicant may apply to the city council, through the planning commission, for extensions to allow completion of the site plan requirements, which, if granted, shall each be subject to the maximum time limitations of this section unless a lesser time limit is set for the extension.

EXCEPTIONS AND VARIANCES

Sections:

- 17.52.010 Nonconforming Uses.
- 17.52.020 General Exceptions To Yard Requirements.
- 17.52.030 General Exceptions To Building Height Limitations.
- 17.52.040 Projections Into Yard Setbacks.
- 17.52.050 Authorization To Grant And Deny Variances.

17.52.010 Nonconforming Uses.

- A. Continuing, Altering or Enlarging a Nonconforming Use. A nonconforming use or structure may be continued, altered or enlarged only as provided in this Chapter.
 - 1. Expansion of a Nonconforming Use. The expansion of a nonconforming use to a portion of a structure that already was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this chapter is not an enlargement or expansion of a nonconforming use.
 - 2. Altering or Enlarging a Nonconforming Use. A nonconforming structure that conforms with respect to use may be altered or enlarged if the alteration or enlargement does not cause the structure to deviate further from the standards of this chapter.
 - 3. When Alteration or Expansion Not Allowed. The alteration or expansion of a nonconforming use is not allowed unless the finished structure and lot or parcel meet the standards of the zone in which the structure would be allowed as a permitted or conditional use.
 - 4. Site Plan Approval Required. Site plan approval as provided in Chapter 17.48 is required prior to the alteration, enlargement, expansion, construction or reconstruction of any nonconforming use.
- B. If Nonconforming Use Discontinued for One Year. If a nonconforming use is discontinued for a period of one year:
 - 1. Further Nonconforming Use Requires Approval. Further use of the property shall conform to this chapter except where application for an extension of time is received by the city during the first year after the nonconforming use is discontinued, and is subsequently reviewed by the planning commission and approved by the city council.
 - 2. Approval Requires Extenuating Circumstances. Approval may be granted only when the city council finds that extenuating circumstances exist.

- C. If Nonconforming Use Replaced by Another Use. If a nonconforming use is replaced by another use, the new use shall conform to this chapter.
- D. If Nonconforming Structure Destroyed. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause:
 - 1. The structure may be replaced in compliance with the requirements for building permits and shall meet all development standards of the zone in which the structure would be permitted outright or as a conditional use.
 - 2. The replacement may continue the same nonconforming use, only if replaced and occupied in conformance with the Uniform Building Code and other applicable life and safety regulations, within one year of the structure being destroyed.
 - 3. If the replacement structure shall be to continue a nonconforming use as a residence then the replacement structure shall contain a minimum of one thousand (1,000) square feet of living area per single family (exclusive of facilities for parking), and provision shall be made to provide off-street parking for a minimum of two vehicles per single family, one of which shall be a garage or carport.
 - 4. Site plan approval as provided in Chapter 17.48 is required prior to the replacement of the destroyed structure.
- E. Subsequent Owner's Rights. The rights granted under this chapter to continue, alter or enlarge a nonconforming use run with the land, and to the extent such right exists, may be utilized by any subsequent owner of the property.

17.52.020 General Exceptions To Yard Requirements.

Exceptions to yard requirements may be authorized for a lot or parcel in any zone, except a corner lot. All exceptions shall be requested in the site review application.

17.52.030 General Exceptions To Building Height Limitations.

Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, antennas, flagpoles and similar objects not used for human occupancy cannot exceed twenty (20) feet greater than allowed building height in the zone without site plan approval.

17.52.040 Projections Into Yard Setbacks.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues, and the cover or roof over decks or patios shall not project more than twenty-four (24) inches into a required yard.

17.52.050 Authorization to Grant And Deny Variances.

- A. When Planning Commission May Recommend Variance. The planning commission may recommend a variance from the requirements of this chapter where it can be

shown that, owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause an undue or unnecessary hardship or if, in the sole discretion of the City, the variance would allow for use of the property in a manner more compatible with the surrounding properties.

- B. When Variance Prohibited. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.
- C. Planning Commission May Attach Conditions. In recommending a variance, the planning commission may attach conditions that which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this chapter.
- D. Circumstances for Granting a Variance. A variance may be granted only in the event that all the following circumstances exist:
 - 1. Exceptional or Extraordinary Circumstances Required. Exceptional or extraordinary circumstances shall apply to the property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography or other circumstances over which the owner of the property has had no control.
 - 2. Variance Necessary for Preservation of a Property Right. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
 - 3. Variance Would Not Be Detrimental or Conflict. The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
 - 4. Variance Requested is Minimum Variance. The variance requested is the minimum variance that would alleviate the hardship.
- E. Procedure for Taking Action on a Variance Application. The procedure for taking action on an application for a variance shall be as follows:
 - 1. Only an Owner May Initiate a Variance Request. A property owner may initiate a request for variance by filing an application with the city recorder, using forms prescribed pursuant to Section 17.08.040.
 - 2. Public Hearing Required. Before the planning commission may act on a variance application, it shall hold a public hearing thereon, following procedure established in Section 17.08.060.

3. Decision of Planning Commission to City Council. The decision of the planning commission shall then be brought before the city council, along with a complete record of the hearing, at the next regular council meeting after the appeal period has expired following said decision.

F. Review on the Record and Decision by City Council.

1. City Council Reviews Without Hearing Further Evidence. The city council shall review the decision of the planning commission on the record without hearing further evidence.
2. Actions Available to the City Council. The city council shall:
 - a. Either affirm the decision of the planning commission, at which time the decision shall be final, or
 - b. Shall set the matter for a hearing de novo before the city council, after which the council shall affirm, reverse or modify the decision of the planning commission.

- G. Written Notice of Decision, to Applicant, Required Within Time Limit. Within ten (10) working days after a decision has been rendered with reference to a variance application, the city recorder shall provide the applicant with written notice of the decision of the city council.

- H. Time Limit on a Permit for a Variance. Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on written request of the property owner, to complete the variance requirements.

CONDITIONAL USES

Sections:

- 17.56.010 Purpose.
- 17.56.015 Site Plan Approval Required.
- 17.56.020 Authorization to grant or deny conditional uses.
- 17.56.030 Procedure for taking action on a conditional use application.
- 17.56.040 Time limit on a permit for a conditional use.

17.56.010 Purpose.

There are certain uses that, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. The zoning districts identify these as “Conditional Uses”. The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

17.56.015 Site Plan Approval Required.

All Conditional Uses shall require Site Plan Approval per Section 17.48.

17.56.020 Authorization to grant or deny conditional uses.

- A. How Conditional Use May Be Permitted, Enlarged, Altered. Conditional uses listed in this chapter may be permitted, enlarged, or otherwise altered upon authorization by the city council in accordance with the standards and conditions in this chapter.
- B. Additional Conditions May Be Imposed. In permitting a conditional use, or the modification of a conditional use, the planning commission may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions the planning commission considers necessary to protect the best interests of the surrounding property or the city as a whole.
- C. Standards for Granting Conditional Use. Standards for granting conditional uses:
 - 1. Proposal Shall Be Consistent. The proposal shall be consistent with the comprehensive plan and the objectives of this chapter and other applicable policies of the city.
 - 2. Have Minimal Adverse Impact. Taking into account location, size, design and operating characteristics, the proposed use shall have a minimal adverse impact on the:
 - a. Livability.

- b. Value.
 - c. Appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
3. Location and Design Shall Be Attractive. The location and design of the site and structures for the proposed use shall be as attractive as the nature of the use and its setting warrants.
 4. Use Shall Preserve Assets of Interest. The proposed use shall preserve assets of particular interest to the community.
 5. Applicant Intent, Capability, Purpose and Motivation. The applicant shall have a bona fide intent and capability to develop and use the land as proposed, and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.
 6. Conditional Use Permit Amendments. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in this chapter. All conditional uses shall require continuing compliance with the terms of the approved conditional use and approved site plan, if any.

D. Additional Conditions May Be Imposed.

1. Planning Commission or City Council May Impose Additional Conditions. In permitting a new conditional use, or the alteration of an existing conditional use, the planning commission or city council may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions which the city considers necessary to protect the best interests of the surrounding area or the city as a whole.
2. Conditions May Include. These conditions may include, but are not limited to, the following:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of building or structure.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.

- f. Limiting the number, size, location and lighting of signs.
- g. Requiring diking, grading, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.
- i. Designating specific hours of operation.
- j. Requiring a site plan to be filed and approved as provided in Chapter 17.48.

E. Changes in Use Shall Conform to This Chapter. In the case of a use existing prior to the effective date of the ordinance codified in this chapter and classified in this chapter as a conditional use, any change in the use or in lot area, or an alteration of structure, shall conform with the requirements for conditional use.

F. Temporary Conditional Uses.

1. Conditions Necessary for Temporary Conditional Use. In the case where a property owner proposes that a conditional use be allowed for a specific period of time, and where the proponent demonstrates that the proposed use will not change the character or nature of the property nor make any permanent improvements thereon, or where the proponent demonstrates to the city that the proponent will utilize only temporary structures and/or temporary buildings, or structures or buildings that already conform to the provisions of the zone for which the use is intended, the city may issue a temporary conditional use permit.
2. City May Waive, Defer Or Modify Provisions of This Chapter. In permitting the temporary conditional use, the city may waive, defer or modify any provision of this chapter when the planning commission determines that the provision would impose an undue hardship or unnecessary restriction upon the proponent of the temporary conditional use, taking into consideration the best interests and development policies of the city.
3. This Chapter Governs. Except as specifically authorized under subsection (F)(2) of this section, the city shall issue the temporary conditional use permit only according to the provisions of this chapter.

G. Revisions in an Approved Conditional Use.

1. Changes in Approved Conditional Use. Any change in an approved conditional use shall be made pursuant to the procedures set forth in this section for conditional use approval.

2. Failure to Comply Unlawful. Where required conditional use has been approved, it is unlawful for any person to cause or permit any construction, reconstruction, improvement, erection or moving in of buildings, storage sheds, fences, decks, or other structures, or to cause or permit any change in use to take place in any manner except in complete and strict compliance with the approved conditional use.
3. Exception. If the change is solely a change in use to a permitted use in the zone where the property is located, the change shall not be unlawful.

17.56.030 Procedure for taking action on a conditional use application.

The procedure for taking action on a conditional use application shall be as follows:

- A. Owner May Initiate Request for Conditional Use. A property owner may initiate a request for a conditional use by filing an application with the City Recorder.
- B. Public Hearing Required. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedures established in Section 17.08.060.
- C. Recommendation of Planning Commission to City Council. The recommendation of the Planning Commission shall then be brought before the City Council, along with a complete record of the hearing, at the next regular council meeting.
- D. Review on the Record and Decision By City Council.
 1. City Council Review Without Hearing Further Evidence. The City Council shall review the recommendation of the Planning Commission on the record without hearing further evidence.
 2. Actions Available to the City Council. The City Council shall:
 - a. Either affirm the recommendation of the Planning Commission, at which time the decision of the City Council shall be final, or
 - b. Shall set the matter for a hearing de novo before the city council, after which the council shall affirm, reverse or modify the recommendation of the Planning Commission.
- E. Written Notice of Decision, to Applicant, Required Within Time Limit. Within ten (10) working days after a decision has been rendered with reference to a conditional use application, the City Recorder shall provide the applicant with written notice of the decision of the City Council.

17.56.040 Time limit on a permit for a conditional use.

- A. Authorization Good for Limited Time Only. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place; substantial construction shall be solely determined by the planning commission.
- B. Conditions Under Which City Council May Grant Extension. However, the City Council may extend authorization for an additional period not to exceed one year, on written request by the property owner, to allow additional time to complete the requirements necessary to meet the conditional use provisions approved by the city council.
- C. Revoking a Conditional Use Permit. The Conditional Use permit may be revoked by the City Council for violation of any conditions of approval or violation of any ordinances of the city. Reconsideration of the revocation of a conditional use permit is to the City Council. Any reconsideration request must be in writing and filed with the City Recorder within three days after notice of the revocation of the conditional use permit.

Chapter 17.60

AMENDMENTS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

Sections:

17.60.010	Purpose.
17.60.020	Applicability.
17.60.030	Major Modifications.
17.60.040	Minor Modifications.

17.60.010 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.

17.60.020 Applicability.

- A. This Chapter applies to all development applications approved through the provisions of chapter 16 and chapter 17, including:
1. Site Plan Approvals.
 2. Subdivisions, Partitions, and Lot Line Adjustments.
 3. Conditional Use Permits.
 4. Master Planned Developments.
 5. Conditions of approval on any of the above application types.
- B. This Chapter does not apply to land use district changes, text amendments, temporary use permits, variances or other permits. For amendments to zoning map and text, see chapter 17.64.

17.60.030 Major Modifications.

- A. Major Modification Defined. The City Recorder shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:
1. A change in land use.
 2. An increase in the number of dwelling units.
 3. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic.

4. An increase in the floor area proposed for non-residential use by more than 10 percent.
5. A reduction of more than 10 percent of the area reserved for common open space and/or usable open space.
6. A reduction to specified setback requirements by more than 10 percent, or to a degree that the minimum setback standards of the land use district cannot be met.
7. Changes similar to any of those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon the City Recorder determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
2. The modification request shall be subject to the same review procedure and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site plan review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

17.60.040 Minor Modifications.

A. Minor modification defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification as provided in Section 17.60.030, above, shall be considered a minor modification. Minor partitions are governed by Chapter 16.08.040.

B. Minor Modification Request. An application for approval of a minor modification is reviewed by the planning commission as a Limited Land Use Decision (e.g., decision made in a public meeting with 14-day prior notice to adjacent property owners within 100 feet of the subject property). A minor modification shall be approved, approved with conditions, or denied by the City Council based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of chapter 16 and 17 of the Development Code, and
2. The modification is not a major modification as defined in Section 17.60.030, above.

Chapter 17.64

AMENDMENTS TO THE ZONING MAP AND TEXT

Sections:

17.64.010	Purpose.
17.64.020	Legislative Amendments.
17.64.030	Quasi-Judicial Amendments.
17.64.040	Conditions of Approval.
17.64.050	Record of Amendments.

17.64.010 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.

17.64.020 Legislative Amendments.

Legislative amendments are policy decisions made by City Council. They are reviewed in a public hearing. Notice of the hearing shall be provided to affected property owners (e.g., those whose property value could be impacted negatively, and those who have requested in writing their desire to receive notification), Jefferson County, and any other affected governmental jurisdictions in conformance with the city council hearing notification procedures. The Oregon Department of Land Conservation and Development shall be notified in writing of proposed legislative amendments at least 45 days prior to the first hearing at which testimony will be accepted.

17.64.030 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 procedures outlined below:

1. The Planning Commission shall review and recommend zoning map changes which do not involve comprehensive plan map amendments. A public hearing is required with 20-day prior written notice to adjacent property owners within 100 feet of the subject property(ies).
2. Following notice and public hearing in accordance with Chapter 17.08.050 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. Following notice and public hearing in accordance with Chapter 17.08.050, the Planning Commission shall make a recommendation to the City Council on zone change applications that also involve a comprehensive plan map amendment. 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 map 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.

17.64.040 Conditions of Approval.

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

17.64.050 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.

PASSED BY THE COMMON COUNCIL of the City of Metolius this 2nd day of April, 2007.

Sandy Toms, Mayor

Date

ATTEST

Rhonda Stewart, Recorder

Date