



Oregon

Theodore R. Kulbicki, 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

12/22/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Jacksonville Plan Amendment
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 31, 2008

This amendment was submitted to DLCD for review 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).

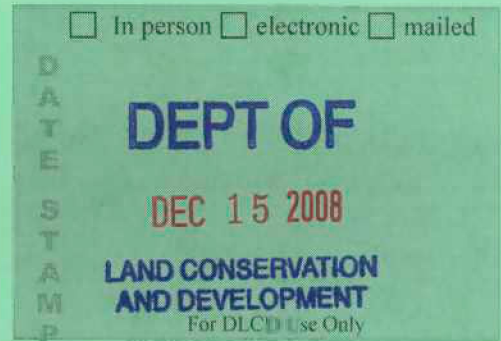
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Daryl Witmore, City of Jacksonville
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Amanda Punton, DLCD Regional Representative

<paa> YA

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

Jurisdiction: City of Jacksonville

Local file number:

Date of Adoption: 12/2/2008

Date Mailed: 12/10/2008

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Select one Date: 7/14/2008

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached". AN ORDINANCE CLARIFYING AND AMENDING TITLES 17.24, 17.28, 17.32, 17.48, 17.64, 17.104, 18.17, 18.20, 18.36, AND DEFINITIONS OF THE JACKSONVILLE MUNICIPAL CODE.

Does the Adoption differ from proposal? Yes, Please explain below:

The changes include removal of some proposed PUD Standards and a variety of word choice and editing changes.

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

- Goals 1 through 19 with checkboxes

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing?
If no, do the statewide planning goals apply?
If no, did Emergency Circumstances require immediate adoption?

DLCD # 002-08 (17014) [15313]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Paul Wyntergreen**

Phone: (541) 899-1231 Extension:

Address: **PO Box 7**

Fax Number: - -

City: **Jacksonville**

Zip: **97530-**

E-mail Address:

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO 584
EXHIBIT A**

Additions **underlined**. Deletions lined-out.

Title 17

Chapter 17.24

MULTIPLE-FAMILY RESIDENTIAL (MF) DISTRICT

17.24.080 Other required conditions.

- C. ~~Covered~~ Bicycle Parking shall be provided in accordance with Chapter 18.17, along with pedestrian linkage to other common destinations and attractors. Secure bicycle parking shall be located in relation to key entrances so as to be no less convenient than vehicle parking.

Chapter 17.28 (Replace entire chapter with the following)

**COTTAGE INDUSTRY
ARTISAN DISTRICT**

Sections:

- 17.28.010 Purpose.
- 17.28.020 Performance Permitted uses.
- 17.28.030 Accessory uses.
- 17.28.035 Hearing and Decision-making procedures.
- 17.28.040 Performance Standards.
- 17.28.050 Maximum building height.
- 17.28.060 Signs.
- 17.28.070 Parking.
- 17.28.080 Other required conditions.

17.28.010 Purpose.

The purpose of the Artisan District is to provide opportunity for the manufacturing of fabricated craft and artwork made onsite to be sold as

retail from a property in addition to being used as a residence. The district is designed to continue protection of the historical characteristics of the City of Jacksonville.

17.28.020 Performance Permitted uses.

The following uses and their accessory uses are permitted subject to a satisfactory Performance Review:

- A. Product creation or fabrication, educational and professional operations and activities. Non residential uses shall not exceed 65% of the total gross floor area and must accompany a residential structure;
- B. Residential uses, provided that at least 30% of the total gross floor area of the ground floor, or at least 25% of the total lot area if there are multiple buildings shall be designated for permitted uses, excluding residential;
- C. One Ancillary Unit per lot as part of the primary unit, above a detached garage, or as a separate structure subject to lot coverage and parking restrictions. An ancillary unit shall be no larger than 60% of the gross floor area of the primary unit or 1000 square feet, whichever is less. The ancillary unit gross floor area shall not be incorporated into the related subsections A or B calculations;
- D. Rooming and boarding of not more than two persons;
- E. Specialty agricultural uses and other uses including wineries and other agricultural processing facilities
- F. Motion picture, television, or radio broadcasting studios; and
- G. In addition to a residential use, retail uses shall be permitted provided that 75% of the retail activity shall be associated with the primary use activity on the property.

In order to grant approval for any use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

- A. The proposal is in compliance with the comprehensive plan.
- B. All requirements of this Chapter are satisfied.
- C. There are no outstanding code or conditional requirements on the subject property that have not been remedied.

17.28.035 Hearing and Decision-making Procedures.

Performance Review is a limited land use decision and shall be conducted by the Planning Commission as prescribed in Chapter 18.05 of the Jacksonville Municipal Code. Notice shall be provided pursuant to Chapter 18.04.010.

17.28.040 Performance standards.

The above-listed uses may be permitted subject to a review and a determination of compliance with the following performance standards:

- A. The proposed use shall preserve the historic integrity of and provide affirmative maintenance for structures and sites included on the Jacksonville Landmark List. For changes in all structures and sites which are on the list, a finding of compatibility must be made in accordance with the requirements of Title 18, Historic Protection Regulations.
- B. All objectionable odors associated with the use shall be confined to the lot upon which the use is located, to the greatest extent feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities. Odors which are in violation of this standard include but are not limited to the following:
 - 1. Odors from fermenting food products.
 - 2. Odors from decaying organic substances or human or animal wastes.

3.C. The use shall comply with all requirements of the Oregon Department of Environmental Quality.

C.D. All business, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, outdoor dining areas, nurseries, garden shops and other similar uses.

D.E. The maximum lot coverage allowable on a lot shall be 60% and shall be subject to the additional impervious surface requirements of Chapter 18.21.

E.F. Site Plan and Historical and Architectural Review Commission review shall be required as provided in Title 18.

The applicant must submit a development proposal to substantiate conformance with the above performance standards. The applicant shall submit the following elements, as applicable to the proposal (Applicability shall be determined by the City Planner.);

Pedestrian Plan:

A pedestrian circulation plan that provides adequate pedestrian access in the vicinity and within the project. The plan must provide compacted, safely lighted walkways and entrances suitable for use by the handicapped.

Traffic Plan:

A traffic plan that provides adequate vehicle circulation in the vicinity of and within the project. The traffic plan must coordinate internal and external transportation networks, including bikeways and mass transit to extent possible. Traffic noise must be minimized.

Loading Plan:

A plan for loading dock or space that provides adequate room for safe truck backing and turning movements.

Criminal Prevention Plan:

A plan for minimizing the likelihood of criminal activity by eliminating areas that are neither clearly private nor clearly public and by using landscaping that allows maximum observation while providing desired aesthetics.

Parking Plan:

A parking plan with adequate, convenient, well-marked and safely lighted off-street parking. Include shade trees and landscaping to ameliorate the effect of paved areas using the standards contained in Section 18.18.030. Handicapped access is required. Loading areas must be safely integrated.

Perimeter Plan:

A plan for the perimeter of the project to protect adjacent properties from noise, visual incompatibility, light glare, heat pumps, fans, or other potential nuisances. This may be accomplished through screening, setbacks, siting, or other means.

A determination of compliance may be made subject to certain conditions. In permitting a use, the Planning Commission may impose, in addition to regulations and standards expressly specified in the Unified Development Code, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

1. Development of a Preservation Plan for historic sites and structures;
2. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;
3. Requiring landscaping and maintenance thereof;
4. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;
5. Requiring means of pedestrian/bicycle access pathways to serve the property;
6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;
7. Limiting size, location and number of signs;
8. Limiting the location, coverage or height of buildings because of obstructions to an identified viewshed and reduction of light and air to adjacent property;
9. Limiting or prohibiting openings in sides of buildings or structures;
10. Enclosure of storage areas and limitation of outside display and/or storage of merchandise;
11. Requiring maintenance of grounds;
12. Regulation of noise, vibration, odors, etc.
13. Regulation of time for certain activities;
14. Establishing a time period within which the proposed use shall be developed;
15. The requirement of a bond for removal of such use within a specified period of time;
16. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed;
17. Increasing required lot size, yard dimensions, open spaces and/or buffer areas;

18. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter.

If a business at a previously-reviewed location is changing to a business of similar or lesser intensity (and there are no outstanding code violations on the property), any subsequent review processes may be handled administratively. Staff may refer any application that it deems necessary to the Planning Commission.

17.28.050 Maximum building height.

The height of all structures shall be measured vertically from the lowest exposed data point to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that point. In order to determine the lowest data point: the lowest exposed portion of the foundation shall be the determinant if the lowest exposed portion of the foundation is at or above existing natural grade. Maximum building height shall be thirty five (35') feet. A data point shall be set at the lowest point of exposed foundation which shall be used to verify all building height requirements prior to alterations of natural grade. This does not apply to agricultural buildings. In case of an addition or a remodel, only the new or modified portions of the structure shall be required to comply with the incremental setback requirements associated with height calculations. This shall not be construed to waive any solar setback requirements.

17.28.060 Signs.

Signs may be permitted in accordance with the provisions of [Title Chapter 18.15](#).

17.28.070 Parking.

Off-street parking and Bicycle Parking shall be provided in accordance with Chapter 18.17, along with pedestrian linkage to other key destinations and attractors. Secure bicycle parking shall be located in relation to key entrances so as to be no less convenient than vehicle parking.

17.28.080 Other required conditions.

- A. Design review and approval are required as provided in Title 18. Reference Chapters 17.92 and 17.96 of the Jacksonville Land

Development Regulations for further requirements regarding special uses and interpretations.

- B. All uses are subject to the requirements that 1) mechanical equipment be either enclosed in a structure or fully screened and buffered 2) the applicant acknowledge having read and understood the applicability of the noise provisions of [Chapter 9 .Section 8.04.150](#) of the Jacksonville Municipal Code to the proposed use; and 3) all outside storage areas relating to non-residential uses permitted in this zone shall be either fully enclosed or screened using fences, walls or landscape screening and/or buffering where necessary to reduce visual impact of the neighborhood .
- C. There shall be no area or width requirements except as may be required to adequately satisfy the above Unified Development Code standards.
- D. Buildings shall be oriented to face streetscape and pedestrian facilities to the maximum extent possible.
- E. Development proposals shall comply with all specific Master Planning requirements found in Chapter 17.48 that are relevant to the property or properties upon which that development proposal is located or to the off-site facilities and services which are affected by that proposal.
- F. All proposals shall be encouraged to maximize passive or active solar usage, conserve water, and provide any other means of conserving energy.
- G. All development proposals shall be consistent with the planned function, capacity, and level of service of any transportation facility that they may affect as identified in the TSP. Conditions may be applied by the decision-making body in order to minimize impacts and protect transportation facilities, corridors, and site improvements.
- H. Where a site adjoins or is located across an alley from an existing residence, a solid wall or fence, vine-covered open fence or compact evergreen hedge six feet in height shall be located on the property line, except in a required front yard area.
- I. Within the constraints of Chapter 17.92, the non-commercial keeping of domesticated animals under 100 pounds that do not pose a danger or threat to the community is allowed provided that all animals are confined to the property, and any compound, pen, run, shed, or fenced area of confinement is not located closer than

ten feet to any property line and thirty feet to a dwelling on any contiguous property. The weight limitation shall not apply to dogs.

Chapter 17.32

GENERAL COMMERCIAL (GC) DISTRICT

17.32.070 Other required conditions.

- G. ~~Covered~~ Bicycle Parking shall be provided in accordance with Chapter 18.17, along with pedestrian linkage to other common destinations and attractors. Secure bicycle parking shall be located in relation to key entrances so as to be no less convenient than vehicle parking.

Chapter 17.48

MASTER PLAN REQUIREMENTS

- 17.48.70 NORTH FIFTH STREET GUIDELINES** “(This section (17.48) shall be converted from middle numbers to a capital lettering to match the rest of the code)”
8. The architectural treatment of buildings within the Gateway area ~~should~~ shall reflect rural structures in the Jacksonville vicinity area typically including using the following construction and design details:
- a. Farm compounds with a main structure surrounded by various size, height, and type of outbuildings in close proximity to each other. The form, scale, massing, size and materials used shall draw from those associated with agricultural buildings.
 - b. Mix of s- Siding treatments ~~on~~ for new and remodeled buildings, including shall be selected from rough textured wooden materials-siding e.g. such as vertical plank, board & batten or shiplap siding with a lap exposure between 6 and 10 inches.
 - c. Repeated arrangement of doors and windows in the facades of a building.
 - d. ~~Square or v~~ Vertically rectangular window openings using either single/ one-over-one, two-over-two or four-

- over-four double hung divided light, multi-paned windows shall be used
- e. Double or barn type doors.
 - f. Architectural treatments may use Rrural structural features such as small vernacular cottages, farmhouses, and sheds.
 - g. Porch elements with shed roofs or loading dock features shall be used for building entryways.
 - h. Exterior finishes shall be natural and allowed to weather or use a color range of shades from brown through gray.
 - i. Rural structural features ~~like~~ such as water towers and barns.
- 9. ...
 - 10. ...
 - 11. Buildings and parking areas should be buffered from street-side view with appropriate vegetation screening, inclusive of the recommended street tree plantings. Low enclosure walls of wooden-form poured concrete, dry-stacked sandstone rubble or random coursed mortared sandstone may be used in conjunction with landscaping.

Chapter 17.64

PLANNED UNIT DEVELOPMENT

Sections:

- 17.64.010 Purpose.
- 17.64.015 Permitted uses
- 17.64.020 PUD Approval Process; Consolidated Applications Authorized.
- 17.64.030 Application.
- 17.64.040 Limitation on application.
- 17.64.050 Hearing Procedure.
- 17.64.060 Standards-Criteria for approval.
- 17.64.070 Planning commission action.
- 17.64.080 Deviations to be authorized.
- 17.64.090 Common Elements.
- 17.64.100 Postponed Preliminary PUD Plan Approval for Building Architecture.
- 17.64.110 Engineering Construction Plans.
- 17.64.120 Approval of Final PUD Plan; Approval Criteria.
- 17.64.130 Building Permits; Development and Operation of a PUD.
- 17.64.140 Revision of a Preliminary or Final PUD Plan.

17.64.150 Termination of a PUD.

17.64.010 Purpose.

A. The purpose of the planned unit development approach is to enable a greater degree of flexibility in the design of urban development than would otherwise be possible under the strict requirements of this Code. These provisions are intended:

1. ~~to~~ promote ~~more~~ creative and imaginative design for urban development in ways that are more compatible with the natural topography.
2. ~~to~~ promote the preservation of important natural features, viewsheds, and scenic qualities of the land.
3. ~~to~~ promote a geographic intermixing mixture of housing types, rather than a concentration of demographic groups.
4. ~~to~~ promote a more economic and efficient use of urbanizable land while integrating with the surrounding neighborhood and not compromising the public health, safety or general welfare.
5. promote clustering of housing to preserve open space, historic resources and limit the amount of key facilities or infrastructure to service the development.
56. ~~to~~ promote a mixture of land use and housing types that are thoughtfully planned and integrated.
6. ~~to permit in-fill development to occur on parcels that are difficult or impossible to develop under the strict provisions of this Code.~~
7. ~~to~~ promote the development, public utility utilization and appropriate maintenance of open spaces and other elements intended for common use and ownership.
8. ~~to~~ provide overall "development concepts" that are compatible to the City's National Landmark status through encouraging differentiation. Jacksonville's character is to a large extent defined by its uniqueness, differentiation abounds, from street to street, from house to house. Structural character changes in size, height, shape, roof configurations, setbacks, spacing, streetscapes, and material textures occur frequently. The compact nature of Jacksonville generally creates less distinct divisions, with new and old resources intermingling city-wide.
9. promote the use of energy-efficient, sustainable, development

10. promote construction of pedestrian ways including internal pedestrian circulation.

~~A PUD proposal must serve at least three of the below purposes.~~

17.64.015 Permitted uses

In the “PUD” zone, permitted uses are single-family residential housing; non-profit and governmental structures and uses such as libraries and parks (but not including storage or repair yards); churches; public, private and parochial school and their ancillary uses.

In the “Border PUD” (B-PUD) zones, all of the above uses, along with townhouses, multi-family dwellings and manufactured dwelling parks in accordance with Chapter 17.44 are permitted in order to encourage clustering to preserve resource trees, setbacks, connectivity options, natural topography, and viewsheds. These uses are subject to the PUD approval process and criteria below.

Where the zoning designation is specifically “PUD”, the density is 5.5 units per acre.

Where the zoning designation is specifically “Border PUD – 2”, the density is 2 units per acre.

Where the zoning designation is specifically “Border PUD – 1”, the density is 1 unit per acre.

Where the zoning designation is specifically “Border PUD – 4” the density is 4 units per acre.

A. If a property within the “PUD” zoning designation is less than two acres in size, the applicant may elect to utilize the provisions of Chapter 17.20, Single-Family Residential District based upon a minimum lot size of 8,000 square feet.

B. If a property within the “Border PUD-4” zoning designation is less than two acres in size, the applicant shall utilize the provisions of Chapter 17.20, Single-Family Residential District based upon a

minimum lot size of 10,000 square feet. B17.64.015. Permitted uses

“17.64.020-17.64.050 no changes”

17.64.060 Standards-Criteria for approval.

In granting approval for a planned unit development, the commission shall make its decision based on the following:

- A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal, the fact that it will result in a safe, functional and attractive development, and his ability to carry out the project as proposed.
- B. The proposal conforms with all specific Master Planning requirements found in Chapter 17.48 that are relevant to the property or properties upon which that development proposal is located or to the off-site facilities and services which are affected by that the proposal, and all implementing ordinances of the city in terms of location and general development standards, except those for which a specific deviation has been approved under Section 17.64.080.
- C. The project ~~will~~shall accrue benefits to the city and the general public in accordance with Section 17.64.~~010080(F)~~010080(F) sufficient to offset to justify any necessary any requested exceptions deviations to the zoning district. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street rights-of-way improvements.
- D....
- E. ~~That t~~The project will be compatible with adjacent developments and the adjacent natural environment and resource areas, will not adversely affect the and shall compliment the character of the area. ~~There shall be no building construction on natural slopes greater than 30% (this excludes driveways and infrastructure). No driveways or infrastructure shall be permitted on natural slopes greater than 35%. A “Hilfiker Wall” driveway construction technique, or equivalent as determined by the City Engineer, is mandatory on natural slopes of greater than 20% in order to minimize cut and fill., and there shall be no construction on slopes greater than 30% as certified by a surveyor.~~
- F. The property is or can be supplied at the time of development with the following types of public facilities that are determined to be

sufficient in their condition and capacity to support development of the property as anticipated by the PUD:

1. Public sanitary sewerage collection facilities.
2. Public domestic water distribution facilities.
3. Storm drainage facilities.
4. Public Streets.
5. Parks and Recreational facilities.

In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a whole PUD project, nothing in this criterion shall prevent the approval of early phase of a PUD which can be supplied with adequate public facilities.

G. In the case of proposed commercial developments, that such development is needed at the proposed location to provide adequate commercial facilities of the type proposed; that traffic congestion will not likely be created by the proposed center, or will be obviated by presently proposed improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking; that such development will be an attractive and efficient center which will fit harmoniously into and will have minimal adverse effects upon the adjacent or surrounding development.

H. The proposal has met all purpose objectives in 17.64.010A.

I. Developments shall be designed to provide pedestrian and bicycle access and link with existing pathways.

J. Historical designs such as detached garages to the rear of the residence shall be encouraged. If an alley is available, it shall service the detached garage, if traffic impacts on other properties adjacent to the alley can be mitigated. If lot size, shape, topography, or traffic circumstances prohibit such relationships or render them impractical, attached garages may be permitted provided that the garage is located at least 10 feet behind the front wall of the house.

17.64.080 Deviations and Bonuses to be authorized.

The planning commission may authorize the design and approval of PUD's which deviate from the strict standards of this Code, provided that no deviations shall be permitted from the ~~standards-criteria~~ contained in ~~the~~ **Chapter Section 17.64.060**. It is further provided that the nature and extent of potential Code deviations shall be limited to the limitations, restrictions and design standards which are listed below and pertain to-:

- 1A. the size, dimension, location, position and coverage of lots.
- 2B. the location, size, height, yards and setbacks for buildings and other structures.
- 3C. off-street vehicle parking and loading.
- 4D. lot frontage, access, bufferyards and agricultural buffering.
- 5E. **private** streets with respect to length, width, intersection standards, ~~grades,~~ curve radii, turnarounds, easements, street lighting, sidewalks, curbs and driveway approaches for streets within the PUD, provided they allow for adequate fire access.

However, it is further provided that any deviations from the standards adopted in this Code shall be of an equivalent or better structural quality with respect the amount, quality and installation of construction materials. It is also provided that when deviations are proposed for the design of streets, which the City Engineer shall have sole discretion whether said streets will be accepted as dedicated city streets or shall be held in private ownership and such determination shall be made at the time the Preliminary PUD Plan is approved. In no instance shall this section be used to deviate from the standards of this Code which apply to collector or arterial streets whether such streets occur adjacent to or within the PUD.

- 6F. **At the Planning Commission's discretion,** ~~T~~the overall residential housing density for the entire portion of the PUD which is devoted to residential uses may be increased by not more than thirty-five

percent over the maximum density allowed in the underlying zone. Density bonuses credits shall be applied in ~~seven~~ four (74%) percent increments for every ~~each~~ of the following bonus standards: ~~purpose statement contained 17.64.010 found by the Planning Commission to be satisfied by the applicant's design.~~

1. All homes in the PUD shall meet US Green Buildings Council LEED (Leadership in Energy and Environmental) for Homes "Silver" Standards for green homes. (Additional bonus available for each LEEDS level met above "Silver". Potential for a total of 3 bonus credits)
2. 15% of the homes are less than 1300 square feet in gross floor area.
3. 25% of construction materials shall originate from recycled materials.
4. Fifty (50) percent of the average energy usage of the project shall be supplemented through the use of non-fossil fuel energy generation or fuel collected onsite. Two additional bonus credits may be available for each additional 25% of supplemental energy produced. Energy may be stored, used onsite and/or sold back to utilities.
5. the project shall receive a bonus credit for every 35 linear feet of riparian bank restoration per proposed dwelling unit (a 10 unit PUD would have to provide 350 feet of one sided stream bank restoration).
 - a. Restoration may be on public or private land (including off project site) and is subject to mutual agreement between property and project owners and must be in the City of Jacksonville on Daisy or Jackson Creek.
 - b. Riparian restoration areas shall be identified by the city engineer as "in need".
 - c. Restoration plan shall be approved with the PUD application and implemented within 1 year of the first permit issued.
 - d. Maximum of 3 bonus credits.

7G. One or more additional uses may be approved without the need to comply with the conditional use permit process or other criteria as part of the PUD provided that the amount of land devoted to uses other than those permitted outright in the underlying zone

shall not exceed twenty percent of the gross acreage of the entire PUD and ~~Standard-Criteria~~ for Approval 17.64.060 (E) is satisfied.

The percentage of land within the PUD allowed for other uses shall be computed by multiplying the gross area of the PUD by a factor of .2 and rounding the result down to the nearest whole number.

17.64.090 Common Elements.

”no changes”

17.64.120: Approval of final PUD plan; Approval criteria

A. Filing Requirements; Time Extensions: Within ~~twelve-eighteen~~ (18) months following final approval by the Planning Commission of the Preliminary PUD Plan, the applicant shall file a Final PUD Plan on forms supplied by the City. The Final PUD Plan shall contain in final form all information and materials required by Section 17.64.030 unless certain items are waived by the Planner. However, there shall be no burden to demonstrate compliance with the criteria in Subsection 17.64.060 and no findings of fact and conclusions of law for these criteria are required in order for the Planning ~~Commission~~ Department to approve a Final PUD Plan. As appropriate, the Final PUD Plan shall incorporate all conditions imposed by the Planning Commission at the time the Preliminary PUD Plan was approved. In its sole discretion and upon the written request by an applicant, the Planning Commission may extend the time for filing a Final PUD Plan for one additional twelve-month (12) period or such lesser period as may be established by the Planning Commission.

Chapter 17.104

CONDITIONAL USE PERMITS

17.104.050 Action by the planning commission.

A. Within sixty days after ~~the filing of~~ the application is deemed complete, a public hearing shall be held and the commission shall render its decision. The decision of the planning commission shall be final unless appealed to the city council.

Chapter 18.17

OFF-STREET PARKING AND LOADING

18.17.110 Bicycle Parking

A. All uses, with the exception of single-family residences and existing uses or structures in the Historic Core Zone, shall provide a minimum of two **sheltered** bicycle parking spaces. The required bicycle parking facilities shall be constructed when an existing building is altered or enlarged, or when a use is intensified by the addition of floor space, seating capacity, or change in use.

Chapter 18.20

ENVIRONMENTAL STANDARDS

18.20.070 Riparian Corridors

- A. "no changes"
- B. The following definitions shall apply throughout 18.20.070.
Riparian Area – The area adjacent to a stream consisting of the area of transition from the aquatic ecosystem to the terrestrial ecosystem.
Riparian Corridor – The area within the boundary established by 18.24.030 "Applicability", including the waterway and the **setback boundary** area on both sides of the waterway.
Top-of-bank – The elevation at which water overflows the natural banks of the stream. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage or delineate the top-of-bank.
- C. Applicability
- 1) "no changes"
 - 2) "no changes"
 - 3) "no changes"
 - 4) "no changes"
 - 5) "no changes"
 - 6) The Planning Commission shall be the approving authority for applications for exceptions (including setback adjustments and **variancesexceptions**) to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of 18.20.070(G), any such

request for an exception shall be submitted to the Oregon Department of Fish and Wildlife for a mitigation recommendation pursuant to OAR 635-415 "Fish and Wildlife Habitat Mitigation Policy".

D. Location

Jackson Creek: The riparian corridor boundary shall extend fifty (50) feet measured horizontally from the top-of-bank, as defined herein, on both sides of the stream.

Daisy Creek: The riparian corridor boundary shall extend twenty-five (25) feet measured horizontally from the top-of-bank, as defined herein, on both sides of the stream.

E. Prohibited Activities within Riparian Corridors
"no changes"

F. Permitted Activities within Riparian Corridors
"no changes"

G. Conservation and Maintenance of Riparian Corridors
"no changes"

H. ~~Exceptions~~, Setback Adjustment, and ~~Exceptions~~ Variance

A request for an ~~exception~~ setback adjustment or exception to reduce or deviate from the riparian corridor boundary provisions of this Chapter may be submitted for consideration to the Planning Commission. The Planning Commission may approve the request if equal or better protection of the riparian area will be insured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a mitigation recommendation.

1) In no case shall activities in Section 18.070(E) occupy more than 50% of the width of the riparian corridor between ~~its upland edge~~ the original setback (before and independent of any exception that may be granted) and the top of bank.

2) "no changes"

3) "no changes"

4) "no changes"

5) Setback Adjustment :

Qualifying Lots: Lots on which the riparian ~~setback~~ boundary required by this Chapter exceeds any other setbacks in a particular yard, and which, when combined with other ~~yard~~ building to lot line setbacks, results in an average building depth area of 25 feet or less

(perpendicular to the front lot line) or a building envelope of 1300 square feet or less.

Building to lot line Setback reduction procedure: building to lot line Setback-setback reductions shall be the minimum necessary to create a building envelope 25 feet deep or a building envelope of 1300 square feet (whichever requires a lesser reduction of the setback). The building to lot line yard-setback opposite the riparian area may be reduced by up to ½ the standard building to lot line setback through a Planning Commission review. ~~If this does not create a sufficient building envelope, the riparian setback may be reduced by up to ½ the required setback. Additional reductions of setbacks require a variance.~~

6) ~~Variance~~Exception:

In cases where the provision for a building to lot line setback adjustment are not sufficient to provide the necessary building area contained in 18.20.070(H)(5), a property owner may request an Variance-Exception to the riparian ~~setback~~boundary. The riparian boundary may be reduced to 25 feet via an exception granted by the Planning Commission. -Granting of an Exception Variance requires that the property owner submit findings that:

- a) the proposed development requires deviation from the riparian standards; and
- b) strict adherence to the riparian ~~setback~~boundary and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of the property owners in the vicinity; and
- c) The provisions of 18.20.070(H)(5) are insufficient to remedy the hardship.

I. Riparian Restoration- all properties being developed for commercial or residential use with any amount of riparian corridor shall submit a riparian restoration plan for approval by the city planner prior to first permit being issued.

1) The restoration plan shall include comments from a professional specialist in native landscaping, ODF&W, the city engineer, city staff comments and any other information deemed relevant by the city planner.

2) The applicant shall complete the plan within 6 months of the first permit being issued.

DEFINITIONS

(NEW)

Farmers Market- an event held where produce or plant stock is sold. The sale of processed food is prohibited with the exception of limited processing of agricultural products such as jams, jellies, and honey. Craft merchandise is not permitted to be sold.

Resource Tree: All ~~broadleaf trees (except poplar trees)~~ equal or greater than one foot DBH (for multi-stem trees, ~~if the sum of the areas of all stems four inches in diameter or larger at DBH is~~ must be greater than 113 square inches, ~~it is a heritage tree~~). ~~All conifers equal or greater than eighteen inches DBH.~~

EXHIBIT B

Chapter 18.36

ENCOURAGEMENT OF AFFIRMATIVE MAINTENANCE

Sections:

18.36.010 Encouragement of affirmative maintenance

18.36.010 Encouragement of affirmative maintenance

No owner or ~~person in charge~~ *custodial manager* of property may permit a structure listed on the City's Landmark List to degrade through neglect to the point where its structural or historical integrity is or may be threatened. It shall be the duty of the owner or person in charge of the property to maintain the structure as often as needed to prevent the degradation of its integrity.

Demolition by Neglect – "*Demolition by neglect*" means neglect in maintaining, repairing, or securing an historic landmark or a building or structure listed on the City's Landmark List that results in deterioration, potentially beyond the point of repair, so as to threaten the historic character of the property or the district, the structural integrity of the structure or its relevant architectural detail such that the structure and its character may potentially be lost to current and future generations.

The owner of an historic landmark or a contributing building or structure within a Historic Character Units (HCU), Section 18.01.010 or within a proposed Historic Character Units (HCU), Section 18.01.010 shall comply with all applicable codes, laws, and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings and structures designated as contributing or significant and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings or structures shall be preserved against such decay and deterioration and free from structural defects through prompt corrections of any of the following defects:

- (1) Facades which may fall and injure persons or property;
- (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;
- (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering; or

- (6) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

Any owner who fails to maintain their building or structure in compliance with this section shall be subject to the remedial procedures of section I. Remedial work and Compliance as well as the penalties under section M. Enforcement and Penalties.

Upon a finding by an Agent of the City that an historic landmark or a contributing building or structure within a Historic Character Units (HCU), Section 18.01.010 or within a proposed Historic Character Units (HCU), Section 18.01.010 is threatened by demolition by neglect, the Agent of the City may do either of the following:

- (1) Require the owner to repair all conditions contributing to demolition by neglect, or
- (2) If the owner does not make repairs within a reasonable period of time the Agent of the City may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of such work shall be charged to the owner, and may be levied by the City of Jacksonville as a special assessment against the property. The Agent of the City may enter the property for purposes of this section upon obtaining an order from the City of Jacksonville.

The following procedures are incorporated to identify and protect resources from potential demolition resulting from the deliberate or inadvertent neglect of the owner or owners.

A. Purpose.

All resources as defined in Title 18 Historic Protection And Design Regulations of the City of Jacksonville within an Historic Character Units (HCU), Section 18.01.010 or historic overlay zone, including the exterior features of any building or structure (inclusive of, but not limited to, walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an historic resource or found to have significance, or any archeological resource shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property; or features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

- (1) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
- (2) Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing or buckling;
- (3) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;

- (4) Deterioration or crumbling of exterior plasters or mortars or the deterioration or crumbling or spalling of exterior bricks;
- (5) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
- (7) Rotting, holes, and other forms of decay;
- (8) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
- (9) Heaving, subsidence, or cracking of sidewalks, steps or pathways;
- (10) Deterioration of fences, gates, and accessory structures;
- (11) Deterioration that has a detrimental effect upon the historic character of the district or overlay zone as a whole or the unique attributes and character of the resource;
- (12) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property; or
- (13) Any other deficiencies or defects that may constitute or contribute to the decay or deterioration of any resource or property.

B. Investigation and Inspection.

Any citizen who believes demolition by neglect is occurring with respect to any particular property in the Historic Character Units (HCU), Section 18.01.010 may make a written complaint to the Planning Department. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.

If the condition of any resource as contemplated in paragraph A above is suspected of being destroyed, damaged, or lost through or by neglect of the owner of the resource, the City Building Inspector shall conduct an investigation and inspection of the resource.

Prior to the issuance of a written notice, the Historical and Architectural Review Commission (HARC) may request the Historic Preservation Officer establish a record of demolition by neglect. Such a record may include dated materials such as photographs and/or written reports of the condition of the property so as to record and/or measure the deterioration.

Prior to conducting any investigation or inspection, the City Building Inspector shall:

- (1) Request, within fifteen (15) days of the identification of any suspected defects, permission from the owner of the resource to have full access to the resource; and
- (2) Consult with the Historic Preservation Officer about any suspected deficiencies or defects outlined in paragraph A above.

C. Findings. The City Building Inspector shall prepare, within fifteen (15) days of the completion of his investigation and inspection, a written report of his findings on the condition of the resource which report may identify, but is not limited to, the following:

- (1) That there is no action required by the owner or owners;
- (2) That minimum maintenance of the resource is required to protect, preserve, and/or stabilize the resource;
- (3) That the resource is being demolished by neglect; or
- (4) That the resource may be demolished, vacated, or stabilized. Reference Chapter 18.26, Demolition Standards

D. Notice of Report. A copy of any report shall be sent by certified mail, return receipt requested, to the owner of the resource and a copy provided to the HARC and may include any recommendations including a time frame to remedy minimum maintenance or other work necessary to stop the demolition by neglect, stabilize the resource, vacate the property, or demolish the resource. The notice shall provide that corrective action shall commence within thirty (30) days of the receipt of said notice and be completed within a time defined by the HARC in consultation with the property owner. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title or interest therein, may, within ten (10) days after the receipt of the said notice, request a hearing on the necessity of the items and conditions contained in said notice. In the event a public hearing is requested, it shall be held by the HARC upon thirty (30) day's written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations which the HARC determines may have an interest in the proceedings. If, after the public hearing, the HARC determines that the corrective actions remain necessary, the HARC may request the City Council to issue a Final Notice to be mailed to the owner(s) of record and all parties of record with any right, title or interest in the subject property, advising them of the items of repair and maintenance necessary to correct or prevent further deterioration. The owner(s) shall institute corrective action to comply with the Final Notice within thirty (30) days of receipt of the revised notice. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action(s) specified in the Final Notice, within the time allotted, the HARC may request that the City Council institute any of the remedies and penalties provided by section M. Enforcement and Penalties.

E. Hearing and Notice of Hearing. Upon receipt of any written report in which the City Building Inspector has found that there is minimum maintenance required, demolition by neglect, or the resource can or should be demolished, the Historic Preservation Officer shall cause to be scheduled a hearing before the HARC to review and take action based on the report from the City Building Inspector. The owner of the resource shall be served with written notice of the time and date of the hearing not less than ten (10) days prior to the hearing.

F. Legal Notice Requirement. Any notice required herein shall be considered delivered if sent by certified mail, return receipt requested and mailed to the last known address of the record owner or owners as listed on the city and/or county tax rolls or by other

methods allowed by law.

G. Hearing on Report. At the hearing the HARC shall receive evidence on the issue of whether the subject resource should be repaired, vacated, stabilized, or can be demolished. The owner or owners may present competent evidence in rebuttal thereto. At the conclusion of the hearing, the HARC may make, but shall not be limited to, one of the following determinations:

- (1) That there is no action required by the owner or owners.
- (2) That minimum maintenance is required and requiring the owner to present a plan to the Historic Preservation HARC within thirty (30) days from the receipt of notice of the HARC's determination as to the steps the owner must undertake to correct minimum maintenance issues. The owner or owners or their agents may be required to submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The HARC must review and act on all such applications before the issuance of a building permit. All work shall be completed within ninety (90) days of the approval from the HARC. The HARC may grant up to two (2) extensions of ninety (90) days each due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the Historic Preservation HARC may request that the City cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.
- (3) Demolition by neglect is occurring and requiring the owner to present a preliminary plan including a timetable to the HARC within thirty (30) days generally identifying the work necessary to abate the demolition by neglect. The owner or owners or their agents shall submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The HARC must review and act on all applications and must also approve all timetables for work required to abate the demolition by neglect before issuance of a building permit. The HARC may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the HARC may request that the City cause the required work to thereto attach to the property as a tax lien.
- (4) Condemnation of the resource and allow for its demolition in compliance with all local, state, and federal laws, rules, and regulations, reference Chapter 18.26, Demolition Standards. Within thirty (30) days the owner shall present a plan to the HARC identifying the necessary recordation which, along with the demolition shall be completed within ninety (90) days. Recordation must be reviewed and acted upon by the HARC before a demolition permit is issued. The HARC may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not undertaken recordation and demolition with reasonable diligence, the HARC may request that the City cause the required work to be completed with any costs

associated thereto attached to the property as a tax lien.

H. Notice of HARC Action. The Historic Preservation Officer shall notify the owner in writing of the determination of the HARC and the action required of the owner within ten (10) days of the hearing. Such notice shall identify and provide clear instructions to the owner as to the remedial work required by the HARC.

I. Remedial work and Compliance. Upon the completion of any minimum maintenance work, recordation work, or other work required by the HARC, the owner shall notify the Historic Preservation Officer of the completed work. The City Building Inspector, along with the Historic Preservation Officer, and any other professional deemed necessary by the Historic Preservation Officer shall inspect, within fifteen (15) days of notification, the completed work and shall cause, within fifteen (15) days of the inspection, the issuance of a written report to be submitted to the owner and the HARC to determine if the work completed is in compliance with City codes and ordinances and meets the requirements of the HARC. The HARC must review and act upon all such reports. All remedial work required by the HARC must be completed in compliance with such plans approved by the HARC.

J. Intentional Neglect. Intentional neglect shall be defined as willful actions perpetrated by the owner or owners or their agents that result in damage to a resource. Such actions may include, but are not limited to, intentional running of water taps, hoses, or other man-made water devices resulting in flooding, erosion, or other water damage to the resource; intentional exposure of the resource to natural elements of wind, rain, snow, or other precipitation through the opening of windows, doors, skylights, or other moveable features of a resource; intentional drilling, boring, or cutting of holes in the roof, exterior walls or supporting members of a resource. In the event any resource shall be damaged by intentional neglect by the owner or owners or their agents; penalties, as defined in section M. Enforcement and Penalties, may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

K. Public safety exclusion. In the event any resource shall be damaged by flood, fire, or other catastrophe or unforeseen event that results in damage or possible loss of a resource, and the City Building Inspector, with the concurrence of the Historic Preservation Officer, deems the resource to present an immediate threat to public safety, the Historic Preservation Officer shall call an emergency meeting before the HARC *City Council*, which shall take place within seventy-two (72) hours of the event. At such meeting, evidence shall be presented regarding the seriousness of the damage and the threat to public safety and any evidence in rebuttal thereto may also be presented. In the event the danger to public safety is imminent, the owner or owners shall stabilize and protect the resource pending consideration by the HARC *City Council*. The HARC *City Council* shall, based on the evidence presented, determine the course of action to be taken.

L. Safeguards from Undue Economic Hardship

Undue economic hardship is defined as the property owner's financial inability to make the repairs specified in section A. A claim of undue economic hardship must be made, in writing, by filing a request for such a determination with the Planning Department within the time period specified for in section D. The determination of undue economic hardship will be made by the HARC on a case by case basis.

When a claim of undue economic hardship is made owing to the effects of this article, Planning Department staff shall notify the HARC within five (5) business days following the Planning Department's receipt of the written request for a determination of undue hardship. The HARC shall, at its next regular meeting, schedule a hearing on the request within the limitations of its procedures for application deadlines. The petitioner shall present the information provided under subsection (a) below to the HARC at or prior to the hearing. The HARC may require that an owner and/or parties in interest furnish such additional information as the HARC may reasonable conclude is relevant to its determination of undue economic hardship, and allow the owner or party in interest a reasonable period of time (to be established by the HARC) to furnish the requested additional information.

The HARC may direct its staff to furnish additional information, as the HARC believes is relevant. The HARC shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

(1) When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship. The minimum evidence shall include for all property:

- (a) Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.
- (b) Financial resources of the owner and/or parties in interest.
- (c) Cost of repairs.
- (d) Assessed value of the land and improvements.
- (e) Real estate taxes for the previous two (2) years.
- (f) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
- (g) Annual debt service, if any, for previous two (2) years.
- (h) Any listing of the property for sale or rent, price asked, and offers received, if any.

For income-producing property:

- (i) Annual gross income from the property for the previous two (2) years.

(j) Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.

(k) Annual cash flow, if any, for the previous two (2) years.

(2) Within sixty (60) days of the HARC's hearing on the claim, the HARC shall make a determination of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the HARC shall report such finding to the Planning Department staff, and the Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified.

(3) In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under Oregon law, loans or grants from the City, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The HARC shall report such finding and plan to the Planning Department staff. The Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

M. Enforcement and Penalties.

The following penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

(1) Failure to institute corrective action in compliance with the Final Notice shall result in the City levying fines totaling \$100.00 per day for each day of non-compliance.

(2) Any person who constructs, alters, relocates, or demolishes any building or resource in violation of this chapter or causes any building or resource to be constructed, altered, relocated, or demolished in violation of this chapter may be required to restore the building or resource to its appearance or setting prior to the violation. Failure to restore the building or resource to its appearance or setting prior to the violation will result in a fine of \$1,000.00 for the first offense, \$5,000.00 for a second offence, and \$10,000 for each offence thereafter. Fines shall be allocated to the Historic Preservation Fund. Any action to enforce this provision shall be brought by the City. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.

(3) If demolition of a building or resource occurs without a Certificate of Appropriateness, or Project Approval, *this shall be considered malicious intent* and the violation will result in a fine of \$1,000.00 for the first offense, \$5,000.00 for a second offence, and \$10,000 for each offence thereafter. Fines shall be allocated to the Historic Preservation Fund. Any permits on the subject property, with the exception of a permit to restore the building or resource as set forth above, may be denied for a period of ten (10) years. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.

(4) If any other undertaking or project other than the demolition of a building or resource occurs without a required Certificate of Appropriateness or Project Approval, then any permits on the subject property, with the exception of a permit to restore the building or resources as set forth above, may be denied for a period of five (5) years. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.

(5) If any resource found to be in a state of demolition by neglect as outlined in section A should be allowed by the owner or owners to remain in a state of demolition by neglect, then any permits for any property issued to the owner or owners, with the exception of those permits expressly for the necessary repairs to restore the resource to a safe and sound condition, may be denied for a period of ten (10) years or until such time as the resource has been returned to a safe and sound condition, whichever is shorter. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.



CITY OF JACKSONVILLE
P.O. Box 7
Jacksonville, OR 97530



Attn. Plan Amendment Specialist
Dept. of LAND CONSERVATION & DEVELOP.
635 Capitol St. NE, Suite 150
Salem, OR 97301-2590²

