

City of Glendale, Oregon - Our little site on the web -

Land Use Ord. 01-2005

CHAPTER 10 - PLANNED UNIT DEVELOPMENT (PUD)

10.0.10 Purpose.

The purpose of a Planned Unit Development (PUD) is to permit greater freedom and creativity of design in land development than that allowed under a strict interpretation of the zoning and subdivision regulations. The success of a Planned Unit Development is dependent upon the submission of an acceptable plan with assurances that the plan can be successfully carried out. A Planned Unit Development is residential in nature, but it may include compatible cultural, recreational and commercial uses as accessory uses. A Planned Unit Development endeavors to provide:

1. Economic efficiency for the community, buyer and seller.
2. Aesthetic qualities.
3. Common open space, recreation areas and facilities.
4. Convenience in location of accessory uses.
5. Preservation of natural topographical and geological features with emphasis on minimizing soil erosion; conservation of existing surface and subsurface water, and preservation of features that enhance the environment.
6. Dwellings or commercial units may be clustered within the PUD, and they may incorporate detached, semi-detached, attached, single-story, multi-storied, and any combination of the aforementioned structures.

7. Religious, cultural, recreational and commercial uses and purposes may be accommodated within a specific Planned Unit Development when they are accessory to the residential use.

10.0.20 Processing the Application.

1. Procedures.

1. The authorization to proceed with a Planned Unit Development shall be determined through site plan review. The Application shall comply with Section 5.2.10, Site Plan Submission Requirements.

2. Site Plan Review shall be processed under the application and hearing procedure set forth in Section 5.0.50. The provisions of Chapter 10 and Sections 5.0.30 and 5.0.40 shall apply.

3. Depending upon the proposal for marketing of the land, subdivision or partitioning procedures may be required in addition to the site plan review addressed in this section.

4. Substantial design changes in approved plans shall be approved under the same procedures outlined in this section.

2. Concurrent Processing. Any application for discretionary permits for one development applied for under this section shall be processed concurrently with other permits under this ordinance at the applicant's request, and using procedures set forth in Section 8.0.40 Consolidated Application Procedure.

10.0.30. Criteria for Site Plan Approval.

The Planning Commission shall make findings relative to the following in making its decision:

A. Economic Viability. The applicant has demonstrated the soundness and economic viability of the proposal and an ability to carry out the project as proposed.

B. Purpose. The proposal will accrue benefits to the City and the general public in keeping with Section 10.0.10 Purpose.

C. Impacts. The Planned Unit Development is designed and located in a manner that will provide minimal adverse impacts upon adjacent and surrounding developments.

D. Recreational Amenities. Parks, recreation facilities or open space amenities exist and are proposed to

be sufficient.

E. Compliance with Chapter 5. Section 5.2.10 provides site plan application procedures. Section 5.0.30 Criteria for Conditional Use Permit Approval and Section 5.0.40, Supplemental Approval Criteria are applicable.

F. Compliance with City Design Standards.

1. The proposal complies with the requirements of the City of Glendale Public Works Design Standards and Section 9.3.10 Design Standards except where specifically modified by the Planning Commission.

2. Utilities are proposed to be placed underground except where there has been a waiver by the Planning Commission.

7. .Modifications. All modifications to dimensional standards and design standards have been approved by the Planning Commission in compliance with Section 10.0.50(H) Modifications.

H. Compliance with State Regulations. Applicants shall comply with ORS 92 when there is a division of land. Applicants shall indicate their intent to comply with regulations administered by the Oregon Real Estate Agency including ORS 94 when developing a planned community, and ORS 100 when developing condominiums.

I. .Changes from Approved Preliminary Site Plan. Minor changes in the site plan for a Planned Unit Development may be allowed by the Planning Commission following approval of the preliminary site plan without a public hearing. Minor changes are any changes that are not within the description of a major change. Major changes include any changes in proposed boundary lines, lot lines, proposed uses, locations or widths of streets or accesses, utility easements or other utility plans, increases in density of land use or in the amount of land designated for any specific use, changes in perimeter landscaping or fencing treatment, or changes in conditions or modifications that were made part of the Planning Commission's approval. Major changes may only be considered by the Planning Commission at a public hearing utilizing the criteria and development standards within Chapter 10. The City Manager, the Planning Commission and/or the City Council have the authority to require a public hearing prior to approving changes to the site plan whether or not the changes are defined as minor or major.

10.0.40 Accessory Uses.

In addition to accessory uses typically authorized in conjunction with the primary uses and uses typically

allowed by the zone, accessory use for a Planned Unit Development may include commercial use, golf course development, private parks, lakes or waterways, recreation areas, recreation buildings, and other accessory structures that are approved by the Planning Commission to serve the Accessory use. Provisions of Sections 4.0.110 and 4.0.120 shall not apply.

10.0.50 Development Standards.

1. Density. The overall residential density of the Planned Unit Development shall conform with the density range of the zone in which it is located.

2. Underground Utilities. In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.

3. Easements. The Planning Commission or City Council may require easements necessary for orderly extension of public utilities to future adjacent developments.

E. Common Areas and Structures.

1. At least twenty (20) percent of the land area shall be dedicated or reserved as common usable 'outdoor living' and 'open space' exclusive of required parking. At least one-half of the common open space must be contiguous.

2. Lands and structures not dedicated to the public, but reserved for use by owners or tenants and their guests, shall be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon or to a City-approved public agency that agrees to maintain the common open space,

streets, access drives, service and parking areas, recreation areas and any buildings, structures, or other improvements that are common areas or facilities.

3. Such association of owners or tenants shall be set up before approval of the final plat or any portion of such, and no common areas and structures may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use through the same process that was used to approve the development. Any changes in boundaries of lot lines shall be subject to the vacation procedures set forth in Chapter 13 of this ordinance, and replat procedures set forth in ORS 92.

4. Membership in any association of owners or tenants shall be mandatory for each homeowner and any successive buyer.
 5. Open space restrictions shall be in perpetuity.
 6. The owner's association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 7. Homeowners or tenants shall pay their prorated share of the cost, or the assessment levied by the association shall become a lien on the property. Covenants governing the use, improvement, and maintenance of the common areas and structures shall authorize the City to enforce their provisions, using liens or assessments to pay the cost to the City of enforcement.
 8. The association shall be able to adjust the assessment to meet changes as needed.
- F. Landscaping Plan. A detailed landscaping plan indicating location and type of plant materials, location of irrigation system and maintenance provisions shall be approved.
- G. Flood Areas, Hazard Areas, Riparian Areas. Areas subject to flooding or natural hazards, and riparian areas shall be considered, and where appropriate, maintained as open space.
- H. Modifications. The Planning Commission may authorize modifications to the dimensional standards of the underlying zoning district, to parking lot design standards, or to the design of public streets and alleys subject to the following limitations.
1. Modifications Identified. Each proposed modification shall be separately identified, combined with an explanation of why the modification meets one or more of the purposes of the Planned Unit Development as stated in Section 10.0.10 Purpose.
 2. Modifications Limited. Modifications are limited to the restrictions and design standards listed within this section.
 3. Setbacks. Minimum lot size, front, side and rear yards and lot width shall not be regulated specifically by the zoning district, but will be determined during the site plan review.

4. Layout of Properties and Lot Coverage. Layout of the Planned Unit Development will be based on density, fire and life safety, access to sunlight, the relationship of buildings to each other and to adjacent properties.

5. Streets.

a. Local streets may be modified with respect to length, width, intersection standards, grades, curve radii, turnarounds, easements, street lighting, sidewalks, curbs and driveway approaches, provided they allow adequate access for fire protection and emergency access as determined by the Fire Chief within the Planned Unit Development. Local streets may be dedicated to the public or remain in the ownership of the owners' association.

b. The Planned Unit Development shall not impede the continuance, nor shall it modify the standards of any existing street that has been identified in the City's Comprehensive Plan as a street to be extended in order to allow for the future growth of the City.

c. No modifications shall be allowed for collector or arterial streets.

6. Parking Lot Standards. Parking lot design standards shall be of equivalent or better structural quality with respect to installation and construction than that required by Section 4.0.80 Off-Street Parking and Off-Street Loading Requirements of this ordinance and by the City of Glendale Public Works Design Standards adopted by the City Council.

7. Building Height. The maximum building height shall not exceed those building heights prescribed in the zone in which the Planned Unit Development is proposed, except that a greater height may be approved if surrounding open space within the Planned Unit Development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height and provided that fire equipment is capable of serving all facilities.

8. Walkways. Sidewalks will not be required adjacent to private streets; however, the overall plan for the Planned Unit Development shall include an acceptable pedestrian circulation system.

9. Other Modifications. Modifications which do not meet the specific criteria of Section 10.0.50(H) must comply with the procedures and specifications of Section 9.3.30 Modification of Provisions.

10.0.60 Construction Plans and Improvements.

A. Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by an Engineer registered in the State of Oregon and approved by the City prior to construction.

2. Except where specifically authorized by the Planning Commission at the time of approval, all public facilities and utilities shall be designed and constructed in accordance with the City of Glendale Public Works Design Standards and Section 9.3.10 Design Standards.

3. The procedures for engineering design, plan approval and inspection, and bonding requirements shall be those set forth in Section 9.0.60 Criteria for Final Plat Approval of Partitions and Subdivisions.

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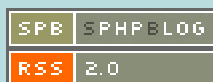
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City of Glendale, Oregon - Our little site on the web -

Chapter 1

CHAPTER 1 - GENERAL PROVISIONS

Administrative Provisions

1.0.10 Title.

This ordinance shall be known and may be cited as the "City of Glendale Zoning and Land Development Ordinance."

1.0.20 Purpose.

This ordinance is enacted to:

1. Promote orderly City growth;
2. Implement the goals and policies of the City of Glendale Comprehensive Plan;
3. Provide methods of administering and enforcing the provisions of this ordinance;
4. Promote the public health, safety, convenience, and general welfare of the community.

1.0.30 Repeal.

City of Glendale Zoning Ordinance #01-2003; City of Glendale Subdivision Ordinance #276 as amended by Subdivision Ordinance #295; City of Glendale Zoning Ordinance #275 as amended by the following ordinances: #291 (riparian vegetation setbacks), #293 (amending various zoning regulations), #294 (residential facilities), #315 (manufactured homes on individual lots and single-family home design standards), #328 (accessory use apartment) and #331 (flood ordinance). All other ordinances or parts

of ordinances in conflict herewith are hereby repealed. However this repeal shall not apply to any special conditions pursuant to quasi-judicial or legislative decisions enacted under the jurisdiction of these ordinances.

1.0.40 Minor Text Corrections Disclaimer

The City Manager/Recorder is authorized to correct the Zoning and Land Development Ordinance without prior notice or hearing so long as the correction does not alter the sense, meaning, effect, or substance of any adopted ordinance and, within such limitations, the City Manager/Recorder may:

1. Renumber chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies of the Zoning and Land Development Ordinance;
2. Rearrange chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;
3. Change reference numbers to agree with renumbered chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;
4. Delete references to repealed chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives and policies;
5. Substitute the proper chapter, article, section, subsection, finding, goal, objective, or policy number;
6. Change capitalization and spelling for the purpose of uniformity;
7. Correct manifest clerical, grammatical or typographical errors; and
8. Change the name of an agency by reason of a name change prescribed by law.

The City Manager/Recorder shall maintain a record, available for public access, of all corrections made under this Section.

Corrections to the Zoning and Land Development Ordinance made by the City Manager/Recorder pursuant to this Section are prima facie evidence of the law, but they are not conclusive evidence. If any correction to the Zoning and Land Development Ordinance made pursuant to this Section differs in sense, meaning, effect, or substance from any adopted ordinance, the adopted ordinance shall prevail.

1.0.50 Severability.

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

B. After the enactment of this ordinance, any new permit or approval issued or granted in conflict with the provisions of this ordinance shall be void.

1.0.60 Compliance and Scope.

1. Compliance with the provisions of this ordinance. Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this ordinance or any amendment thereto permit. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this ordinance.

B. Obligation by successor. The requirements of this ordinance apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.

C. Most restrictive regulations apply. Where this ordinance imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

4. Variances. Variances shall be governed by the provisions of Chapter 5.

E. Transfer of development standards prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this ordinance for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this ordinance.

1.0.70 Consistency With Plan and Laws.

Each development and use application and other procedure initiated under this ordinance shall be consistent with the adopted Comprehensive Plan of the City of Glendale as implemented by this ordinance, and with applicable State and federal laws and regulations. All provisions of this ordinance shall be construed in conformity with the adopted comprehensive plan.

1.0.80 Use of a Development.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this ordinance (including non-conforming uses, subject to Chapter 7) and is not prohibited by law.

1.0.90 Pre-Existing Approvals.

1. Legality of pre-existing approvals. Developments or projects having Planning Commission approval, or other development applications for which approvals were granted prior to the effective date of this ordinance, may occur pursuant to such approvals; except that modifications to development approvals shall comply with this ordinance.

B. Subsequent development applications. All development proposals received by the City of Glendale after the adoption of this ordinance shall be subject to review for conformance with the standards under this ordinance or as otherwise provided by State law.

1.0.100 Uses Listed as Permitted.

Buildings, structures and land shall be used, designed, erected, structurally altered or enlarged only for the purposes listed as permitted in the district in which they are located, and then only after securing all permits and licenses required by State and federal law and City ordinances. A use lawfully established but which is not a permitted use by this ordinance shall be allowed to continue as a nonconforming use subject to all conditions and restrictions relating to nonconforming uses as provided in Chapter 7.

1.0.110 Authorization of Similar Uses.

It is recognized that not all uses of land can be listed, nor anticipated, and that a use may have been inadvertently omitted from the list of those specified as permitted or conditional in each of the designated zone districts. Uses not listed within this ordinance may be permitted in a particular zone provided the use is of the same general type as the uses permitted in that specific zone by this ordinance and provided the requested use is not specifically listed in another zone or which is of the same general type, or more similar to a use specifically listed in another zone.

Should a conflict arise over the classification of a proposed use, an interpretation by the Planning Commission can be requested.

1.0.120 City Clearance Prior to Building Permit.

No building permit shall be issued until the City of Glendale has issued a Planning Worksheet Clearance which states the applicable requirements and conditions of this ordinance.

1.0.130 Official Action.

All officials, departments, employees (including contractor-officials), of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this ordinance, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this code.

1.0.140 Abatement and Penalty.

1. A person violating a provision of this ordinance shall, upon conviction, be punished by a fine not to exceed \$1,000.00 (one thousand dollars). A violation of this ordinance shall be considered a separate offense for each day the violation continues.

2. 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 ordinance, the building or land thus in violation shall constitute a nuisance, and the City may as an alternative to other remedies that are legally available for enforcing this

ordinance, 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.

Definitions

1.1.10 General.

For the purpose of this ordinance, words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural; and words in the plural shall also include the singular; the word "building" includes structure, and "structure" includes building; and the word "shall" is mandatory and not permissive. The words "used" or "occupied" shall include within their meaning "intended," "arranged," or "designed" to be used or occupied. The word "person" shall include a corporation, partnership, or other entity.

1.1.20 Specific.

Abutting. Contiguous or adjoining. It shall include the terms adjacent, adjoining, and contiguous.

Access. The way or means by which pedestrians and vehicles enter and leave property.

Accessory Living Unit. A guest house which is appropriate in scale and impact to be an accessory structure or accessory use to the main residential use of the property.

Accessory Structure or Accessory Use. A structure or use incidental and subordinate to the main use of property, and located on the same lot as the main use provided the main use of such property is a conforming structure or use; accessory structure or use includes any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.

Accessory Use Apartment. A portion of a building, other than the primary store front that is occupied or intended or designed to be occupied as an independent dwelling unit, and contains separate housekeeping facilities for living, sleeping, cooking, and eating. As used in this ordinance, accessory use apartment refers to a secondary and accessory use of a portion of an otherwise nonresidential building.

Adjacent. Abutting or located directly across a street, alley, or other right-of-way.

Alley. A public right-of-way which provides a secondary means of access to a property.

Alteration. A change in construction, or a change of occupancy. Where the term "alteration" is applied to a change of construction, it applies to any change, addition, or modification of the structure as defined in Alteration, Structural. When the term is used in connection with a change of occupancy, it refers to a change in the use of the structure.

Alteration, Structural. A change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

Applicant. Any property owner or other authorized agent(s) having an interest in land that is the subject

of an application for an approval under this ordinance. Also see definition for Owner.

Automobile Service Station. Any premises used primarily for supplying motor fuel, oil, auto accessories, and minor servicing as a secondary service, excluding body and fender repair, at retail direct to the customer.

Automobile Wrecking Yard. Any property where two or more motor vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered or stored in the open and are not to be restored to operation.

Basement. The portion of a building included between a floor with its level two or more feet below any finished grade and the ceiling next above said floor.

Bed and Breakfast. Provides accommodations plus breakfast on a daily or weekly basis in an operator-occupied or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a source of income to the proprietors.

Block Length. The distance measured along all that part of one side of a street which is between two intersections or intercepting streets, or between an intersecting or intercepting street and a railroad right-of-way, water course, body of water or unsubdivided acreage.

Boarding or Rooming House. A building where lodging with or without meals is provided for compensation for not less than three (3) nor more than fifteen (15) persons in addition to members of the family occupying the building.

Building. A roofed structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Height. The vertical distance measured from the adjoining street center line grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

Building Coverage. That percentage of the total lot area of a lot which is covered by the principal and

accessory building.

Building Line. A line established by an ordinance to govern the placement of a building with respect to the front lot line through the setback requirements of a minimum front yard. A building line is ordinarily parallel to the front lot line and at a distance in accordance with the setback requirement.

Bulk Plant. An establishment where commodities, including both liquids and solids, are received by tank vessel, pipelines, tank cars, tank vehicle or other container, and are stored or blended in bulk for distribution by tank vessel, pipeline, tank car, tank vehicle or container.

City. The City of Glendale, Oregon.

City Manager/Recorder. The official or officials appointed by the Mayor and City Council to carry out the official administrative duties of the City of Glendale.

Common Property. Land amenities, certain areas of buildings such as lobbies, corridors and hallways, central services and utilities, and any other elements and facilities owned and used by all of the owners of units, and designated in the site plan, preliminary plat or final plat as common elements.

Comprehensive Plan. Comprehensive development strategies related to the future economic and physical growth and development of the City that are relied on by the City of Glendale, including plans, maps and reports, or any combination thereof.

Conditional Use. The relaxation of strict terms of this ordinance to permit uses in districts where such uses require additional controls and safeguards not required for permitted uses.

Condominium. Property submitted under the provisions or ORS chapter 100.

Conflict of Interest - Actual. When a decision would result in financial benefit or avoidance of financial detriment to an official, a relative, or a business with which the official or relative is associated (ORS 244.135).

Conflict of Interest - Potential. When a decision could result in financial benefit or avoidance of final detriment to an official, a relative or a business with which the official or relative is associated (ORS 244.135).

Council. The City Council elect of the City of Glendale, Oregon.

County. The County of Douglas, Oregon.

Curb. The line indicating the edge of the vehicular roadway within the overall right-of-way.

Day Care Facility. An establishment or place, not a part of a public school system, in which more than three children not of common parentage, under the age of 14 years, are commonly received for a period not exceeding 12 hours per day, for the purpose of being given board, care, or training apart from their parents or guardians.

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

Dwelling. A building or portion thereof designed for occupancy by one or more families.

Dwelling, One-family or Single-family. A building, including a manufactured home, designed for occupancy by one family and its resident domestic employees.

Dwelling, Two-family. A building designed for occupancy by two families, living separately, including duplex and semi-detached dwellings.

Dwelling, Multi-family. A building designed, built, rented, leased, let or hired out, to be occupied, or which is occupied as residence, by three or more families, living independently of each other.

Dwelling Unit. One or more rooms in a building or structure designed for occupancy by one family and having not more than one cooking facility.

Duplex. A building with two attached housing units on one lot or parcel.

Easement. A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Ex-Parte Contact. Any contact outside of the public hearing or other public meetings or official property tours in a land use case including a member of the decision-making body and a party wishing to directly

or indirectly influence the outcome of the case. These provisions do not apply in the case of legislative and other policy issues (ORS 227.180).

Expedited Land Division. Applies to lands within the City of Glendale or within the Glendale Urban Growth Boundary when creating three or fewer parcels under ORS 92.010 from land zoned for residential and accessory uses which meets all the criteria of an Expedited Land Division set forth in ORS 197.360 - 197.370, and creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning.

Family. An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

Family Day Care Provider. A day care provider who regularly provides child care in the family living quarters of the home of the provider.

Farm Use. The current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or horticultural use, or by grazing which involves the use of land for pasture of horses, cattle, sheep, goats, and/or domestic herbivorous animals, alone or in conjunction with agricultural pursuits.

Fence. An accessory structure, designed and intended to serve as a barrier or as a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties.

Flashing Sign. A sign part or all of whose lights go on and off, or appear to go on and off, intermittently.

Fill. The placement by man of sand, sediment, soil, rock, concrete, bricks, wood, glass, garbage, plastics, metal, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land, subject to State law administered by the Oregon Division of State Lands.

Floodway. The channel of the river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood Insurance Rate Map. The official National Flood Insurance Program map provided by the Federal

Emergency Management Agency (FEMA) on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Glendale.

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

- A. Attic space providing headroom of less than seven (7) feet;
- B. Basement, if the floor above is less than six (6) feet above the grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports or porches;
- E. Accessory off-street parking or loading spaces.

Foster Care. Any family home or facility in which 24-hour care is provided for five or fewer persons who are not related to the provider by blood or marriage.

Frontage. Property abutting on the street.

Garage, Private. An accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on.

Grade, Ground Level. The average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five (5) feet of a street right-of-way, the ground level shall be measured at the street right-of-way.

Gross Area. The total useable area including accessory space dedicated to such things as streets, easements, and uses out of character with the principal use, but within a unit of area being measured.

Guest House. An accessory living unit subject to Section 4.0.120 of this ordinance.

Home Occupation. A lawful profession, craft, or service activity which is appropriate in scale and impact to be operated within a residence and within a residential neighborhood.

Homeowner's Association. The organization of owners of lots in a planned community, created under ORS 94.625.

Horticulture. The cultivation of plants, garden crops, trees and/or nursery stock.

Hotel. A building containing six (6) or more rooms designed for and rented out for sleeping purposes for transients.

Junk Yard. Any property used for breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap, waste material, or other junk.

Kennel. A lot or building in which four (4) or more dogs, cats, or animals at least four months of age are kept commercially for board, propagation, training, or sale.

Land Use District. As used in this ordinance, a land use district is the same as a zone district.

Legislative. Within this ordinance, the term is used to apply to a decision or a hearing as in legislative decision/legislative hearing which refers to the creation of law or policy that applies broadly to amending an ordinance, the Comprehensive Plan, a policy, or a map change involving a number of ownerships.

Limited Land Use Decision. Applies inside the Urban Growth Boundary to subdivision, partitioning, and site plans for an outright permitted use, and is a final decision made by the local government (ORS 197, 195 and 92).

Loading, Off-street. An off-street space or berth on the same lot with a principal building for the parking of a vehicle while loading or unloading merchandise and which has direct access from a public street or alley.

Long-term Care Facility, Group Care Facility. A facility that houses and provides board and services that assist the residents in activities of daily living, such as assistance with bathing, dressing, grooming, eating, medication management or recreation for ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. This includes rest homes, nursing homes, assisted living facilities and convalescent homes, but does not include a boarding home for the aged, a residential care home, a residential care facility, a hospital, hotel or licensed chiropractic facility.

Lot. A lot is a unit of land that is created by a subdivision of land (ORS 92.010) in compliance with all

applicable zoning and the City of Glendale Subdivision Ordinance; or a lot of record created by deed or land sales contract and duly recorded in Douglas County property records prior to applicable zoning, subdivision and partitioning ordinances, exclusive of units of land created solely to establish a separate tax account.

Lot Area. The total area of a lot measured in a horizontal plane within the lot boundary lines or as calculated on the Douglas County Assessor's maps.

Lot, Butt. A lot of which the lot side line abuts the lot rear line of two or more adjoining lots.

Lot Corner. A lot abutting on two or more intersecting streets other than an alley, provided that the interior angle of intersection or interception does not exceed 135 degrees.

Lot Coverage. The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot Depth. The average horizontal distance between the front lot line and the rear lot line, exclusive of any strip of land created solely to establish a road access into the lot.

Lot, Flag. A flag lot is a buildable lot designated by the Planning Commission which takes access from a narrow strip of land fronting upon a dedicated street or right-of-way.

Lot, Front. For an interior lot, a line separating the lot from the street other than an alley. If a lot faces more than one street, it may front on either street so long as it maintains yards conforming to both frontages

Lot, Key. A key lot is created when the rear line abuts the lot side line of two or more adjoining lots.

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

Lot Line. The property line bounding a lot.

Lot Line Adjustment. As defined in ORS 92.010, the adjustment of a property line by the relocation of a common boundary line where no additional lots are created and where the existing unit of land reduced in size by the adjustment complies with this ordinance.

Lot Line, Rear. For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line. For corner lots, the line opposite the narrowest footage of the lot shall be considered the rear line. For corner lots with two equal length front lot lines, either interior lot line may be designated the rear lot line. For an irregular or triangular shaped lot, a straight line ten (10) feet in length that is parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

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

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

Manufactured Home/Manufactured Dwelling. A structure which is constructed for movement on the public highways, has sleeping, cooking, plumbing facilities, is intended for human occupancy, 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.

Manufactured Home Park; Mobile Home Park. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, parcel, or unit of land under the same ownership on a tenancy or lease basis, provided that each manufactured dwelling is not located on a single platted lot located within a subdivision approved by the City of Glendale.

Motel. A building or group of buildings on the same lot, containing guest units with separate quarters detached or in connected rows, with or without cooking facilities, for rental to travelers.

Multi-family Housing. Housing that provides more than three dwellings on an individual lot, including, but not limited to multiplexes, apartments and condominiums.

Nonconforming Structure or Use. A lawful existing structure or use, at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Nursery School. A school, home, or institution designed or used to provide daytime care and instruction for four (4) or more children not residing therein.

Owner. One who possesses title in property or to whom property belongs, with the requisite intent to own; this term includes an authorized agent of the owner.

Parcel. A single unit of land that is created by a partitioning of land.

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- B. A lot line adjustment;
3. The division of land resulting from the recording of a subdivision or condominium plat;
- D. A sale or grant by a person to a public agency or public body as set forth in ORS 92.010 or a sale or grant by a public agency or public body of excess property as set forth in ORS 92.010.
5. Leasing or financing of apartments, offices, stores, or similar spaces within an apartment building, industrial building, or commercial building;
6. Mineral, oil, or gas leases.

Partition plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Performance Agreement. A proper petition submitted to and approved by the City Council for construction and improvements; or a performance bond executed by a surety company duly licensed to do business in the State of Oregon, in an amount equal to the full cost of the work to be done, and conditioned upon faithful performance in compliance with this Ordinance.

Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate.

Personal Service. A business which is neither the practice of a profession nor dealing primarily with the sale of products as stock in trade on the premises.

Personal Bias. An inclination of temperament, outlook, preconceived judgement or opinion, prejudice or prejudgement of the facts to such a degree that the decision-maker is leaning adverse or in favor of an applicant without sufficient knowledge or information based on the merits of the case. In Oregon, bias is not a conflict of interest, but disclosure is required.

Planned Community. Any subdivision under ORS 92.010 to 92.190 which results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property and which is created under ORS 94.550 to 94.783.

Planned Unit Development (PUD). A residential development with open space on contiguous lots or a Unit of Land which stays within the density requirements of the zone in which it is located for the overall project, and allows for a degree of latitude in describing individual lot sizes. Such development may include residential clusters, and accessory religious, cultural, recreational, or commercial uses, and may be subject to State regulations for condominiums or planned communities.

Planning Commission. The duly appointed Planning Commission of the City of Glendale, Oregon.

Planning Director. Can mean either the City Manager/Recorder or a private consultant or agency retained by the City to carry out planning for the City.

Plat, Preliminary. A map and written information indicating the proposed layout of a partition or subdivision development that is submitted to the Planning Commission for preliminary or tentative approval. The preliminary plat may also be referenced as the preliminary plan, tentative plan or tentative plat.

Plat, Final. A map and accompanying written information of a partitioning or subdivision that conforms to the requirements of the ordinance and to the requirements of ORS 92.

Professional. Engaging in an occupation or calling requiring the practice of an art or science through specialized knowledge based on experience and/or a degree issued by an institution of higher learning.

Projection. Eaves, cornices, platforms, porches, or any type of structure attached to the main building.

Property Association. The association of unit owners provided for under ORS 100.405.

Property line. The division line between two units of land.

Quasi-judicial. A decision/hearing/land use action concerned with the application of law or policy to a specific property or a limited number of properties as on an application for a conditional use, variance, planned unit development, partitioning, subdivision, an appeal of a quasi-judicial decision, or rezone of property within a single or very limited number of ownerships.

Recreational Vehicle. A vehicle with or without motor power, which is designed for human occupancy and to be used temporarily for recreational purposes, seasonal, or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set up mode.

Replat. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision subject to ORS 92.180 - 92.190.

Reserve Strip. A strip of real property used as a street plug to control access to land.

Residence. See Dwelling.

Residential Care Facility. A residential care facility, residential training facility, or residential treatment facility as defined in ORS 443.400, licensed by the Oregon Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related to each other or to any other resident of the facility.

Residential Care Home. A residential treatment or training or an adult foster home licensed by or under the authority of the Oregon Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related to each other or to any resident of the residential home.

Retail Store. A store or place of business engaged in the sale of commodities or goods in small quantities to ultimate consumers.

Right-of-way. All land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the public for sidewalk, utility, and/or roadway purposes, which the City has sole responsibility to maintain.

Roadway. All of that portion of the right-of-way used or to be used for vehicle movement which exists between the curbs or proposed curb lines.

Screened. Concealed or cut off from visual access.

Sidewalk. A walk or path along the side of a road for pedestrians. A right-of-way deeded, dedicated, and designated for the use of nonmotorized vehicles and pedestrians.

Sign. Any face of any lettered or pictorial device or structure designed to directly or indirectly draw attention to a product, place, activity, person, institution, or business.

Street Grade Right-of-way. The officially established street grade or right-of-way lines upon which a lot fronts.

Street. 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," and other similar designations. Includes "alley" except as otherwise specified in this ordinance.

Street - Private Road. Any road or way which is not a public street, but which intersects with an existing public street; land used or to be used to provide ingress or egress to one or more lots, parcels, units or tracts of land.

Street - Public. A road accepted as a City street, or any road which has been dedicated to the use of the public for road purposes either by a good and sufficient deed or in a subdivision plat, which deed or plat has been presented to and accepted by the City Council and placed on the record. A public street does not include any gateway or way of necessity as defined by ORS 376, and any other road which has nominally or judicially gained a public character by prescriptive or adverse use, unless such road is maintained by the City of Glendale. Public street categories include: arterial, collector, local street and cul-de-sac.

Street System.

1. Arterial. A street intended to carry large volumes of traffic at steady speeds with minimum interruptions to traffic flow.

2. Collector Street. Street which forms the boundary of major blocks of land and is intended primarily for inter-neighborhood traffic; can function as a road to service areas from the arterial system.

3. Cul-de-sac. A dead-end street having a turn-around area at the end.
4. Hammerhead or "T" End Street. A dead-end street with a turn-around.
5. Local Street. A residential street designed to provide vehicular access to abutting properties and discourage through traffic.

Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground (above or below) or another structure.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided.

Temporary. A use that is of a short term or seasonal nature characterized by the fact that permanent improvements are not made to the site to accommodate the use.

Tower. A portion of a building that is higher than the remainder of the building, or a tall structure of smaller dimensions separate from the building it accompanies, such as a campanile of a church.

Unified Development. A planned commercial or industrial, or commercial and industrial development, designed for one or more of such uses on not less than one acre of land, and which share common parking areas or points of access.

Unit of Land. Any land which is not a lot or parcel, or any land for which a survey has not been filed in the Douglas County Surveyor's Office. Contiguous land under the same ownership shall be considered to be one unit or tract of land unless such contiguous lands are lots, parcels, or have a filed survey.

Urban Growth Boundary (UGB). An outer boundary of future urban development near the City of Glendale. Land within this boundary is planned for eventual development and the provision of sewer, water, streets and other public facilities.

Use. The purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Utility and Service. Any plant or equipment owned, managed or controlled all or in part by a corporation, company, individual, association of individuals, or its lessees, trustees or receivers for the conveyance of telephone, telegraph, fax, or computer messages, with or without wires for the transportation as common carriers or for the production, transmission, delivery or furnishing of heat, light, water, or power, directly or indirectly to the public excluding utility substations and radio transmitters.

Vacate. To abandon such as subdivision plat, street right-of-way or alley. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose allows the right-of-way to revert to adjoining properties. When vacated, a plat returns the property to an undivided condition.

Variance. An authorized relaxation of the terms of this ordinance pertaining to off-street parking and loading, building height, lot area, lot coverage, lot size, yards or open space, where such relaxation of terms will not be contrary to the public interest; a variance does not include authority to approve a development that is not otherwise permitted within the specific zone or land use district.

Vehicle. A vehicle means any contrivance in or on which persons or things may be contained, carried, or conveyed, whether in motion or standing, and shall include manufactured homes and recreational vehicles as defined in this ordinance.

Vision Clearance Area. A triangular area on a lot at the intersection of two streets, or a street and an alley, or a street and a railroad, two sides of which are lot lines measured from their corner intersections for distances specified for land use districts within this ordinance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Zone Change. Rezone. The classification of land from one land use zoning designation to another which is accomplished through an amendment to the map text or zoning ordinance.

Yard. An open space on a lot with a building bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed by structures from four feet above the ground upward.

Yard, Front. Space extending across the full width of the lot between the front building line and the front lot line.

Yard, Rear. A yard between 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. A yard between the front and rear yards measured horizontally at right angles from the side lot line to the nearest point of a building.

Yard, Street Side (Corner Lot). A yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Zone. A land use area or district established by the City Council of Glendale, through implementing ordinances, for designated purposes.

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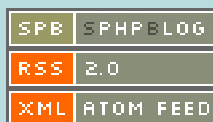
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Chapter 2

CHAPTER 2 - LAND USE DISTRICTS/ZONES

Establishment of Land Use Districts

2.0.10 Establishment of Land Use Districts.

All areas within the corporate limits and Urban Growth Boundary of the City of Glendale are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district zoning. The applicable land use district and its zoning shall be determined based upon the Zoning Map, and the provisions of this chapter. For purposes of this ordinance the following land use districts are hereby established:

District Abbreviated

Designations

Residential.....	R
Commercial.....	C
Industrial.....	I
Flood Hazard Overlay.....	FHO
Slope Hazard Overlay.....	SHO
Riparian Overlay.....	RO

Boundaries

2.1.10 Zoning Map.

1. Consistency with land use district map. The boundaries of each of the land use districts described within this chapter shall coincide with the land use district boundaries identified on the City of Glendale's official zoning map and official overlay zone maps retained by the City Recorder. The City of Glendale Zoning Map and overlay maps are made part of this zoning ordinance. A certified print of the adopted City of Glendale Zoning Map and any amendments to the map, shall be maintained by the City.

2. Applicability of zoning requirements. Each lot, tract, and parcel of land or portion thereof within the City of Glendale is classified, zoned and limited to the uses specified and defined within this ordinance. See Chapter 1, Uses Listed as Permitted as Permitted and Authorization of Similar Uses.

3. Zone district map amendments. All amendments to the City of Glendale Zoning Map shall be made in accordance with the provisions of Chapter 8.

1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the City.

2. The City shall make available for public inspection an up-to-date copy of the revised Zoning Map, so that it accurately portrays changes of zone boundaries or classification, as applicable.

2.1.20 Zone Boundaries/Interpretation of Land Use District Boundaries.

When due to the scale, lack of scale, lack of detail or illegibility of the City Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of land use district boundaries/zones, the boundary lines shall be determined by the official City Zoning Map in accordance with the following:

1. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks or alleys shall be construed to follow such center lines;

2. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

2. Boundaries indicated as approximately following the City limit boundary, or the Urban Growth Boundary, shall be construed as following said boundary;
3. Boundaries indicated as approximately following the center line of a river, stream canal, lake, drainage channel, basin or other body of water shall be construed as following such center lines as applicable;
4. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map;
5. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or other circumstances not covered by this section of the ordinance, the Planning Commission shall interpret the district boundaries.

G. When a district boundary line divides property which is in a single ownership at the time of the passage of this ordinance, the City Council may permit as a special exception, the extension of the regulations for either portion of the lot not to extend fifty (50) feet beyond the district line into the remaining portion of the lot, or make findings that will allow for a greater extension using the Criteria for Variance Approval set forth in Section 5.1.30. Section 5.1.20 Authorization to Grant a Variance, Section 5.1.40 Application and Hearing Procedure, and Section 5.1.50 Time Limit on a Variance Approval shall not apply.

2.1.30 Zoning of Annexed Areas.

Areas annexed to the City shall be zoned in accordance with the use districts of the Comprehensive Plan Map.

Residential - R Zone

2.2.10 Purpose.

The Residential, R zone is intended to encourage, promote and protect the character of community's residential areas while providing a suitable environment for a range of housing choices to support small city urban and suburban family life. This district and the density options provided are intended for application only to areas of the City having facilities available to support the expected density, and to carry out the purpose of the R zone.

2.2.20 Permitted Uses.

In the R zone the following uses are permitted when developed subject to the provisions of other applicable development standards in this ordinance:

- A. One-family dwelling, including manufactured home subject to Sections 4.0.30 and 4.0.40.
- B Two-family dwelling subject to Section 4.0.30.
- C. Home occupation subject to Section 4.0.100.
4. Partition and Subdivision subject to Chapter 9.
3. Residential care home.
4. Child day care facility, including family day care provider, for 12 or fewer children. subject to Sections 4.0.30 and 4.0.40.
5. Park or playground operated by a governmental agency, special district or homeowners' association.
6. Accessory use subject to Section 4.0.110.
7. Planned Unit Development subject to Chapter 10 and Section 5.2.10.
8. Planned Community subject to Chapter 10 and Section 5.2.10.
9. Condominium subject to Chapter 10 and Section 5.2.10.

2.2.30 Conditional Uses.

The following conditional uses are allowed in the R zone subject to the provisions of Chapter 5 and other applicable development standards within this ordinance:

1. Multi-family dwelling subject to Section 4.0.150.
2. Boarding and rooming house.
3. Church or temple.
4. Public or private school.
5. Long-term care facility subject to Section 4.0.150.
6. Child day care facility for 13 or more children.

7. Cemetery subject to Section 4.0.160.
8. Manufactured home park subject to Section 4.0.90 and 5.2.10.
9. Residential care facility.
10. Bed and breakfast.
11. Museum.
12. Guest house subject to Section 4.0.120.
13. Governmental office.
14. Library.
15. Utility and service excluding electricity and gas distribution systems, radio, microwave, and television transmitters/relay stations, and telecommunications facilities.

2.2.40 Development Standards for Permitted and Conditional Uses.

A. Lot Size. Except in the Slope Hazard Overlay as defined in Chapter 3, the minimum lot size shall be 5,000 square feet for the first two (2) units, and 2,500 square feet (17.42 units/acre) for each additional unit allowed as a Conditional Use. The minimum lot width shall be 50 feet. The minimum lot depth shall be 100 feet.

B. Lot Coverage. Maximum lot coverage allowed is 50%.

3. Setbacks/Yards. Setbacks shall be measured from the property line.

1. Except as required for Vision Clearance, Chapter 4, the minimum front yard shall be fifteen (15) feet, except garages and carports having access on the front of the property shall be twenty (20) feet, or where adjoining front yards are less than required, then the average of such yards will serve as the standard. Front yards shall be landscaped and maintained.

2. The minimum side yard shall be ten (10) feet, except on the street side of a corner lot it shall be twenty (20) feet.

3. Additional stories above one will require an additional side yard set back of five (5) feet for each additional story to a maximum twenty (20) foot setback.

4. The minimum rear yard shall be ten (10) feet. Where lots abut an alley, a minimum of fifteen (15) feet will be required from the center of said alley.

4. Vision Clearance. Vision clearance at intersections shall be twenty (20) feet, except at intersections including an alley, vision clearance shall be ten (10) feet, and shall comply with Section 4.0.20.

5. Fence/Wall Construction Standards. Fences and walls shall comply with Section 4.0.50.

6. Building Height. The maximum building height shall be thirty-five (35) feet.

7. Signs. Signs shall comply with Section 4.0.70.

H. Parking. Parking shall comply with Section 4.0.80.

1. Overlay Protection Areas. Development in flood and slope hazard areas and in riparian areas shall comply with Chapter 3.

Commercial - C Zone

2.3.10 Purpose.

The Commercial, C zone is intended to create and preserve areas suitable for commercial uses and services on a broad basis, and to serve as the central shopping and principal downtown area of the community. This zone shall be applied to maintain the town center as it exists, and to develop its small town atmosphere as a desirable space where residents and visitors network and have access to goods, services and entertainment.

2.3.20 Permitted Uses.

In a C zone the following uses and their accessory uses are permitted when developed under the applicable development standards in this ordinance:

1. Retail trade establishment such as food store, drug store, gift shop, hardware store and furniture store.
16. Repair and maintenance service of the type of goods to be found in the above permitted retail trade establishments, provided such service is performed wholly within an enclosed building.
17. Business, governmental, and professional office.
18. Financial institution.
19. Eating and drinking establishment.
20. Personal services such as barber shop, tailoring, beauty shop, laundry and dry cleaning establishments.
21. Home or business services such as printing, copy machine, computer, upholstery and carpet cleaning establishments.
22. Motel or hotel.
23. Multi-family housing subject to Section 4.0.150, not including accessory use apartment located above or connected to a commercial building.
24. Residential care facility.
25. Clinic.
26. Public or private school.
27. Church.
28. Community meeting facility.
29. Hospital.
30. Fire station.
31. Library.
32. Park, golf course, publicly owned recreation area.
33. Museum.
34. Residential care home in a preexisting dwelling.
35. Radio or television broadcasting studio.
36. Bed and breakfast establishment in conjunction with a preexisting residential use.
37. Child day care facility for 12 or fewer children in a preexisting dwelling.

2.3.30 Conditional Uses.

The following conditional uses are allowed in the C zone subject to the provisions of Chapter 5 and other applicable development standards within this ordinance:

1. Automobile service stations or garages; car washes and laundries other than those utilizing automatic or steam cleaning equipment.
38. Unified Development
39. Commercial amusement establishments such as bowling alleys, skating rinks, pool halls.
40. Drive-in and walk-up facilities which serve pedestrians and/or customers who remain in their vehicles.
41. Equipment sales and rental yards; used car lots and other yards where retail sales products are displayed in the open.
42. Funeral home, and mortuary.
43. Mini-storage unit.
44. Accessory use apartment located above, within, or connected to a commercial building subject to Section 2.3.40 (K).
45. Child day care facility for 13 or more children.
46. Governmental repair or storage facility.
47. Utility and service excluding electricity and gas distribution systems, radio, microwave, and television transmitters/relay stations, and telecommunications facilities.

2.3.40 Development Standards for Permitted and Conditional Uses.

1. New and Expanded Structures. All new structures or those that are being expanded by more than 15% of their existing footprint in the C zone shall be subject to site plan review by the Planning Commission. Site plan review shall be carried out using Section 5.0.50., Application and Hearing Procedure for a conditional use permit, but shall not be subject to site plan requirements set forth in Section 5.2.10 . The Planning Commission may place specific conditions upon the development using the criteria set forth in Section 5.0.40 (A - L).

B. Lot Size. The minimum lot area shall be 1,000 square feet. The minimum lot frontage shall be twenty-five (25) feet for commercial uses.

3. Lot Coverage. Maximum lot coverage shall be 100%, including parking and any necessary buffer area.

4. Setbacks/Yards.
 1. The minimum yard adjacent to the R zone shall comply with the standards of the R zone in Section 2.2.40 and Vision Clearance in Section 4.0.20 as if the lot were in the R zone.
 2. Except for those properties which are adjacent to properties in the R zone, there shall be no minimum front yard depth and no minimum side yard width, and no minimum rear yard depth.

5. Building Height. The maximum building height shall be forty (40) feet.

6. Vision Clearance. Vision Clearance shall comply with Section 4.0.20.

7. Fences. Fences shall comply with Supplementary Provisions, Section 4.0.50.

8. Signs. Signs shall comply with Section 4.0.70.

9. Parking. Parking and loading shall comply with Section 4.0.80.

10. Outdoor Storage. Outdoor storage shall be screened with a sight-obscuring fence.

11. Accessory Use Apartment. Accessory Use Apartments are to be designed to be occupied as independent dwelling units. They shall contain housekeeping facilities for entry, living, sleeping, cooking, eating, restroom and bathing which are separate from those of the commercial use on the premises. Such apartments may be located above, within, or connected to commercial buildings and shall meet the design requirements specified by the Oregon State Structural Speciality Code and the One & Two Family Dwelling Code.

12. Overlay Protection Areas. Development in flood and slope hazard areas and in riparian habitat setback areas and shall comply with the provisions of Chapter 3.

Industrial - I Zone

2.4.10 Purpose.

The purpose of the Industrial zone is to provide and protect specific locations within the City of Glendale for businesses and industrial expansion which contributes to the community's economic base. The I zone allows for the grouping of heavy commercial and industrial uses which could be offensive adjacent to residential or commercial neighborhoods. Success of the industries within the I zone is dependent upon maintaining access to utilities and transportation systems, and providing for harvesting, processing, warehousing, and utilization of natural resources.

2.4.20 Permitted Uses.

In the I zone the following uses and their accessory uses are permitted when developed under the applicable development standards in this ordinance:

A. Forestry.

2. Fire station.

3. Railroad facilities.

13. Wholesale, trucking, and storage establishment.

4. Machine shop, cabinet shop or related light manufacturing.

5. Machinery, farm equipment, marine craft, and automobile, sales, service and repair.

6. Building material sales and storage yard.

7. Governmental building, including maintenance, repair, or storage facility.

8. Plumbing, heating, electrical, or paint contractors, storage, repair, or sales shop.

9. Manufacturing, processing, assembling, research, laboratory, bottling or packaging uses which are conducted wholly within a building and from which there is no odor, dust, smoke, gas, noise vibration, radiation or other effect which has measurable nuisance qualities beyond the property line.

2.4.30 Conditional Uses.

The following conditional uses are allowed in the I zone subject to the provisions of Chapter 5 and other applicable development standards within this ordinance:

- A. Farm use and horticulture.
- 2. Automobile wrecking yard.
- 3. Automobile service station.
- D. Bulk plant.
- E. Junk yard.
- F. Heavy manufacturing, fabricating, processing, repairing, packing or storage.
- G. One-family dwelling unit accessory to a permitted use as accommodations for a caretaker or watchman.
- H. Unified Development
- I. Animal hospital.
- J. Crematorium.
- K. Kennel.
- L. Utility and service including cell towers.

2.4.40 Limitations on Permitted and Conditional Uses in the I Zone.

1. Any use which creates a nuisance because of noise, smoke, dust, or gas is prohibited. While considering the application for a conditional use approval for any such use, the Planning Commission shall review the performance characteristics for such use and shall make findings that a nuisance will likely not be created, and that a nuisance will not be expected to develop. If such findings cannot be made, the Planning Commission shall deny the use, or impose standards to eliminate the nuisance.
 2. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
 3. All manufacturing, service, processing, and storage on shall be wholly within the walls of an enclosed building.
- D. The Planning Commission may revoke conditional uses that become a nuisance within the City of Glendale.

5. Access from a public street to properties in an I zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.

6. Permitted uses within the I zone that become a nuisance after they are in operation, due to noise, smoke, dust, or gas shall be referred to the City Council to be processed under the City's nuisance ordinance.

7. Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

2.4.50 Development Standards for the I Zone.

A Lot Size. The minimum lot size shall be 5,000 square feet. The minimum lot frontage shall be fifty (50) feet.

B. Lot Coverage. The maximum lot coverage shall be 100%, including parking and buffer areas.

C. Setbacks. The minimum yard adjacent to the R zone shall comply with the standards of the R zone as if the lot were in the R zone. Except for those properties which are adjacent to properties in the R zone, there shall be no minimum front yard depth and no minimum side yard width, and no rear yard depth.

4. Building Height. Maximum building height shall be fifty (50) feet, except when adjacent to the R zone, the maximum height shall be forty (40) feet.

E. Signs. Signs shall comply with Section 4.0.70.

6. Parking. Parking and loading shall comply with Section 4.0.80.

7. Overlay Protection Areas. Development in flood and slope hazard areas, and in riparian areas shall comply with the provisions of Chapter 3.

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Chapter 3

CHAPTER 3 - OVERLAY PROTECTION AREAS

Establishment of Overlay Protection Zones

3.0.10 Purpose.

The purpose of an overlay zone is to provide protection and to maintain quality of life for the City's residents. This is accomplished by requiring that specific development standards be applied to areas of natural hazards in order to minimize damage to residents and property, while protecting valuable natural resources that minimize hazard conditions within the City.

3.0.20 Interpretation.

In interpreting this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under Oregon statutes.

3.0.30 Warning and Disclaimer of Liability.

The degree of flood and slope hazard protection required by this chapter is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations, recognizing that larger floods and slope hazards can and will occur on rare occasions, and that these hazards may be exacerbated by human activity or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding, flood damages, landslides, or other slope hazards. The provisions of this chapter and this ordinance shall not create liability on the part of the City of Glendale, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages or slope hazard conditions that result from reliance on

this ordinance or any administrative decision lawfully made hereunder.

3.0.40 Determination of Applicability Prior to Annexation.

Annexation of lands to the City requires a determination of existing flood and slope hazards. Any hazards identified on the land to be annexed shall be amended to the official maps. If the annexation is initiated by the City, the City shall pay the cost of determination of hazards; if annexation is initiated by a property owner, the property owner is responsible for determining the existence of hazards on the property or properties being annexed. Amendment of hazard maps shall require review and approval of the City Council.

Flood Hazard Overlay (FHO)

3.1.10 Purpose.

It is the purpose of the Flood Hazard Overlay to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated in the provisions of this chapter.

3.1.20 Applicability.

The Flood Hazard Overlay shall apply to all areas of special flood hazard as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Glendale," dated September 29, 1978 with the accompanying Flood Insurance Rate Map (FIRM).

The Flood Hazard Overlay, FHO appears on the zoning map as a single cross-hatch area over a segment of the Industrial and Residential zones. When this designation appears overlaid on a zone, all regulations and requirements of the underlying zone and the FHO will apply.

3.1.30 Requirements for a Development Permit.

A development permit shall be obtained before construction or development begins within any area of flood hazard. This permit shall be for all structures including manufactured homes, and for all development including fill and other activities as set forth in this chapter.

3.1.40 Application for a Development Permit.

Application for a development permit shall be made on forms furnished by the City Recorder and shall include, but not be limited to plans drawn to scale depicting the following:

1. The nature, location, dimensions, and elevations of the area within the FHO proposed for development including the location of existing or proposed structures, fill, storage of materials and drainage facilities.
2. Elevation in relation to mean sea level of the lowest floor, including the basement of all existing and proposed structures.
3. Elevation in relation to mean sea level to which any structure has been floodproofed.
4. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this chapter.
5. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.

3.1.50 Definitions.

When there are conflicts, definitions included within the Flood Hazard Overlay, Section 3.1.50 take precedence over the definitions included in Section 1.1.20.

Appeal. A request for review of the City Manager/Recorder's interpretation of any provision of the Flood Hazard Overlay, or a request for a variance from the provisions of the Flood Hazard Overlay.

Area of Shallow Flooding. A designated AO or AH area on the Flood Insurance Rate Map. The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard. The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. Designation on National Flood Insurance Administration Flood Insurance Rate Maps always includes the letters A or V.

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "100-Year Flood." Designation on National Flood Insurance Administration Flood Insurance Rate Maps always includes the letters A or V.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas of specified flood hazard.

Flood or Flooding. A general and temporary condition or partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium areas applicable to the community. Flood Insurance Rate Maps are often referenced as "FIRM."

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required

utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Recreational Vehicle. A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck;
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure. A walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. For the

purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

3.1.60 General Provisions.

Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Glendale," dated February 18, 1998 with the accompanying Flood Insurance Maps is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at the City Hall, 124 Third Street, Glendale, Oregon.

3.1.70 Administration.

A. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.1.60, General Provisions. The permit shall be for all structures including manufactured homes, as set forth in Section 3.1.50 Definitions, and for all other development including fill and other activities, also as set forth in Definitions.

2. Designation of the City Manager/Recorder. The City Manager/Recorder is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

3. Duties and Responsibilities of the City Manager/Recorder. Duties of the City Manager/Recorder shall include, but not be limited to:

1. Permit Review.

- a. Review all development permits to determine that the permit requirements have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 3.1.80 (B)(5)(a) are met.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3.1.60, Basis for Establishing the Areas of Special Flood Hazard, the City Manager/Recorder shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the federal government, state government, or other source, in order to administer Sections 3.1.80(B)(1), Specific Standards, Residential Construction, and 3.1.80(B)(2), Specific Standards, Nonresidential Construction and Section 3.1.80(B)(5), Specific Standards, Floodways.

3. Information to be Obtained and Maintained.

- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 3.1.70(C)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed structures, verify and record the actual elevation (in relation to mean sea level).
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses.

- a. Notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of the FIRM Boundaries. Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict

between a mapped boundary and actual field conditions).

5. Variance Procedures. The City Council shall hear and decide appeals and requests for variances from the requirements of the Flood Hazard Overlay. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules & Regulations of the National Flood Insurance Program (44 CFR 59-76).

3.1.80 Provisions for Flood Hazard Protection.

A. General Standards. In all areas of special flood hazards the following standards are required.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Areas" guidebook for additional techniques).

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration

of flood water into the systems and discharge from the systems into flood waters; and,

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

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

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source as referenced in Section 3.1.70(C)(2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these areas may result in higher insurance rates.

2. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.1.60 Basis for Establishing the Areas of Flood Hazard, or Section 3.1.70 (C)(2) Use of Other Base Flood Data, the following provisions are required:

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

Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or one (1) foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 3.1.70(C).

4. Nonresidential structures that are elevated, not flood- proofed, must meet the same standards for space below the lowest floor as described in Section 3.1.80(B)(1) Specific Standards, Residential Construction.

5. Applicants flood-proofing nonresidential buildings shall be notified flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated one foot below that level).

3. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved within areas designated A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 3.1.80(A)(1) General Standards, Anchoring.

4. Recreational Vehicles. Recreational vehicles placed on sites within areas A1-30, AH, and AE on the communities' FIRM shall either:

a. Be on the site for fewer than 180 consecutive days,

2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of Section 3.1.80(B)(3) Specific Standards, Manufactured Homes, and the elevation and anchoring requirements for manufactured homes.

5. Floodways. Located within areas of special flood hazard established in this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base food discharge.

2. If Section 3.1.80(B)(5)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 3.1.80, Provisions for Flood Hazard Reduction.

Slope Hazard Overlay (SO)

3.2.10 Purpose.

The purpose of the Slope Hazard Overlay is to provide protection for the City of Glendale and its residents by requiring compliance with development standards based upon conditions including but not limited to slope of the land, soil characteristics, natural drainage ways, and lands subject to land movements or erosion.

3.2.20 Applicability.

The Slope Hazard Overlay appears on the zoning map as a double cross-hatch area over specific areas of the R zone. When this designation appears overlaid on any zone, all regulations and requirements of the underlying zone and the SO shall apply.

3.2.30 Application and Administration.

1. All applications for development shall be reviewed by the City Manager/Recorder or his/her designee to assure compliance with development standards set forth in Section 3.2.40 and for completeness of the site investigation report required in Section 3.2.50 prior to submitting the application to the Planning Commission for review. When the application is submitted to the City Planning Commission, it shall be

accompanied by a report from the City Manager/Recorder or his/her designee relative to compliance with the requirements of the SO.

B. The City Manager/Recorder or the Planning Commission may require additional investigation or a revised report from the geologist or engineer to ensure the proposal addresses the intent of this ordinance.

3. The Planning Commission may deny the issuance of the permit if subsequent investigation or reporting does not provide satisfactory evidence that the proposal complies with Section 3.2.60.

3.2.40 Development Standards.

1. The minimum size lot size for development on 20% and above slopes shall be 10,000 square feet for the first unit and 5,000 square feet for each additional unit.

B. Those areas proposed for development which have over 12% slope, or have been identified in the Glendale Comprehensive Plan or by the Oregon Department of Forestry as unstable or marginal lands shall be subject to a written Site Investigation Report.

2. At the time of the erection of any new building or other structure, or at the time of the enlargement in height or ground coverage or intensification of use of any existing building or other structure, a Site Investigation Report shall be conducted.

3. All roof drainage must be collected, controlled, and directed either by underground pipe or concrete or asphalt gutter to a City street or storm drain.

4. All drainage from driveways, parking areas, and other impervious surfaces must be collected, controlled, and directed to a City street or storm drain by underground pipe or concrete or asphalt gutter.

5. Alternate methods of storm water disposal, such as a leach field, may be approved by an official designated by the City of Glendale.

3.2.50 Site Investigation Report.

A. The written Site Investigation Report shall be prepared by an engineering geologist or a licensed civil

engineer certified and qualified to evaluate soils for stability, or a person or team of persons qualified by experience and training to assemble and analyze physical conditions in slope hazard areas.

B. The person or team preparing the Site Investigation Report shall be employed by the applicant, but shall be subject to approval as to qualifications by the City Manager/Recorder.

3. The Site Investigation Report shall contain the following information:

1. Name, signature, and registration number of engineer or geologist who completed the investigation on which the report is based, and the dates when the work was completed.

2. A general analysis of the local and regional topography and geology, including the faults, folds, geologic and engineering geologic units, and any soil, rock and structural details important to engineering or geologic interpretations.

3. A history of problems on and adjacent to the site, which may be derived from discussions with local residents and officials, and the study of old photographs, reports, and newspaper files.

4. The extent of the surface soil formation and its relationship to the vegetation of the site, the activity of the land form and the location of the site.

5. Ground photographs of the site with information showing the scale and date of the photographs and their relationship to the topographic map and profiles. The photographs will include a view of the general area, the site of the proposed development and unusual natural features which are important to the interpretation of the hazard potential of the site, including all sites of erosion or accretion.

6. A topographic base map (1 to 100 scale) with a contour interval of two feet shall identify the following features accompanied by references to the sources and date of information used:

1. The position of the lot line.

2. The boundaries of the property.

3. Open areas and the boundaries.

4. Identification of major plant community species.

5. Any springs, streams, marshy areas, or standing bodies of water.

6. Cut terraces, erosion scarps, and areas exhibiting significant erosion due to improper drainage and runoff concentration.

7. Geological information, including lithologic and structural details important to engineering and geologic interpretation.

8. Drainage.

7. If upon initial investigation, it appears there are critical areas where the establishment of geologic conditions at depth is required, a subsurface analysis obtained by drill holes, well logs and other geophysical techniques will be conducted by the person responsible for the Site Investigation Report and will include the following data as appropriate.

1. The lithology and compaction of all subsurface horizons to bedrock.

2. The depth, width, slope, and bearing of all horizons containing significant amounts of silt and clay and other subsurface layers.

3. Underlying areas of buried vegetation.

8. The Site Investigation Report shall include the following information on the proposed development as applicable. The information will be shown on the topographic map, or appropriately referenced.

1. Plans and profiles showing the position and height of each structure, paved area, and area where cut and fill is proposed for construction.

2. The percent and location of the surface of the site which will be covered by impermeable or semi-permeable surfaces, and expected drainage patterns.

3. A revegetation program to re-establish vegetation within a one-year period from issuance of a Certificate of Occupancy. The revegetation program shall be designed to return the land to a stable condition as soon as possible following construction and the period of time during which the revegetated areas will receive revegetation maintenance.

4. The time of commencement of revegetation planting. If this does not fall within the optimal revegetation period of November through April, special care of the plantings will be provided for until they are well established.

5. A statement that the site has been adequately investigated and can be safely developed in keeping with the report recommendations and that anticipated or predictable hazard events will not destroy or seriously damage the proposed structure or other proposed structures within the vicinity.

9. The Site Investigation Report is to include specific conclusions. The report and its conclusions are a technical determination made by a qualified person.

3.2.60 Planning Commission Decision.

1. The conclusions need not be accepted by the Planning Commission unless the Commission is satisfied that the development will be in the interest of public health, safety and general welfare of the community or improves safety and stability of the on- site environment consistent with the intent of this ordinance.

2. The Planning Commission may impose conditions to protect the health, safety, and welfare of those who would occupy such areas.

3. The Planning Commission will make findings based on the data in the report and sources of information and facts will be specifically referenced. The following findings shall be stated.

1. Whether the intended use of the land is or is not compatible with the conditions.

2. Any existing or potential hazards noted during the investigation.

3. The manner for achieving compliance with the ordinance and other requirements.

4. Mitigating recommendations for specific areas of concern and the degree to which they mitigate the concerns.

5. If the Planning Commission rejects the development request, the decision may be appealed to the City Council who may reverse, accept or impose additional conditions.

3.2.70 Declaration.

Once the development is completed, the engineer or geologist who provided the Site Investigation Report shall declare to the City in writing that all recommended mitigating measures were followed as stipulated in the site investigation and required by the Planning Commission and/or City Council.

Riparian Overlay (RO)

3.3.10 Purpose.

The purpose of the Riparian Overlay (RO) is to create vegetation setbacks for the purpose of preserving mature ground cover and trees, wildlife habitat, and the natural contours of identified significant stream banks to prevent or mitigate stream bank erosion, water temperature and quality, and minimize flooding.

3.3.20 Applicability.

1. Mature ground cover and trees, wildlife habitat, and the natural contours of identified significant stream banks shall be preserved for distances noted in this section, measured from the top of the stream bank. Within the required setback area there shall be no structural or physical alteration or development such as clearing, grading, parking lots, retaining walls, channel alterations, etc. from the stream bank unless, after consultation with the City public works official and the Oregon Department of Fish and Wildlife, findings are made by the Planning Commission that a proposed reduction in setback:

1. Will not have a significant adverse impact on stream bank erosion, water temperature and quality, wildlife habitat, or flood conditions; or

2. Is required for flood control, and actions are taken to mitigate such impacts; or

3. Is not in conflict with any adopted ordinances or plans of the City of Glendale.

4. Is not required for flood control and will include all actions as are necessary to prevent or sufficiently mitigate any significant stream bank erosion, adverse impact on water temperature and quality, or wildlife, and such mitigation measures meet the following criteria:

1. A mitigation plan shall be suggested or approved by the Oregon Department of Fish and Wildlife working in conjunction with the City's public works official and the applicant.

2. The mitigation plan shall be presented to the Planning Commission for their review in making their decision.

2. For purposes of this Section, the top of the stream bank shall be as determined by the City's public works official, acting with the advice of the Department of Fish and Wildlife.

3. Riparian habitat setbacks are as follows:

Riparian Habitat Setback

Residential Zones

Commercial and Industrial Zones

Cow Creek

25 feet

50 feet

Mill Creek

0

15 feet

Section Creek

0

15 feet

3.3.30 Oregon Administrative Rule 660.023.0090.

Oregon Administrative Rule 660.023.0090 establishes riparian areas adjacent to rivers, lakes, and streams consisting of the area of transition from the aquatic ecosystem to a terrestrial system. The purpose is to provide protection for identified significant natural resources as designated under Statewide Planning Goal 5. Recognizing that the provisions of this ordinance may be less than those required by OAR 660.023.0090, it is the City's intent to inventory these resources and to implement OAR 660.023.0090 in the future as funding for the carrying out the inventory and developing the standards and procedures becomes available.

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Chapter 4

CHAPTER 4 - SUPPLEMENTARY PROVISIONS

4.0.10 Access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street. All structures shall be so located on lots as to provide safe and convenient access for city services, fire protection, and required off-street parking.

4.0.20 Vision Clearance Areas.

A vision clearance area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad as follows:

1. A vision clearance area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this ordinance, 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 each is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
2. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction that impairs visibility exceeding three and one-half (3½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in the clear vision area provided all branches and foliage are removed to a height of eight (8) feet above the grade.
3. In a residential zone the minimum vision clearance distance shall be twenty (20) feet, except at intersections including an alley, the minimum vision clearance distance shall be ten (10) feet.

D. In all other zones where yards are required, the minimum vision clearance distance shall be fifteen (15) feet, excepting in the following circumstances:

1. At intersections including an alley, vision clearance distance shall be ten (10) feet.
2. When the angle of intersection between streets other than an alley is less than 30 degrees, the vision clearance distance shall be twenty-five (25) feet.

4.0.30 One- and Two-Family Dwelling Design Standards.

All single-family and two-family dwellings, including manufactured homes, shall utilize at least two of the following design features:

1. Dormers.
2. Recessed entries.
3. Cupolas.
4. Bay or bow windows.
5. Attached garage.
6. Window shutters.
7. A roof with a pitch greater than nominal 3/12.
8. Off-sets on building face or roof that are a minimum of twelve (12) inches.
9. Covered porch entry.
10. Pillars or posts.
11. Eaves that are a minimum of six (6) inches.
12. Tile, composition, or shake roof.
13. Horizontal lap siding.

4.0.40 Manufactured Homes on Individual Lots.

Manufactured Homes on individual lots are subject to all of the following design standards, consistent

with ORS 197.307:

1. Lot Slope. The portion of the lot on which the manufactured home is to be located shall not exceed a slope of 10% prior to excavation or fill on the parcel.

B. Floor Plan. The manufactured home shall be multi-sectional, and have a minimum enclosed floor area of 1,000 square feet.

3. Roof. The manufactured home shall have a roof pitch of a minimum of 14 degrees, three (3) feet in height for each twelve (12) feet in width.

4. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominate materials used on surrounding dwellings.

5. Garages and Carports. Any carport of garage shall be at least 14 x 20 feet in area, and be constructed of similar materials as that used on the exterior of the manufactured home.

F. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code.

7. Placement. The manufactured home shall be placed on firm undisturbed soil; or controlled fill OAR 918-500-005, Definitions, #2; the use of continuous ribbon footing is preferred; the unit shall not exceed more than 16 inches above a finished grade and shall comply with the minimum set-up standards of OAR 918, as amended.

H. Foundation Skirt. A manufactured home shall be enclosed at the perimeter with solid concrete, masonry, metal, or pressurized wood for a continuous skirting that, in design, color, and texture appears to be an integral part of the exterior of the manufactured home.

1. Drainage. Drains shall be provided around all concrete or masonry footings enclosing habitable or usable spaces located below grade. Drainage materials and systems shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system per applicable building standards.

10. Prohibited. A manufactured home shall not be located immediately adjacent to a resource listed on the City's historic inventory or National Historic Register. Immediately adjacent is defined as sharing a common boundary with a property or facing directly on a portion of a street.

11. Compliance with Regulations. The manufactured home shall conform in all respects to any applicable City, county, state and/or federal regulations at the time of installation.

4.0.50 Fence/Wall Construction Standards.

All fences and walls constructed after the adoption date of this ordinance shall comply with the following development standards:

1. Fences and walls within the vision clearance area shall comply with Section 4.0.20.
2. A fence or wall not within the vision clearance area may be up to six (6) feet in height without a building permit.
3. A fence or wall may exceed 6 feet in height when used to enclose a patio, swimming pool, garden supply or tool compound or similar living, recreational or storage area, or when imposed by the Planning Commission as a requirement for approval of a conditional use. Such enclosed areas or facilities shall be considered as comprising a permitted accessory use. A building permit is required to assure compliance with applicable structural standards except where uses are excluded from such permits state building codes.
4. When a sight obscuring fence, landscaping or screen is required:
 1. Such screening shall be not less than five (5) nor more than six (6) feet in height except where vision clearance is required.
 2. Screening shall be at least 80% opaque when viewed horizontally from between two and ten feet above average grade.
 3. Screen plantings shall be of such size as to provide the required degree of screening within twelve (12) months after installation.
5. No fence, wall, or hedge shall contain barbed wire, electrical current or charge of electricity, broken

glass or any other hazardous materials or devices except as approved by the Planning Commission.

6. Fences shall be subject to a site plan check by the City Manager/Recorder to assure compliance with Section 4.0.20 and 4.0.50.

4.0.60 Dual Use of Required Open Space.

No lot area, yard, or other open space or off-street parking or loading area which is required by this ordinance for one use shall be a required lot area, yard, or other open space or off-street or loading area for another use.

4.0.70 Sign Requirements.

1. No sign shall be placed in or extend over a required side yard or street right-of-way, except that in the Commercial zone, signs may project over the sidewalk area.

2. There shall be no moving or flashing signs. Light from a sign shall be directed away from a residential use or zone, and shall not be located so as to detract from a motorist's view of a traffic light.

3. In the R, C and I zones, signs shall be limited to the following types which may be directed towards each facing street or located at points of vehicular access where such access points are over 200 feet apart:

1. A name plate or sign not exceeding one and one-half (1.5) square feet in area for each dwelling.

2. A temporary non-illuminated sign not exceeding eight (8) square feet in area pertaining to the lease, rental, or sale of the property.

3. A temporary non-illuminated sign not exceeding thirty-two (32) feet advertising a new subdivision.

4. A sign not exceeding twenty-four (24) square feet in area identifying a nonresidential use such as the sale of farm produce, a golf course, or church.

5. Signs not exceeding a total area of fifty (50) square feet for each commercial establishment in a C or I zone.

4. A sign shall be removed when the circumstances leading to its erection no longer apply.

4.0.80 Off-Street Parking and Off-Street Loading Requirements.

1. General Provisions

1. At the time a new structure is erected or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas, and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this ordinance.

2. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.

3. Residential off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not further than 300 feet from the building or the use they are intended to serve, measured in a straight line from the building.

4. Requirements for buildings and uses not specifically listed within this ordinance shall be determined based upon the requirements of comparable uses listed.

5. In the event that several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of all the uses computed separately.

6. Owners of two or more uses, structures, or parcels of land may agree to utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish joint use.

7. Parking spaces in a public street, including an alley shall not be eligible as fulfilling parking requirements except as specified.

8. Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when the space is not required for parking.

2. Design and Surfacing Standards

1. Each required parking space shall be of usable shape and accessible from a public street. Where access drives are necessary, they shall be no less than eighteen (18) feet in width for non-residential and multiple family developments, and no less than nine (9) feet for residences.

2. All parking areas, except residential parking for six (6) spaces or less, shall provide a minimum width of nine (9) feet and a minimum length of eighteen (18) feet not including access driveways and turn-around areas sufficient to permit a standard automobile to be parked in and removed from the space without the necessity of moving other vehicles.

3. All areas used for parking and maneuvering of vehicles shall be surfaced with screened gravel, crushed rock at a minimum, and shall provide for suitable drainage or surface water on the site. Water shall not drain across public sidewalks.

4. If access is gained from an improved street within a commercial zone, that portion of the access in the public right of way shall be paved.

5. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high.

6. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or in any adjacent dwelling, and shall not create a hazard to the traveling public on any road.

7. Commercial or industrial parking areas shall be screened from adjacent residential districts consistent with Section 4.0.50 by means of a sight obscuring screen or fence not less than five (5) nor more than six (6) feet in height, except where vision clearance is required.

3. Loading

1. Passenger Loading. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

2. Commercial and Industrial Loading. The minimum required for commercial and industrial loading space is 250 square feet for buildings 5,000 to 20,000 square feet of gross floor area and 500 square feet for buildings 20,000 to 50,000 square feet of gross floor area.

D. Off-Street Parking Space Requirements

Use or Occupancy

Number of Spaces Required

employee = 1 full- time equivalent employee

Dwelling: single-family and two-family, child care facility for 12 or fewer children

Two spaces for each dwelling unit

Multi-family dwelling, apartment house

Three spaces per every two units

Accessory living unit/guest house

One space for the accessory living unit

Boarding or rooming house

One space per guest accommodation

Child day care facility for 13 or more children, preschool, nursery, kindergarten

In addition to the requirements per residential, one parking space is required per each non-family member employee, plus one per four children

Elementary, middle school or junior high school

One space per classroom plus one space per administrative employee; one space per four seats or eight feet of bench length in the auditorium, whichever is greater

High School

One space per classroom plus one space per administrative employee plus one space for each six students; or one space per four seats or eight feet of bench length in the main auditorium or assembly room, whichever is greater

Places of assembly, church or temple funeral home, mortuary, auditorium

One space for each four seats, or one space for each 50 square feet of floor area used for assembly, whichever is greater

Hospital, assisted living facility, long-term care, group care, residential care facility

One space for each full-time employee on the largest shift, and one space for each three beds

Lodge, fraternal organization

Parking spaces shall meet the combined requirements of uses conducted (i.e. restaurants, places of assembly, offices)

Library

One space for each 400 square feet of floor area, plus one space per every two employees; libraries with community meeting rooms shall comply with requirements for places of assembly

Retail trade establishment/repair and maintenance of small products; home or business services within an enclosed building

One space for each 300 square feet of floor area

Tourist lodging - hotel, motel, bed and breakfast facility

One space per guestroom or suite plus one space for every 25 rooms; bed and breakfast parking may be reduced by the Planning Commission if on-street parking along the subject property frontage is available - up to 50% reduction for on-street parking on both sides of the street; up to 20% reduction if on-street parking is allowed on only one side of the street

Business, governmental and professional office; financial institution; clinic; museum

One space for each 300 square feet of floor space

Eating and drinking establishment

One space for each three seats

Personal services establishment such as barber shop, beauty shop, spa, laundry and dry cleaning establishment

One space for each 150 square feet of floor area

Medical or dental office; clinic

One space per each 400 square feet of floor area, plus one space for each full-time employee

Commercial amusement establishment

Two spaces per 100 square feet plus one space per two employees

Bowling alley

Two spaces per lane

Automobile service station and repair, garage, car wash

One space per 2,000 square feet lot area

Auto, boat, trailer/manufactured home sales or service, nursery; service, repair shop or retail store handling bulky merchandise such as automobiles, furniture and building materials

One space per each 600 square feet floor area plus one space per each employee

Wholesale, trucking, warehousing, industrial

One space per every two employees plus spaces for all trucks associated with the use to be parked on the premises

Manufactured Home Park

One space per manufactured home site, plus one site for guest parking per site at a convenient location

4.0.90 Manufactured Home Park Development Standards.

This section is intended to provide additional standards for the development of manufactured home parks over and above regulations imposed by the State of Oregon, recognizing that a manufactured home park is a unique type of high density development.

1. Permitted accessory structures include, but are not limited to carports, storage lockers, cabanas, and ramadas, laundry facilities, swimming pools, recreation, management and community buildings. All accessory structures shall be of a consistent design and shall be constructed in accordance with the Oregon State Building Code.
2. The minimum area to be developed for a manufactured home park is three (3) acres.
3. The minimum area for each mobile unit is 3,600 square feet.
4. When manufactured homes within the manufactured home park are oriented with their back or side yards facing a public right-of-way, the Planning Commission may require installation of fencing and planting of a six to fifteen foot wide landscape buffer between the right-of-way and the manufactured home park for the privacy and security of residents and the aesthetics of the street scape.
5. Parking shall comply with Section 4.0.80.

6. All other development standards will be those requirements of the State of Oregon Department of Commerce, Mobile Home Division, Chapter 446.

4.0.100 Home Occupation.

The purpose of this section is to allow the operation of small commercial ventures which are appropriate in scale and impact to be operated within residences recognizing that such ventures could not necessarily be sustained in traditional commercial quarters. Home occupations are subject to the following standards:

1. Appearance

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.

3. 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.

4. The home occupation shall not violate any conditions of development approval such as a prior development permit approval.

5. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside the structure.

2. 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.

3. 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 ordinance, the "home occupation site" refers to 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 occupation site.

3. The home occupation site shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

4. Advertising and Signs

1. Signing shall comply with Section 4.0.70(A), (B), and (C)(1).

5. 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 will 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 9:00 p.m. to 8:00 a.m. daily.

3. There shall be no more than one client's or customer's vehicle at any one time, and no more than eight per day at the home occupation site.

6. Business Hours

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8:00 a.m. to 9:00 p.m. daily only subject to Section 4.0.100(A)(1) and (E).

7. Prohibited Home Occupation Uses

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor that can be detected beyond the property line is prohibited.

2. On-site retail sales shall be allowed subject to Section 4.0.100 (A) - (F).

3. Any use which provides objectionable impacts due to motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, including but not limited to ambulance service, animal hospital, veterinary services, kennels or animal boarding, and repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on site.

4. Any activity that involves sale of illegal goods or services and the conviction of such shall result in revocation of the home occupation.

8. Enforcement

1. With reasonable notice, and during normal business hours, the City Recorder and/or an official designee of the Planning Commission may visit and inspect the site of the home occupation periodically to insure compliance with all applicable regulations.

4.0.110 Uses Accessory to Residential Use.

Permitted residential accessory uses include: garages and carports; non-commercial workshops; tool, garbage and wood sheds; private tennis courts; non-commercial greenhouses or hothouses; private swimming pools; fences or walls on the rear half of the lot exceeding six (6) feet in height used to enclose a patio, swimming pool, garden supply, tool compound, or similar living, recreational or storage area as set forth in Section 4.0.50(C); and other similar accessory structures subject to the following limitations and exceptions:

1. Accessory structures shall not exceed one story in height.

2. Accessory structures shall not contain more than 600 square feet of floor space or cover more than 25% of the yard area, whichever is smaller.

4.0.120 Accessory Living Unit/Guest House.

A. Owner Occupied. An accessory living unit/guest house may be allowed only if either the primary residence or guest house is owner-occupied. A family member may be resident care-taker of the principal house and manager of the accessory living unit at the time that the guest house is constructed.

B. Ownership. An accessory living unit/guest house constructed under this section shall not be separated in ownership under the provision of ORS 94 or any other law or ordinance allowing unit ownership of a portion of a building.

C. Maximum two dwellings per Lot. A maximum of one accessory living unit/guest house is allowed per lot, and no lot or property shall contain more than one guest house.

D. Placement on Lot. An accessory living unit/guest house shall be attached to the primary residence, and shall meet all setbacks of the zone. A covered walkway which contains no habitable space may be used to connect the two buildings.

E. Parking. One additional parking space is required to accommodate the accessory living unit/guest house as per Section 4.0.80(D).

F. Zone Standards. All other standards of the zone shall apply.

G. Design. An accessory living unit or guest house must be residential in character and constructed of materials similar to that of the primary residence.

8. Oregon State Building Code and DEQ. The guest house shall be subject to the Oregon State Building Code and applicable DEQ regulations.

4.0.130 Provision of Sewer and Water.

Sewer and water within all districts shall be provided by the City of Glendale, and distribution systems shall be built to City and State specifications.

4.0.140 Sewer and Water Line Hookups.

A. Sewer Line Hookups

Sewer lines shall be installed to City standards to connect sites for new development to existing mains. In areas where a sewer main is not adjacent to the individual lot that is proposed to be developed, the developer will pay the cost of extending the main line to the parameter of the lot. At the request of the developer, the City shall consider sharing in the cost of the main line extension, but the City is under no obligation to participate.

2. Water Line Hookups

Adequate water lines shall be installed to City standards to connect sites for new development to existing mains. In areas where a water main is not adjacent to the individual lot that is proposed to be developed, the developer will pay the cost of extending the main to the parameter of the lot. At the request of the developer, the City shall consider sharing in the cost of the main line extension, but the City is under no obligation to participate.

4.0.150 Multi-family Dwelling, Long Term Care Facility, Assisted Living Facility

A. The facility shall comply with all requirements of the zone, including but not limited to, signs, height, setbacks, area, fencing and vision clearance, and with this section, except that where more stringent standards are stated within this ordinance, the more stringent standards shall apply.

2. Lot coverage shall be determined after subtracting any required dedication of street right-of-way and other land for public purposes.

14. A minimum of 15% - 20% of the site area shall be designated and permanently reserved as usable common open space. 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. Wetlands, steep slope lands, other natural resource lands designated by the Comprehensive Plan may be counted toward meeting the common open space requirements. Exemptions to common open space requirements may be granted for facilities having less than 20 units.

15. Trash receptacles shall be oriented away from adjacent residences, and shall be screened with an evergreen hedge or a solid fence or wall of 6 feet in height with landscaping on both sides.

16. Sidewalks shall be provided within the development, to the front entrance and to other entrances that will be utilized by the general public.

17. A landscaping plan shall be submitted for Planning Commission Review.

18. Parking shall comply with Section 4.0.80.

19. In approving the conditional use, the Planning Commission may impose additional standards and requirements as set forth in Chapter 5 in order to assure compatibility of the development.

20. A multi-family dwelling or long-term care facility may be developed subject to Planned Unit Development standards of the Glendale Subdivision Ordinance, provided that the size of the site per the number of units complies with this ordinance. In such cases, Planned Unit Development standards shall take precedence over standards provided within this section.

4.0.160 Cemeteries/Interment Facilities.

1. No above ground structure such as a building monument, headstone, or grave marker shall be within 100 feet of any property line within a residential zone.

2. No interment facility shall located be within fifty (50) feet of a property line within a residential zone.

4.0.170 Accessory Structures.

1. An accessory structure shall not be allowed prior to or in the absence of a primary use.

2. An accessory structure shall not be placed over an easement that prohibits such placement, and no structure shall encroach into the public right-of-way.

3. 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.

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Chapter 5

CHAPTER 5 - CONDITIONAL USE PERMIT/VARIANCE/SITE PLAN

Conditional Use Permit

5.0.10 Conditional Use.

Conditional uses are designated within the land use districts in Chapter 2. A conditional use shall be permitted, altered, enlarged, or denied in accordance with the standards and procedures of this chapter.

1. In the case of an existing development where an alteration of use is classified as a conditional use, the change in use shall conform to the requirements for a conditional use whether or not there is structural change or new construction.

B. In the case of a conditional use existing prior to the effective date of this ordinance, any expansion of significant elements of the site plan shall conform with the requirements of this chapter.

5.0.20 Authorization to Grant a Conditional Use Permit.

Before a new conditional use or a modification of an existing conditional use is allowed, the Planning Commission shall conduct a public hearing on the application for the conditional use permit. Notice and conduct of hearing shall be in accordance with Chapter 8 of this ordinance. The Planning Commission is authorized to conduct a site review in order to be informed about any proposed or existing conditional use permit, recognizing that a group site review is subject to public meetings notice, and minutes shall be maintained.

1. In approving or altering a conditional use, the Planning Commission shall establish findings based on

the criteria set forth in Sections 5.030 and 5.040 of this ordinance.

B. The Planning Commission as a condition of approval may impose any or all of those conditions set forth in Sections 5.040 which it finds necessary to carry out the purposes of this ordinance, the Comprehensive Plan and other applicable policies of the City.

3. In the matter of a residential care facility or residential care home as defined within this ordinance, the approval or denial of the conditional use permit shall be within 90 days after the application is determined to be complete. The application shall also be accompanied by a copy of the completed state licensing application.

5.0.30 Criteria for Conditional Use Permit Approval.

A conditional use permit may be granted only when the following criteria have been deemed to be met, deemed by the Planning Commission to be not applicable, or can be met by complying with conditions required by the Planning Commission. The approval or denial shall be accompanied by a statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the applicable criteria, standards and facts.

1. The proposal will be consistent with the Comprehensive Plan and the objectives of this ordinance and with other applicable policies of the City.

B. The property in question is reasonably suited for the use requested in regards to location, topography and other physical features, safe and efficient access, adequate area to provide for off-street parking and loading, and available utilities and services.

5.0.40 Supplemental Approval Criteria.

In addition to the criteria for conditional use permit approval set forth in Section 5.0.30, the following additional elements shall be considered, and requirements to deal with such elements may be attached to any approval to assure that the development avoids detrimental impacts and protects the best interests of the surrounding properties and the community as a whole. It is recognized that all of the following considerations will not likely be applicable to any specific proposal.

1. Limit, or otherwise designate, the number, size, location, height and lighting of signs.

- B. Limit the time a certain activity may take place, and/or require restraints to minimize such environmental effects as noise, air pollution emissions, odor, vibration, dust, glare, heat, fire hazards, wastes, traffic generation and visual impact.

- 3. Limit the location and intensity of outdoor lighting and require shielding of outdoor lighting from neighboring residential properties.

- 4. Limit the height of a building or other structure or the location of mechanical roof facilities to protect view privacy or access to sunlight of neighboring properties.

- E. Require sidewalks to be installed.

- 6. Require diking, berming, screening, fencing or landscaping to protect adjacent or nearby property, and designate standards for its size, height, installation and maintenance.

- G. Establish a special yard or other open space dimension to serve as a buffer.

- 8. Impose measures to ensure protection, preservation or enhancement of existing trees over twelve inches in diameter as measured with calipers, riparian vegetation, water or other significant natural resources, and wildlife habitat; require a revegetation program where appropriate.

- 1. Designate the size, location, screening, drainage, surfacing or other improvements within the street right-of-way in accordance with street standards.

- J. Designate the size, number, location and nature of vehicle access points including requiring the combining of accesses into commercial and industrial development.

- K. Limit or prohibit direct residential access onto arterial and collector streets.

- 12. Consider the development on the property in relation to existing and planned streets for the City of Glendale.

5.0.50 Application and Hearing Procedure.

A request for a conditional use permit in the City of Glendale will follow the procedure specified:

A. A property owner may initiate a request for a conditional use by filing an application with the City Manager/Recorder, using forms provided by the City and upon payment of the filing fee as adopted by resolution of the City Council. The application shall include a site plan drawn to scale, showing the north point, all existing and proposed building setbacks, existing and proposed buildings and distances between buildings, natural features such as marshes, woodland areas, steep slopes and wetlands, lot dimensions, easements, existing and proposed fences, vehicular access points, streets bordering the property, adjacent property uses, and a narrative describing the proposed use and how it meets the criteria in Section 5.0.30 and deals with the considerations set forth in Section 5.0.40.

2. The City Manager/Recorder shall review the application for completeness and accuracy in accordance with Section 8.0.50. Additional information and drawings may be required if the City Manager/Recorder determines they are necessary for an understanding of the proposed request and its relationship to the surrounding properties.

C. Upon receipt of all information, and the fee, and after the check for completeness, the City Manager/Recorder shall set the date of the Planning Commission hearing to be not more than 45 days following receipt of the completed application.

4. The City Planning Commission shall hold a public hearing on the advertised date and shall hear all evidence for and against the requested conditional use. The Planning Commission shall make a decision and state all facts and findings that support their decision. Facts and findings supporting the decision shall be recorded in the minutes of the meeting.

5. The minutes of the meeting or a prepared notice of the decision shall be forwarded to the applicant and to the City Council.

5.0.60 Time Limit on Conditional Use Permit.

Authorization of a Conditional Use Permit shall be void after six months unless the use requested has commenced operation or unless substantial construction pursuant thereto has taken place, However, the applicant may request an extension of time for an additional six months if it can be shown in writing that

sufficient circumstances exist that would cause delay of the project. The Planning Commission will review this request at a regular meeting and grant or deny the extension based upon the facts presented.

Variance

5.1.10 Variance.

A variance is an authorized relaxation of the terms of this ordinance where such variance will not be contrary to the public interest, and where conditions exist which are peculiar to the property and which are not the result of the actions of the applicant.

5.1.20 Authorization to Grant a Variance.

A variance may be authorized only from the requirements for off-street parking and loading, building height, lot area, lot coverage, size or yards and open spaces. The Planning Commission may authorize a variance from a specified provision of this ordinance upon finding that strict application of the requirement would render the parcel incapable of reasonable economic use. The authority to grant a variance does not include authority to approve a development that is designed, arranged, or intended for a use not otherwise permitted in the zone.

1. The Planning Commission shall conduct a public hearing on each application for a variance. Notice and conduct of the hearing shall be in accordance with Chapter 8 of this ordinance. In granting a variance, the Planning Commission shall establish findings based on the criteria set forth in Section 5.1.30.

B. The Planning Commission may conduct a site review recognizing that a group site review is subject to public meetings notice, and minutes shall be maintained. In granting a variance the Planning Commission may impose those conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the objectives and purposes of the Comprehensive Plan, this ordinance and other applicable policies of the City.

5.1.30 Criteria for Variance Approval.

A variance may be granted only in the event that all of the following circumstances exist. Approval or denial shall be accompanied by a statement of findings that explain the criteria and standards considered relevant to the decision, state the facts relied upon in rendering the decision, and explain the

justification for the decisions based on the applicable criteria, standards and facts.

1. Special circumstances or conditions apply to the property that do not apply to other property in the same zone or vicinity and result from lot size or shape (legally existing prior to the date of this ordinance) topography, or other circumstances over which the applicant has no control.
2. 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. The variance would not be materially detrimental to the purpose of the ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan or this ordinance.

5.1.40 Application and Hearing Procedure.

A request for a variance in the City of Glendale will follow the procedure specified below:

1. A property owner shall initiate a request for a variance by filing an application with the City Manager/Recorder, using forms provided by the City and upon payment of a filing fee as adopted by resolution of the City Council. The application shall include a site plan drawn to scale, showing the north point, all existing and proposed building setbacks, existing and proposed buildings and distances between buildings, natural features such as marshes, woodland areas, steep slopes and wetlands, lot dimensions, easements, existing and proposed fences, vehicular access points, streets bordering the property, adjacent property uses, and with a narrative describing the proposed use and how it meets the criteria set forth in Section 5.1.30.

4. The City Manager/Recorder shall review the application for completeness in accordance with Section 5.1.40(A). Additional information and drawings may be required if the City Manager/Recorder determines they are necessary for an understanding of the proposed use and its relationship to the surrounding properties.

C. Upon receipt of all information, and the fee, and after the check for completeness, the City Manager/Recorder shall act upon the application by setting the date of the Planning Commission hearing to be not more than 45 days following the receipt of the completed application.

4. The City Planning Commission shall hold a public hearing on the advertised date and shall hear all evidence for and against the requested variance. The Planning Commission shall state facts and findings in support of their decision, and these facts and findings shall be recorded in the minutes.

5. The minutes of the meeting or a prepared notice of the decision shall be forwarded to the applicant and to the City Council.

5.1.50 Time Limit on a Variance Approval.

Authorization of a variance shall be void after six months unless substantial construction pursuant thereto has taken place. However, the applicant may request an extension of time for an additional six months if it can be shown in writing that sufficient circumstances exist that would cause delay of the project. The Planning Commission will review this request at a regular meeting and grant or deny the extension based upon the facts presented.

Site Plan Application

5.2.10 Site Plan Submission Requirements.

Applications for Planning Commission Site Plan Review shall include the following:

6. Written Information.

1. An explanation of the existing and proposed uses of the property, including an explanation of the character of the proposed development and the manner in which it has been designed, and the rationale behind the assumptions and choices made by the applicant.
2. A legal description of the total site proposed for development, including proof that the applicant owns all property to be included in the development.
3. A description of the property by Township, Range, Section and Tax Lot numbers.
4. A statement of the applicant's intention with regard to the future deeding, selling, leasing or renting of all or portions of the property.
5. A discussion of how the criteria of Sections 5.0.30 and 5.0.40 have been applied; in the case of a planned unit development, the criteria of Section 10.0.40 shall also be addressed .
6. A development schedule indicating the approximate date when construction will begin, and any proposed phased stages are expected to begin and be completed, along with a request for the City's approval of specific actions that will be necessary to carry out the phased development.

7. An explanation of the number of housing units that will be accommodated, and an analysis of the density in relation to the lot size requirements of the underlying zone.

1. Total number and type of dwelling units to be accommodated.

2. Gross and net residential densities.

8. Total amount of nonresidential construction.

9. Lot coverage of buildings and structures.

10. A detailed statement of the economics of any housing type that is being provided, along with supporting data.

11. Proposals for maintaining any common open areas, buildings, facilities and private streets or jointly held properties through a homeowner's association or association of unit owners subject to the requirements of the Real Estate Commissioner of the State of Oregon, including declarations indicating the short- and long-term rights and responsibilities of the residents and developer for construction and maintenance of open space, common areas and facilities, and for building maintenance.

12. Copies of any engineering or geologists reports required by overlay zones.

13. Proposed deed restrictions.

14. Copies of requests, and any responses that have been received regarding the capacity for city water and sewer, and requests for utilities.

15. Copies of any requests to the State Health Division in regards to certification for a wastewater collection system.

B. Site Plan Map.

The applicant shall submit plans and accompanying documents containing the following information:

1. Location of the parcel by township, range, section and quarter section.

2. The names and addresses of the owner and the person preparing the map.

3. North point and scale with all pertinent information on standard size sheets 18 inches by 27 inches at a scale of one inch equals 100 feet. The scale may be increased or decreased if necessary to fit the drawing to the required size of 18 inches x 27 inches, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten of any one of these scales.

4. Date submitted.

5. Names and locations of any existing streets intersecting or within the parcel.
6. Existing tax lots and general uses of the property proposed for the development, along with the zoning, including any applicable overlay zones.
7. The present ownership of all the adjacent lands by tax lots with uses such as industrial, commercial and residential identified, zoning classifications identified, overlay zones, circulation systems and public facilities.
8. Existing site conditions including:
 1. Contours at two-foot intervals.
 2. Existing drainage and future drainage plans
 3. Watercourses.
 4. Any applicable overlay zone requirements.
 5. Unique natural features.
 6. Existing vegetation types.
 7. A plan showing which features and vegetation will remain and which is proposed to be removed.
 8. Easements provided for public services or utilities, and any limitations of the easements.
 9. Proposed grading plan.
 9. Proposed land uses.
 1. Building, locations and setbacks.
 2. Proposed uses such as commercial, industrial, and residential with proposed densities.
 3. Maximum building heights.
 4. Sketches of typical structures and improvements including exterior finishes and materials.
10. The location and size in acres or square feet, of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, or similar public and semipublic areas, and proposed land divisions or future ownerships, if any.
11. The existing and proposed circulation system including notation of proposed ownership (public or private) of local and collector streets including:
 1. Off-street parking areas.
 - b. Service areas.
 - c. Loading areas.
 4. Adjacent streets and points of access to public right-of ways.

5. Pedestrian circulation system and interrelationships with the vehicular circulation system including any possible points of conflict and proposed treatments.
6. Bicycle circulation system.
12. Existing and proposed utility systems including but not limited to:
 1. Distribution system for sanitary sewer service.
 2. Storm sewers and storm drainage system.
 3. Distribution system for domestic water.
 4. Fire protection system.
 5. Location of underground electric, television and telephone lines.
13. A general landscape plan indicating the treatment and materials to be used for private and common open space.
14. A legal boundary survey prepared by a professional land surveyor registered in the State of Oregon with a tie to a section corner, quarter corner, donation land claim corner, parcel corner of a recorded partition or lot corner of a recorded subdivision.
15. The proposed treatment of the perimeter of the development, including screens, fences or walls.
16. Site plan maps depicting any proposed phasing of the development.

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Chapter 6

CHAPTER 6 - TEMPORARY PERMIT

6.0.10 Purpose of Temporary Permit.

It is recognized that there are a variety of uses which are of short term or seasonal nature, and do not require site improvements, though consideration of impacts upon neighboring properties, public safety, and the general welfare of the City are of the highest priority. This chapter establishes specific uses which are deemed to be suitable temporary uses of land and structures within the zoning districts of the City of Glendale.

6.0.20 Temporary Use.

Temporary use may include, but not be 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.

6.0.30 Authorization to Grant a Temporary Permit.

1. The City Manager/Recorder may on his/her own authority issue permits for the following:

1. Enclosures and buildings for the storage of equipment during the building of roads, structures and other development.

2. Auxiliary real estate office used for the sale of lots or houses in subdivisions.

3. Signs advertising a subdivision or tract of land or the lots therein.
 4. Contractor's job shed used in conjunction with the building of a structure, road, and similar projects.
 5. Temporary carnivals and fairs which do not create adverse off-site impacts due to vehicle traffic, ingress and egress, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which is more intense than other uses allowed outright in the district
 6. Parking lot sales, Christmas tree sales and vegetable stands which do not cause safety concerns due to ingress and egress.
 7. Retail warehouse sales.
 8. A recreational vehicle as a temporary office area for a permitted commercial or industrial use when separated by a minimum of twenty (20) feet from any permanent structure.
 9. A recreational vehicle as a temporary residence during the construction of a permanent dwelling provided that a building permit has been issued for the permanent dwelling.
 10. A recreational vehicle as a temporary office area for a permitted commercial or industrial use when separated by a minimum of twenty (20) feet from any permanent structure and when placed in accordance with the applicable criteria.
2. The Planning Commission may issue a permit for all other requests of a temporary nature such as portable sawmills, rock crushers and asphalt batch plants.
 3. The City Manager/Recorder or the Planning Commission may refer any decision to the City Council.
 4. Decisions of the City Manager/Recorder may be appealed to the Planning Commission.
 5. Decisions of the Planning Commission may be appealed to the City Council.
- 6.0.40 Criteria for Issuing Temporary Permit.

1. Temporary permits may only be issued for structures or uses which are of a temporary nature.
2. The proposal shall be reviewed for impact on the surrounding area and adjacent properties.
3. Disposal of wastewater and trash removal shall be addressed.
4. External electrical services shall be addressed.
5. Water hookups shall be approved by the City.
6. Any conditions deemed to be necessary and reasonable for the protection and preservation of property rights and values of adjacent properties may be required.
7. A date for removal of the temporary use shall be assigned at the time that the temporary permit is issued.
8. A bond for removal and cleanup shall be issued by the applicant.

6.0.50 Application Procedure.

A request for a temporary permit shall be initiated by a property owner or his authorized agent by filing an application with the City Recorder prescribed pursuant to Sections 8.0.50 and 8.0.60. The application shall include sufficient information to aid in the understanding the nature and duration of the proposed use and its relationship to the surrounding properties. An application for temporary uses regulated by Chapter 6 shall be accompanied by the filing fee as adopted by resolution of the City Council, which is not refundable.

6.0.60 Time Limit on Permit.

Temporary permits shall be issued for a specific period of time not to exceed one year. A temporary permit renewal shall be processed as a new application in accordance with the procedures outlined within this chapter. An application for renewal of a temporary permit shall be submitted sixty days prior to expiration of the existing temporary permit.

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Chapter 7

CHAPTER 7- NONCONFORMING USES AND EXCEPTIONS

7.0.10 Purpose.

It is the purpose of this chapter to provide for the regulation of legally nonconforming structures, lots of record, uses, and signs, and to specify those circumstances under which such non-conformities shall be permitted to continue.

7.0.20 Continuance of a Nonconforming Use or Structure.

A nonconforming use or structure may be continued and the extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance, is not considered enlargement or expansion of a nonconforming use under of this ordinance.

7.0.30 Enlargement or Expansion of a Nonconforming Use.

A nonconforming use may be enlarged or expanded under the following conditions:

1. As set forth in Section 7.0.20.
2. A nonconforming use may be altered or expanded if the alteration or expansion does not deviate further from the standards of this ordinance.
3. Except in the C zone, a nonconforming structure may be expanded to encompass a larger footprint

provided that the expanded footprint does not exceed 15% of the size of the nonconforming structure's existing footprint as defined by the County Assessor, or over 15% of the assessed value of the existing structure.

7.0.40 Discontinuance or Change of a Nonconforming Use.

A nonconforming use of land, building, or structure is subject to the following conditions:

1. When a nonconforming use has been discontinued for a period of twelve (12) months, it shall be terminated.

B. When the structure which is nonconforming has been destroyed to an extent exceeding 50% of the assessed value as determined by the County Assessor for the year in which the damage or destruction occurred, the structure may be rebuilt provided that there is a site plan review carried out under Section 5.0.50 Application and Hearing Procedure for a conditional use permit, but shall not be subject to site plan requirements set forth in Section 5.2.10 . The Planning Commission may place specific conditions upon the development using the criteria set forth in Section 5.0.40 (A - L).

2. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this ordinance unless the Planning Commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one that is replaced. In such cases, the use shall be processed as a conditional use by the Planning Commission subject to Chapter 5.

7.0.50 Completion of a Nonconforming Structure.

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time the building permit is issued.

7.0.60 Nonconforming Lot of Record.

In any zone in which a single lot of record may exist at the time of the passage of this ordinance, that lot may be built upon even though that area requirements may be less than specified for the zone that it is in. All of the zone's yard and setback requirements shall apply. Variances from yard requirements are

subject to Chapter 5 of this ordinance.

7.0.70 Exceptions for Building Projections.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than eighteen (18) inches into a required yard.

7.0.80 Exceptions to Height Regulations.

The height limitations contained in the district/zone regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances measuring less than six (6) feet in any horizontal dimension which are not intended for human occupancy and which are usually required to be placed above the roof level.

7.0.90 General Exceptions to Yard Requirements.

The required front yard for a dwelling on a lot in any zone need not exceed the average depth of the nearest front yards of dwellings within 100 feet on both sides of the proposed dwelling except that vision clearance requirements set forth in Section 4.0.20 shall be met.

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City of Glendale, Oregon - Our little site on the web -

Chapter 8

CHAPTER 8 - ADMINISTRATIVE PROVISIONS AND AMENDMENTS

8.0.10 Purpose.

The purpose of this chapter is to provide mechanisms for gathering facts and assuring that all interests are represented and to comply with state law in the land use decision-making process. The City of Glendale is establishing standard notification and public hearing procedures that will enable the City, the applicant, and the public to participate in a timely and effective manner.

8.0.20 Administration.

The City Manager/Recorder shall serve as the designee of the City Council and Planning Commission with the power and duty to enforce the provisions of this ordinance.

1. When authorized in compliance with the provisions of this ordinance, the City Manager/Recorder may authorize permits without public notice and without a public hearing.

B. Conditional Use Permits and Variances are quasi-judicial decisions that are made by the Planning Commission following public notice and a public hearing.

C. Partitions and subdivision shall be processed as quasi-judicial actions.

D. Site plan review applications submitted under Section 5.2.10 and Chapter 10 shall be processed as quasi-judicial actions.

E. Quasi-judicial amendments to the text of this ordinance and to the zoning map are made by the Planning Commission, following public notice and a public hearing before the Planning Commission.

F. Legislative land use amendments which involve the creation, revision, or large-scale implementation of public policy including the adoption of land use regulations, Glendale Zoning Ordinance text or map amendments, and Comprehensive Plan amendments are considered initially by the Planning Commission who shall provide a recommendation following public notice and a public hearing, with a second public hearing held by the City Council who makes the final decision.

G. All amendments to the Comprehensive Plan, the City of Glendale Zoning Ordinance text or to the official zoning map adopted by the City shall be by ordinance (ORS 227.)

8.0.30 Authorization to Initiate Amendments to Zoning Ordinance and Zoning Map.

An amendment to the text of this ordinance or to the zoning map may be initiated by the City Council, the Planning Commission, by application of a single property owner as per Section 8.0.50(A), or by a number of property owners in the affected area as per Section 8.0.50(G).

8.0.40 Consolidated Application Procedure.

If a proposed development requires more than one application for a permit or zone change, the applicant may choose to apply for all necessary applications at the same time. In this case, the Planning Commission shall consolidate its review of all necessary applications, including any reviews which are to be carried out by the City Council. This consolidated application procedure shall be subject to the requirements of this chapter and ORS 227. Hearings shall comply with this chapter and ORS 197.

8.0.50 Applications.

A. In general, only the owner or the authorized agent of a subject property may apply for a decision by the Planning Commission under the provisions of this ordinance. An individual who has entered into an earnest money agreement to buy a property is considered to have an ownership interest for the purposes of this ordinance.

B. All applications under this ordinance shall be submitted on forms provided by the City.

3. Applications and accompanying petitions shall be reviewed by the City to determine if the application is complete, including required drawings and specifications, plans, forms, statements, signatures, fees, and a narrative that explains how the application satisfies all the relevant criteria in sufficient detail for review and decision-making

D. If the application is incomplete, the City shall provide notice to the applicant disclosing specifically what information, forms or fees are lacking within 30 days of the date that the application was received. If the applicant refuses to submit the missing information, the application shall be deemed incomplete on the 31st day after the application was received, and may be considered withdrawn and returned to the applicant.

5. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

F. When the application is complete with all the evidence to be relied upon submitted by the applicant along with the required fees, the date of the public hearing shall be set and advertised, taking into consideration the time required for proper notice of such hearings in accordance with provisions of this chapter.

G. If an area for which a change in zone is requested is divided by more than one ownership, at least fifty-one percent (51%) of the property owners or their authorized agents shall join in filing the application. This may be in the form of a petition submitted with the application.

8.0.60 Fees and Professional Expense.

A. Except when proceedings are initiated by the City Planning Commission or City Council, a property owner or authorized agent shall deposit with the City Manager/Recorder, an initial fee to cover the cost of publishing and mailing the notices of the hearing and other expense for processing the application. Said amount shall be held by the City Manager/Recorder until actual fees, costs and expenses including the time and expense for research and preparation of materials for Planning Commission and/or City Council review are determined. In the event that the amount deposited is in excess of the actual fees, costs, and expenses for processing the application, then the City Manager/Recorder shall return to the applicant such excess; but if said actual costs are in excess of the amount deposited, then the City

Manager/Recorder shall notify the applicant and require payment to the City of such excess. When the entire amount of fees, costs and expenses have been ascertained and collected, the amount thereof shall be paid into the City treasury.

2. Initial Fee to be Deposited

1. Zone Text or Zone Map Amendment As set by resolution of City Council.
2. Conditional Use Permit As set by resolution of City Council.
3. Variance As set by resolution of City Council.
4. Appeal to the City Council As set by resolution of City Council.
5. Comprehensive Plan Amendment As set by resolution of City Council.
6. Fence Review As set by resolution of City Council.
7. Temporary Permit As set by resolution of City Council.
8. Vacation As set by resolution of City Council.
9. Partition As set by resolution of City Council
10. Subdivision As set by resolution of City Council
11. Site Plan Review for Planned Unit
Development, Condominium , and
Planned Community and
Manufactured Home Park As set by resolution of City Council
12. Lot Line Adjustment As set by resolution of City Council
13. Annexation As set by resolution of City Council
14. Inspections As set by resolution of City Council

C. When a consolidated application or other filing is made with the City which does not have a fee specified by resolution, the City Manager/Recorder shall combine the fees of all land use actions that are encompassed within the application.

8.0.70 Notice Procedures for Quasi-Judicial Hearings.

For quasi-judicial land use actions, including but not limited to zone text or map amendments which are not determined to apply broadly, Conditional Use Permits and Variances, the following shall apply as set forth in ORS 197.

A. The Planning Commission shall conduct a public hearing on each complete application when the property that is the subject of the notice is within the City, or wholly or in part within the Urban Growth Boundary, to be not more than 45 days following receipt of the completed application.

2. Each notice of a public hearing shall be published once in a newspaper of general circulation in the City at least 10 days prior to the date of the hearing.

C. Notice of public hearings shall be mailed by first class mail to the following at least 20 days prior to the date of the hearing if there is to be one public hearing or at least 10 days before the first hearing when a second hearing is being held before the Planning Commission or the City Council:

1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application.

2. The owners of record on the most recent property tax assessment roll of property which is located within 250 feet of the property for which the proceedings are being held.

3. Any neighborhood association whose boundaries include the site.

4. Any governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice, or who is otherwise entitled to such notice.

5. The Department of Land Conservation and Development at the discretion of the applicant.

6. In the case of an appeal, any person who submits a written request to receive notice or the appellant and all persons who provided testimony

7. For a land use district change affecting a manufactured or mobile home park, all mailing addresses within the park (ORS 227).

DD. The newspaper notice as referenced in Section 8.0.70(B), and the mailed notice as referenced in

Section 8.0.70(C) shall include the following information:

1. The name of the applicant.
2. The date, time and location of the hearing.
3. A description of the location of the property for which a permit or other land use action is pending, including the street address and the subdivision lot and block designation, or tax lot number.
4. A concise description of the nature of the proposed development action, and of the uses that could be authorized.
5. A reference to the applicable Comprehensive Plan and Zoning Ordinance criteria which apply to the proposal, and the uses that could be authorized.
6. A statement that failure to raise an issue in person or by letter, or failure to provide sufficient specificity to allow the decision-maker an opportunity to respond to the issue not later than the close of the record at or following the final evidentiary hearing precludes appeal to the Land Use Board of Appeals based upon that issue.
7. A statement describing where the complete application criteria and other relevant information is available for review, and how written comments may be submitted.
8. A statement that the staff report to be used at the hearing will be available at least seven days prior to the hearing, and that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost at least seven days prior to the hearing, and that copies can be provided at reasonable cost.
9. The phone number of the City and the person designated to provide more information to interested parties.
10. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
11. A statement that any staff report used at the hearing shall be available at least seven days prior to the hearing and shall be available for review at no cost, and available for purchase at a reasonable cost.

8.0.80 Public Hearing Procedures for Quasi-Judicial Hearings.

A. All documents or evidence relied upon by the applicant shall be submitted to the City, and shall be made available to the public.

2. Any staff report used at the hearing shall be available at least seven days prior to the hearing.

3. At the commencement of a hearing, a statement shall be made which lists the applicable criteria for the decision, states that evidence and testimony must be directed toward such criteria or other criteria in the Comprehensive Plan and Zoning and Subdivision Ordinance which the person believes to apply to the decision, and states that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based upon that issue. The Planning Commission Chair shall poll the Planning Commission relative to ex parte contact, pre-hearing bias, or other factors which would preclude an individual decision maker from making an impartial decision.

3. Prior to the conclusion of the initial hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. Any hearing may be continued by oral pronouncement prior to the close of the hearing, and such announcement shall serve as sufficient notice to applicants, adverse parties, and interested persons without recourse to the form and manner of the public notice as provided in this section. The time, date, and location of any continued meeting shall be clearly specified in the oral pronouncement. The Planning Commission shall continue the hearing as set forth in ORS 197 to be held at a stated date, time and place at least seven days from the date of the initial hearing, or leave the record open for seven (7) days to allow for additional written evidence or testimony or to allow for responding to the new written evidence. Such continuance shall not be subject to the limitations of ORS 227.

4. When a quasi-judicial proceedings record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

5. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. The Commission shall set forth in the record the facts which it has found to be evidence in supporting its conclusions. These conclusions shall include, but not be limited to the requirements of the Zoning and Subdivision Ordinance and the Comprehensive Plan.

6. For each mailing of notice, the City Manager/Recorder shall file an affidavit of mailing in the record. The failure of a person to receive the notice provided pursuant to this section shall not invalidate the proceedings of the hearing if the City can demonstrate by affidavit that the required notice was given.

4. The failure of a property owner to receive notice shall not invalidate proceedings if the City can demonstrate by affidavit that notice was given as set forth in Section 8.0.70 (G) and ORS 197.

8.0.90 Burden of Proof.

The burden of proof is upon the proponent. The more drastic the change or the impact of the proposal, the greater is the burden of the proponent. Such burden shall be to prove that the public interest is best carried out by approving the application for the proposed action, and that the application complies with more specific criteria which may be stated within this ordinance.

8.0.100 Notice Procedures for Legislative Hearings.

A. Notice of the proposed amendment shall be provided to the Department of Land Conservation and Development 45 days before the initial hearing, and also to other affected local, state and federal agencies. If the City of Glendale determines that there are emergency circumstances requiring expedited review, the City may submit the amendment or new regulation with less than the 45 days' notice. The proposal forwarded shall contain the text and any supplemental information that the City believes is necessary to inform the Department of Land Conservation and Development as to the effect of the proposal (ORS 197).

2. When the City of Glendale determines that the Statewide Planning Goals do not apply to a particular proposed amendment or new regulation, notice under 8.0.100(A) is not required (ORS 197).

3. A copy of the adopted text of any new amendment to the Comprehensive Plan or land use regulation, together with the findings adopted by the City of Glendale shall be submitted to the Department of Land Conservation and Development not later than five working days after the final decision by the City. If the proposed amendment has been substantially amended from that initially sent to the Department of Land Conservation and Development under Section 8.0.100(A), the City shall specify the changes that have been made (ORS 197).

D. Not later than five working days after the final decision, the City of Glendale shall mail or otherwise submit notices to persons who participated in the proceedings leading to the adoption of the amendment and/or requested the City of Glendale in writing that they be given such notice. Such notice shall describe briefly the action taken by the City, state the date of the decision, list the place where and the

time when the amendment and findings may be reviewed, and explain the requirements for appealing the action of the City of Glendale under ORS 197.830 to 197.845, and list the locations where the Comprehensive Plan or land use regulation amendment or new land use regulation may be reviewed.

5. Each notice of a public hearing regarding the amendment shall be published at least two times in a newspaper of general circulation in the City during the three weeks just before the final hearing. For each published notice the City Manager/Recorder shall file an affidavit of publication in the newspaper.

6. Mailed and published notices shall include the following information:

1. The address and telephone number of the City office where additional information about the application can be obtained.

2. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area and enough detail for people to determine the change that is proposed.

3. The time(s), place(s) and date(s) and title of the public hearings(s), a statement that public oral or written testimony is invited; and a statement of the rules of the public hearing.

4. The following statement: "Notice to mortgagee, lien holder, vendor or seller: The City of Glendale Zoning Ordinance requires that if you receive this notice, it shall be promptly forwarded to the purchaser."

7. At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof, or to adopt a new Comprehensive Plan, or an ordinance that proposes to rezone property that changes the base zoning classification of the property; or adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone, the City shall cause a written individual notice of a land use change to be mailed to:

1. Each owner whose property would have to be rezoned in order to comply with the amended or new Comprehensive Plan if the ordinance becomes effective. The individual notice of the proposed land use change shall describe in detail how the proposed ordinance would affect the use of the property (ORS 227) utilizing the wording provided in Section 8.0.100(H) and (I).

2. Any affected governmental agency and all owners of airports in accordance with ORS 227.

3. Recognized neighborhood groups or associations affected by the ordinance.

4. Any person who requests notice in writing.

5. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.

8. Individual notices of land use changes shall contain substantially the following language

in boldfaced type extending from the left-hand margin to the right-hand margin across the top of the face page of the notice (ORS 227): This is to notify you that the City of Glendale has proposed a land use regulation that will affect the permissible uses of your land.

9. Individual notices of land use changes shall contain substantially the following language in the body of the notice (ORS 227) as follows:

On (date of public hearing), the City of Glendale will hold a public hearing regarding the adoption of Ordinance Number _____. The City of Glendale has determined that adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

Ordinance Number _____ is available for inspection at the Glendale City Hall located at _____. A copy of Ordinance Number _____ is available for purchase at a cost of _____.

For additional information concerning Ordinance Number _____, you may call the City Planning Department at _____.

J. Notice provided under this section may be included with the tax statement required under ORS 311, or at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under Section 8.0.100 (G), (1 - 5).

11. Section 8.0.100, (H - J) do not apply to legislative acts resulting from action of the Oregon State Legislature or resulting from a court of competent jurisdiction.

12. Section 8.0.100, (H - J) do not apply to Periodic Review under ORS 197. Periodic Review notice provisions are described within ORS 227, and are not described within this ordinance.

13. Notice provided under Section 8.0.100(G) is applicable when the base zoning classification of

property is changed, or when an ordinance is adopted or amended in a manner that limits or prohibits land uses previously allowed in affected zones.

14. The City is not required to provide more than one notice under this section to a person who owns more than one lot or parcel affected by a change to the Comprehensive Plan, zoning, or other land use regulation.

15. Notifications for annexation shall follow the provisions of Section 8.0.100.

16. Notice is deemed given when it is deposited with the United States Postal Service and published notice is deemed given on the date that it is published; failure of a person to receive notice shall not invalidate the action.

17. The City shall request reimbursement from the Department of Land Conservation and Development for all usual and reasonable costs incurred to provide notice required under Section 8.0.100 (G - J).

18. For each mailing of notice, the City Manager/Recorder shall file an affidavit of mailing in the record.

19. The failure of a person to receive the notice provided pursuant to this section shall not invalidate the proceedings of the hearing if the City can demonstrate by affidavit that the required notice was given.

8.0.110 Public Hearing Procedures for Legislative Hearings.

A. The Planning Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the City Council regarding consistency of the proposed amendment with Section 8.0.120, Standards for Amending Zoning Text or Map.

B. Following the Planning Commission hearing and recommendation, the City Council shall conduct a public hearing.

C. At the conclusion of the public hearing the City Council may approve, deny, or refer the proposed amendment to the Planning Commission for reconsideration. Any referral to the Planning Commission by the City Council shall be limited to the specific issue that is to be reconsidered by the Planning Commission, and any testimony before the Planning Commission shall only occur in the context of a public hearing.

D. Any hearing may be continued by oral pronouncement prior to the close of the hearing, and such announcement shall serve as sufficient notice to applicants, adverse parties, and interested persons without recourse to the form and manner of the public notice as provided in this section. The time, date, and location of any continued meeting shall be clearly specified in the oral pronouncement.

8.0.120 Standards for Amending the Zoning Text or Map.

The following standards and procedures shall be followed in applying for and acting on an amendment to modify or change the zoning text or map:

A. The change does not conflict with the City of Glendale Comprehensive Land Use Plan.

B. If the proposed change is not in accord with the City of Glendale Comprehensive Land Use Plan, the Planning Commission and City Council shall seek to determine that alteration of the Plan can be justified on the basis that there has been substantial change in the character of the area since the Plan's adoption, thus warranting a change in the plan, that there is demonstrated public need, that the Plan was adopted in error, or that the controlling state law has changed.

8.0.130 Notice of Action or Decision.

A. Notice of the action or decision of the City Council made upon the recommendation of the Planning Commission or at any quasi-judicial hearing shall be provided in writing to the applicant and all individuals who provided oral or written testimony. The notice may be served personally, or sent by first class mail addressed to the person at the address shown on the application. The notice shall be deemed served at the time it is deposited in the United States Mail.

B. Notice of a legislative decision and the findings supporting the decision must be sent to the Land Conservation and Development Commission and to individuals who requested information relative to that decision.

8.0.140 Final Action on Applications for Permits, Zone Change Requests and Consolidated Applications.

The City shall take final action on an application for a permit, zone change request, or consolidated action including a zone map or text amendment, including resolution of all local appeals, within 120 days after the application is deemed complete. All who submitted comments shall receive notice of the final

decision and of their appeal rights. This 120 day period may be extended for an additional six months at the request of the applicant. This 120 day period does not apply to an amendment to an acknowledged comprehensive plan or land use regulation as set forth in ORS 227.178 and ORS 227.179.

8.0.150 Effective Date of Final Decision.

The effective date of a decision of the Planning Commission or City Council is the date that the decision is made, except when the decision-making body specifically states that written minutes or findings be completed and approved by the Council before the decision is final. A final decision is one made by the Planning Commission or City Council that stands unless an appeal is filed.

8.0.160 Action by City Council.

Any action or decision of the City Council on proceedings arising under this ordinance, excepting reference back to the Planning Commission and continuance of a hearing shall be final.

8.0.170 Limitations on Initiating Amendments.

No application of a property owner for an amendment to the text or zoning map of this ordinance shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such a request, except that the Planning Commission may permit a new application, if in its opinion, new evidence or a change in circumstances warrants the request.

8.0.180 Appeals.

A. Appeal to City Manager/Recorder Decision

Decisions of the City Manager/Recorder may be appealed to the Planning Commission or the City Council. The applicant shall submit a written request for review and the reasons for that review to the City Manager/Recorder within ten (10) days after the City Manager/Recorder has made the decision. The Planning Commission shall consider the information at their next regularly scheduled meeting or refer it to the City Council.

B. Appeal to Planning Commission Decision

Any action or ruling of the Planning Commission pursuant to this ordinance which does not automatically go forward to the City Council for a decision may be appealed to the City Council within 10 working days of the date that the decision was made by the Planning Commission. If the appeal is not filed within this 10 day period, the decision of the Planning Commission shall be final.

1. In filing such an appeal, the required fee shall be submitted to the City Manager/Recorder pursuant to Section 8.0.60, Fees and Professional Expense, along with the completed appeal form at the City. The appeal shall set forth the alleged error and the portions of the decision with which the appellant disagrees.

2. Upon receipt of an appeal, the City Council shall schedule a meeting to be held to consider the issues limited to those set forth in the appeal within 45 days, with notice provided to all parties who participated at the Planning Commission level. The City Council shall be provided with the facts and findings that the Planning Commission used in making their decision, and shall base their decision upon the information provided by the Planning Commission, public testimony at the Planning Commission, and any other evidence in the record.

3. At its discretion, the City Council may choose to affirm, reverse, or amend the decision of the Planning Commission, and prepare facts and findings to support their decision, or to refer the matter back to the Planning Commission for review of the specific issue raised in the appeal, and a recommendation concerning the subject of the appeal. The Council's decision shall be final.

4. Failure to participate in public hearing proceedings by raising an issue in person or in writing in sufficient specificity to allow the decision maker to respond to the issue nullifies appeal to the Glendale City Council and Land Use Board of Appeals on that issue.

C. Appeal to City Council Decision

A City Council decision may be appealed to the Land Use Board of Appeals within twenty-one (21) days of the final decision of the City Council.

8.0.190 Records.

The City Manager/Recorder shall maintain records of amendments to the text and map of this ordinance in a form convenient for use by the public.

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Chapter 9

CHAPTER 9 - PARTITIONING AND SUBDIVISION

Procedures and Criteria

9.0.10 Purpose.

The purpose of this chapter is to accomplish the orderly division and development of land within the City of Glendale in order to promote the public health, safety, and the general welfare of the City. This is accomplished through regulations and standards that govern the approval of plats for land divisions and land reconfiguration including land partitions, subdivisions, and replats.

9.0.20 Subdivision of Existing Mobile Home Parks and Manufactured Dwelling Parks.

Conversions of existing mobile home parks and manufactured dwelling parks (lawfully approved before July , 2001) in order to allow for individual ownership interest in the lot on which the dwelling is located are subject to ORS 92.830 - 92.845.

9.0.30 Authorizations for Sale of Lots.

1. No person shall divide land, except after the approval of such division pursuant to this ordinance.
2. No person shall sell any lot in any subdivision for which approval is required by this Ordinance:
 1. Until such approval is obtained, and

2. The plat of the subdivision has been acknowledged and recorded with the recording officer of the County.

C. No person shall negotiate to sell, advertise, solicit or promote to sell any lot in a subdivision until a preliminary plat has been approved. Prior to the approval of the preliminary plat, however, the owner or owner's agent may obtain non-binding, fully-refundable without condition "reservation" agreements.

D. When a subdivision has been granted preliminary plat approval, the owner or owner's agent may negotiate and enter into binding sale agreements that are specifically conditioned upon final subdivision plat approval. In negotiating to sell a lot in a subdivision a person may use the approved preliminary plat for such subdivision.

E. No person shall sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat for such subdivision has been so recorded.

F. No person may sell any parcel or unit of land in a partition for which approval is required by this ordinance until such approval is obtained and the partition recorded. However, a person may negotiate to sell a parcel in a partition prior to the required approval of the partition, provided that the sale agreement is specifically conditioned upon final partition plat approval.

G. No person shall create a street or road for the purpose of partitioning or subdividing an area or tract of land without the appropriate partitioning or subdivision approvals of the City of Glendale under this chapter.

H. No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the City Council.

9.0.40 Application and Hearing Procedures.

1. Preapplication. When proposing to divide land or reconfigure platted lots, the owner or authorized agent of such land shall initially submit to the City Manager/Recorder a sketch map of sufficient accuracy to determine the procedures that apply for land division, subdivision, lot line adjustment, or reconfiguration of lots. The applicant shall comply with all applicable sections of this ordinance.

2. Filing Fees. Each applicant for partitioning and subdivision of land is subject to the payment of a minimum filing fee as set by resolution of the City Council under the procedures set forth in Section 8.0.60 Fees and Professional Expense.

3. Application. The applicant shall submit 12 copies of the required preliminary partitioning or subdivision plat map and a completed written application, along with the filing fee to initiate the application which shall be processed in compliance with Section 8.0.50 Applications.

4. Preparation of Maps. All partition and subdivision preliminary and final plat maps shall be prepared by a professional land surveyor registered in the State of Oregon, and shall conform to the surveying requirements of ORS Chapter 92 and the Douglas County Surveyor's plat standards.

2. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed through a two-step process including preliminary plat approval and final plat approval:

1. Preliminary Plat Approval. The preliminary plat shall be approved before the final plat can be submitted for approval. A public hearing shall be held at the time of the preliminary plat approval. The findings of compliance with the criteria specified within this ordinance, and the conditions of approval are spelled out by the Planning Commission at the time of preliminary plat approval.

a. Setting Hearing. Upon receipt of all information, and the fee, and after the check for completeness and accuracy in accordance with Section 8.0.50 Applications, the City Manager/Recorder shall set the date of the Planning Commission hearing to be not more than 45 days following receipt of the completed application.

2. Hearing Notice. Notice for partitioning and subdivision shall be provided under Section 8.0.70 Notice Procedures for Quasi-Judicial Hearings.

3. Concurrent Processing. Any application for discretionary permits for one development applied for under this section shall be processed concurrently with other permits under this ordinance at the applicant's request, and using procedures set forth in Section 8.0.40 Consolidated Application Procedure.

4. Review by Special Districts, Agencies and Departments. Within six working days after the partition or subdivision application has been submitted according to the provisions of this ordinance, the City staff shall distribute copies to special districts, agencies and City departments for review and comment. If the City receives no written response or time extension requests within 20 days from the date that the notice has been mailed, the City shall deem that there are no issues of concern to the affected special districts, agencies and departments.

5. Hearing Process. Partitioning and subdivision shall be processed as quasi-judicial actions under Section 8.0.80 Public Hearing Procedures for Quasi-Judicial Hearings with the Planning Commission holding the public hearing and making the decision for approval or denial of the preliminary plat based upon all preliminary map and plat filing requirements and Section 9.0.50.

6. Time Limit for Preliminary Plat Approval. Preliminary plat approval shall be null and void if the final map is not submitted to the City within one (1) year after the approval of the preliminary plat map,

except when an extension has been granted by the Planning Commission.

7. Extension of Preliminary Plat Approval. Any extension on the time limit for preliminary plat approval of partitioning or subdivision beyond the time limits set forth in Section 9.0.40(E)(f) shall be requested in writing by the applicant along with the reasons why the applicant is requesting the extension. Any request for an extension shall be submitted prior to the date, but no earlier than 45 days prior to the date on which the preliminary plat approval will be null and void. The Planning Commission shall then be required to consider the extension request within 45 days of the anniversary date of the approval. The Planning Commission may grant one (1) year extensions of the approval of the preliminary plat beyond the original one year limitation when it is determined that there is sufficient reason to allow the extension due to circumstances beyond the control of the applicant.

2. Final Plat Approval.

a. Partitions that do not Involve the Creation of a Road.

The final plat of Partitions that do not involve the creation of a road may be administratively approved by the Planning Commission Chair provided that the City Manager/Recorder has determined that the final plat conforms in all respects to the preliminary plat approved by the Planning Commission, and to Section 9.2.20, Final Plat Requirements. The signature of the City Planning Commission Chair on the Final Plat shall signify compliance with the requirements for preliminary plat approval with this ordinance, and with the Planning Commission's conditions of approval.

b. Partitions that involve the Creation of a Road and Subdivisions.

i. Planning Commission Procedures. The Planning Commission shall consider the final plat in relation to the approved preliminary plat, and all of the final plat and map filing requirements at a regular Planning Commission meeting 45 days from the time that the City Manager/Recorder has deemed the final plat is complete. The Planning Commission shall recommend approval of the final plat provided that the final plat conforms in all respects to the preliminary plat approved by the Planning Commission, and to Section 9.2.20, Final Plat Requirements.. The signature of the City Planning Commission Chair on the Final Plat shall signify compliance with the requirements for preliminary plat approval with this ordinance and with the Planning Commission's conditions of approval. Following Planning Commission approval, the final plat shall be forwarded to the City Council.

ii. City Council Procedures. The City Council's consideration of the final plat is based upon the record, and is limited to assuring compliance with Section 9.0.60 Criteria for Final Approval of Partitions and Subdivisions. The Council's responsibility is to assure that streets, alleys and other amenities that are proposed to be dedicated to the public use shall be dedicated without any reservation or restriction. Acceptance of all public improvements shall be by resolution of the City Council in compliance with Section 9.0.60(H - L).

The signature of the Mayor shall signify that the City Council has assured one of the following:

a Improvements as required by this ordinance have been completed prior to the Council's acceptance of dedications and signing of the final plat, and a certificate of such has been filed with the Planning

Commission; or

b. A Performance Bond has been filed with the City Manager/Recorder in sufficient amount to insure the completion of all required improvements.

iii. Signatures of County Officials. Following the approval by the Planning Commission and City Council, the applicant shall pay all required Douglas County filing fees, and obtain the required signatures as set forth in Section 9.2.20(H)(10), Final Map and Filing Information.

iv. Final Plat to City. Within seven days of recording the final plat, the applicant shall provide a Mylar copy of the plat to the City Recorder for the City Records.

vi. Time Limit for Filing of Final Plat Approval. Final plat approval shall be null and void after six months of the date that the City has provided all of their required signatures unless the final plat has been filed with the County Clerk of Douglas County, except when an extension has been granted by the City Council.

vii. Extension of Time for Filing. The applicant may request an extension of time for an additional six months if it can be shown in writing that sufficient circumstances exist that would cause delay of the project. Any extension on the time limit for filing with the County Clerk beyond the time limits set forth in Section 9.0.40(E)(2)(e) shall be requested in writing by the applicant along with the reasons why the applicant is requesting the extension. Any request for an extension shall be submitted prior to the date, but no earlier than 45 days prior to the date on which the final plat approval will be null and void. The City Council may grant a six month extension for filing beyond the original six month limitation when it is determined that there is sufficient reason to allow the extension due to circumstances beyond the control of the applicant. The City Council will review this request at a regular meeting and grant or deny the extension based upon the facts presented.

viii. Acceptance of Improvements. Approval of the final plat and acceptance of dedications shall not constitute acceptance by the City of public improvements or monumentation. Following the completion of all utility improvements, the applicant shall provide "as built" street and sanitary storm sewer plan and profiles and a Mylar of the certified post-monumentation plan to the City to be maintained for the record. City staff or professional engineers retained by the City shall make recommendations concerning acceptance of public improvements and monumentation.

5. Time Limit for Final Decision. The final decision, including any appeals to the City Council, on any applications applied for under this chapter, or submitted as part of a consolidated application shall comply with Section 8.0.140 Final Action on Applications for Permits, Zone Change Requests and Consolidated Applications.

6. Applicable Standards. Approval or denial for a partitioning or subdivision application shall be based upon the Comprehensive Plan and the standards and criteria that were applicable for that land use regulation at the time the application was submitted.

3. Effective Date of Final Decision. The effective date of the final decision for partitioning and subdivision preliminary and final plat approvals are set forth in Section 8.0.150 Effective Date of Final Decision.

4. Appeals. In the case of partitioning and subdivision, the Planning Commission's decision on either the preliminary or the final plat may be appealed to the City Council. Appeal procedures are set forth in Section 8.0.180 Appeals.

9.0.50 Criteria for Preliminary Plat Approval of Partitions and Subdivisions.

A preliminary plat approval for partitioning or subdivision may be granted when the Planning Commission provides findings that all of the following criteria are met:

1. Compliance with ORS Chapter 92. Conformance with ORS 92 shall be a condition of all approvals.
2. Conformance to City Plans and Policies. All proposals shall conform with the intent of the Comprehensive Plan, and with provisions of this Ordinance, and other adopted plans and policies, taking into consideration existing and planned streets, parks and recreation areas, public facilities, and specific requirements of the underlying zone, any applicable overlay zone requirements, and all preliminary map and plat filing requirements.
3. Future Potential Redivision Plan. When partitioning or subdividing units of land into lots greater than twice the area of the minimum lot size allowed by the underlying zone in residential zones, or greater than one acre in commercial or industrial zones, or where the subdivision area includes only part of the unit of land in a single ownership, the Planning Commission shall find the following:
 1. That the lots are of such size, shape and orientation as to facilitate future redivision in accordance with the requirements of the zone as set forth by the applicable zoning in this ordinance.
 2. That street right-of-way alignments will be capable of serving future development of the property and connect to adjacent properties, including existing and planned rights-of-way to serve the property and adjacent properties.
 3. That the lots are of such size, shape and orientation as to facilitate future redivision in accordance with the requirements of the zone as set forth by the applicable zoning in this ordinance.
4. Access to Lots. Each lot or parcel shall be capable of being served by a public or private road or street that provides satisfactory vehicular access to an existing street in compliance with Section 9.3.10 Design Standards.

5. Continuation of Existing Streets.

1. **Abutting New Lots.** Existing streets abutting new lots shall be continued through dedication of an easement, improvement of an existing right-of-way or dedication of improved right-of-way on the property, provided the requirement that is imposed on the applicant in regards to providing easements, right-of-way, or dedications of streets is roughly proportional in nature and extent to the impact that can result from the proposed partitioning or subdivision. The Planning Commission shall make findings as to the elements that make the easements, right-of-way, or dedications "roughly proportional" to the impacts of the partitioning or subdivision that is being allowed. The Planning Commission shall assure that any street that is proposed to be accepted as a dedicated street by the City shall connect directly to a City-maintained street. If proposed streets do not connect directly to City-maintained streets, the Planning Commission shall recommend that street dedications not be accepted for maintenance by the City.

2. **Continuation of Street Existing in Adjoining Properties.** A partition or subdivision that does not abut an existing street system shall provide for the continuation of a street in adjoining property through dedication of an easement, improvement of an existing right-of-way or dedication of improved right-of-way on the property. The Planning Commission shall make findings that the requirement that is imposed on the applicant in regards to providing easements, right-of-way, or dedications of streets is roughly proportional in nature and extent to the impact that can result from the proposed uses for the new lots, if and when fully developed. The number of lots that could ultimately be created, topography, lot size and shape, zoning requirements and the layout of properties within the vicinity are pertinent.

6. **Need for Adequate Utilities.** All lots created through partitioning and subdivision shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.

7. **Minimize Flood Damage.** All partitions and subdivisions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a flood way. All new lots shall be buildable without requiring development within the flood way. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.

8. **Determination of Base Flood Elevation.** Where new lots are being created in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, the applicant shall provide the base flood elevation prepared by a licensed civil engineer certified and qualified to evaluate flood elevations. The person or team preparing the Flood Elevation Report shall be employed by the applicant.

9. Need for Adequate Drainage. All partition and subdivision proposals shall provide for adequate surface water drainage in compliance with the City of Glendale Public Works Standards adopted by the City Council. Water quality or quantity control improvements may be required.

9.0.60 Criteria for Final Plat Approval of Partitions and Subdivisions.

1. Conformity with Preliminary Plat. The partition or subdivision plat is in substantial conformity with the provisions of the preliminary plat for the subdivision or partition, as approved by the Planning Commission.

2. Private Streets, Roads and Accesses. Streets, roads and accesses held for private use and indicated on the preliminary plat of such partition or subdivision have been approved by the City.

10. Dedication of Property for Public Use. The partition or subdivision plat contains a dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the preliminary plat for the subdivision or partition.

11. Explanations of Common Improvements. Explanations of all common improvements required as conditions of approval of the preliminary plat of the partition or subdivision have been referenced on the partition or subdivision plat for recording.

12. Assurance of Domestic Water for Subdivision. The following shall be provided:

1. A letter of assurance from the City that there is sufficient capacity of City water to meet the needs of the subdivision.

2. A bond, irrevocable letter of credit, contract, or other assurance by the applicant to the City that a domestic water supply system will be installed by or on behalf of the applicant to the line of each lot in the proposed subdivision with the amount determined by a registered professional engineer, subject to any change in such amount as determined by the City Council.

3. Assurance of Sewage Disposal for Subdivision. The following shall be provided:

1. A certification by the City that sewage disposal is available in sufficient capacity to meet the needs of

the subdivision.

2. A bond, irrevocable letter of credit, contract, or other assurance by the applicant that a sewage disposal system will be installed by or on behalf of the applicant to the lot line of each lot depicted in the proposed subdivision with the amount determined by a registered professional engineer, subject to any change in such amount as determined by the City Council.

4. Certification from Special Districts. A certification from any irrigation district, drainage district, water control district, water improvement district or district improvement company that appears to be located within the boundaries of the proposed partition or subdivision that the partition or subdivision is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

5. Provision for Improvements. Improvements including streets, sidewalks, water distribution lines, sewage collection lines, land surface drainage electrical service, telephone service, T.V. cable service, fire protection service or any other service, utility or improvement required by the City as a condition of approval shall be the responsibility of each applicant in compliance with Section 9.3.10 Standards, Section 9.3.20 Construction of Improvements, and Section 9.3.30 Modification of Provisions.

It shall also be the responsibility of each applicant to complete such construction, installation or repair as a condition of, and prior to, final approval or recording of a subdivision plat or partition map for subject property. In the alternative, and subject to approval of the City Council prior to final plat approval, the applicant may enter into an agreement with the City, which agreement is hereinafter referred to as a "Subdivision Improvement Guarantee and Performance Bond," which shall specify the following:

1. Specify the responsibilities of the applicant, and the date by which all required improvements and repairs shall be completed.

2. State that the agreement is for the benefit of the local government and not the ultimate purchasers of individual lots, units, or real estate interests.

3. State that the City staff and professionals retained by the City may come onto the property and inspect and complete work as necessary.

4. State that if the work is not completed by the date specified the City may recover as damages an amount equal to the amount of the improvement guarantee and performance bond as provided pursuant

to a Subdivision Improvement Guarantee and Performance Bond described within this section.

5. State that the City of Glendale may at its own option complete all or part of any such improvements or repairs, and recover the full cost and expenses, and in either case shall have the right to collect from the applicant any court costs, attorneys' fees or damages incurred by the City of Glendale by reason of failure of the applicant to provide all specified improvements, or by reason of any breach of any such subdivision improvement guarantee and performance bond as may be incurred in the collection of any amount due from said applicant to the City of Glendale, whether or not suit or action be commenced, including any costs or attorneys' fees incurred in any appeal.

6. State that the applicant shall pay a fee to reimburse to the City of Glendale its costs and expenses in authorizing, preparing and administering any agreement in respect thereto, the amounts of which shall be determined from time to time by resolution of the City Council of the City of Glendale.

7. The agreement between the applicant and the City shall be in compliance with Section 9.0.50(I).

1. Improvement Guarantee and Performance Bond. If the City Council authorizes deferral of completion of improvements as provided in Section 9.0.50(H) Provision for Improvements, the applicant shall execute a subdivision improvement guarantee and performance bond in form approved by the City of Glendale, and in an amount at least equal to the cost of the improvements as estimated by the City Manager/Recorder, payment and performance of which will be secured by means of one or more of the following:

1. A guarantee upon such bond executed by a surety company authorized to transact business in the State of Oregon, in form and manner approved by the Glendale City Attorney.

2. A cash deposit, which may be in the form of a cash deposit deposited with the City of Glendale, or may be in the form of a certificate of deposit or other negotiable instrument for the payment of money, drawn on and payable on demand by, a bank or savings and loan association doing business in the State of Oregon, which certificate shall be approved by the City Manager/Recorder, and which shall be endorsed, assigned or otherwise irrevocably transferred to the City of Glendale and placed in the possession of the City of Glendale during the period in which it shall remain as security for such subdivision improvement guarantee and performance bond. The City may, in its discretion, require acknowledgment of such transfer from the issuer of such a certificate.

3. A duly recorded first mortgage upon real property having a value equal to at least 150 percent of the amount of such improvement guarantee and performance bond. It shall be the responsibility of such applicant to provide a mortgagee's policy of title insurance and to pay any other expenses incurred with respect to the creation of such a mortgage interest.

4. At the option of the City Council, specify such other security as in its discretion the Council shall see fit.

10. Local Improvement District. Although the City of Glendale shall be under no obligation to form a local improvement district or otherwise to provide for the construction of such improvements, if the City of Glendale shall elect to permit the applicant to apply for the formation of a local improvement district for the construction of all or part of such improvements, and if such improvements shall be so constructed, and if the applicant shall elect to pay the cost of the improvements as assessed against each lot in installments under the Bancroft Act of the State of Oregon and the ordinances of the City of Glendale, then the obligation with respect to such portion of the improvements as are constructed shall be deemed wholly performed on the part of such applicant at such time as the City of Glendale shall adopt its ordinance assessing the cost of such improvements against the property thereby benefitted, thereby creating a duly subsisting assessment lien upon such benefitted property.

11. Certificate and Guarantee of Improvements. The City of Glendale shall not accept the responsibility for any improvements, nor release a subdivision improvement guarantee and performance bond, or any security therefor, until such time as a licensed professional engineer working at the discretion of the City Council, shall submit a certificate stating that the applicant has submitted a detailed "as built" engineering plan and survey of the subdivision, indicating location, dimensions, materials and other information as may be required by the City of Glendale. Notwithstanding such approval or acceptance, or the release of any subdivision guarantee and improvement bond or any security therefor, the applicant shall, and by proceeding with such project in accord with this ordinance does, for a period of one year following the submission of such a certificate, guarantee that such improvements and repairs are constructed and performed in a good and workmanlike manner, using first class materials, in accordance with all standards and requirements of the City of Glendale and all requirements and conditions imposed for the approval of the subdivision or partition by the Glendale City Planning Commission and the Glendale City Council.

12. Reduction in Security Upon Partial Completion of Improvements. The security for, or the amount of the obligation of any corporate surety providing a guarantee upon, any subdivision improvement guarantee and performance bond, may be reduced, at the discretion of the City of Glendale upon approval of the City Council, prior to completion and dedication of all such improvements, if a portion shall be satisfactorily completed. Such reduction shall be in the same proportion to the whole of the bond as the ratio of the improvements which have been satisfactorily completed and dedicated to the total cost of all such required improvements and repairs.

Partitioning

9.1.10 Partition Filing Requirements.

A. Preliminary Partition Map Requirements. The scale of the preliminary map shall be one inch equals 100 feet or multiples thereof, placed on a sheet size equal to final map requirements, and shall include the following:

1. North point, scale and date of the drawing.
2. Names and addresses of the land owner, the applicant, the surveyor and other involved professionals.
3. The boundaries (accurate in scale) of all adjacent property under the same ownership as the land that is proposed to be partitioned.
4. Proposed parcels, parcel size, dimensions, boundaries, and parcel numbers. Where parcels are to be used for purposes other than residential, it shall be indicated on such parcels.
5. The names of adjacent developments, or the names of recorded owners of adjoining parcels or un subdivided land adjacent to the proposed partition.
6. The location, widths and names of existing or platted streets or other public ways within the proposed partitioning, as developed in accordance with these regulations.
7. Dimensions and layout of streets adjacent to the property proposed for partitioning with streets and roads laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and all other respects.
8. Streets and roads held for private use clearly indicated with all reservations or restrictions relating to such private roads and streets set forth thereon.
9. Existing permanent buildings and an indication of those to be removed, railroad rights-of-way and other important features such as section lines.
10. Parcels of land intended to be dedicated for public use or reserved in the deeds for the use of property owners in the proposed partition, together with the purpose of conditions or limitations of such reservation if any.
11. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the partition or immediately adjacent thereto, together with pipe sizes, grades and locations.
12. Existing and proposed easements together with their dimensions and purpose.
13. The tax lot number and the Section, Township and Range in which the property is located.
14. Predominant natural features such as water courses and their flows, marshes, rock outcropping, and any limitations to development such as topography, areas subject to flooding, geologic hazards, drainage channels and wetlands on property.
15. Existing zoning of the property and adjacent properties.
16. A conceptual re-division plan as defined in Section 9.0.40(C) shall be submitted which identifies how

future potential lot division(s) that are not included as part of this application could occur, along with a statement that the future development plan is a conceptual plan that shall only be binding on the City or property owners as required through conditions of approval of the partitioning.

B. Written Preliminary Partition Requirements.

The written application shall include the following:

1. Existing and proposed uses of the property.
2. Copies of any requests for water, sewer and utilities.
3. Any site investigation report or other engineering report required by the underlying zone or any overlay zone due to slope hazards, flooding, or riparian resources.
4. Requests for any modifications of partitioning or subdivision criteria and standards with an explanation of the reasons why the modification is being requested as per Section 9.3.30 Modification of Provisions.

C. Final Partition Plat Requirements. The final partition plat survey, map and information to be submitted shall comply with Section 9.2.20 Final Plat Requirements.

Subdivision Platting

Section 9.2.10 Filing Requirements.

A. Scale. The preliminary plat shall show all pertinent information to scale. The drawing shall be on standard size sheets 18 inches by 27 inches, and at a scale of one inch equals 100 feet. The scale may be increased or decreased if necessary to fit the drawing to the required plat size of 18 inches x 27 inches, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten of any one of these scales.

2. General Information. The preliminary plat shall, in clear and legible form, include the following information with respect to the proposed subdivision area, on the map where practicable, and otherwise on separate sheets of paper in written statements:

1. The proposed name of the proposed subdivision area, which shall conform to the standards set forth in ORS 92.090.

2. The date, north point and scale of the drawing.
3. Appropriate identification of the drawing as a preliminary plan map.
4. A description sufficient to define the location and boundaries of the proposed subdivision area, and of all adjacent property under the same ownership as the land that is proposed to be subdivided.
5. Existing zoning of the property and adjacent properties.
6. The names of all recorded owners of adjoining parcels or unsubdivided adjacent lands and the names of recorded plats of contiguous lands.
7. A vicinity/location map locating the subdivision area in the City and showing its relationship to the surrounding area.
8. The names and addresses of the land owner(s), the applicant, the surveyor or engineer and other professionals that are involved in developing the subdivision.
9. Proposed lots including size and dimensions and boundaries, and the existing and proposed uses of all lots included in the subdivision.
10. Important features such as section lines, section corners, City and urban growth boundary lines and monuments.
11. The names, location and dimensions of existing opened and unopened platted streets and other public ways and proposed right-of-way lines and grades for existing streets and projected streets on adjacent properties.
12. Dimensions, grades, and layout of streets proposed for the subdivision, with streets and roads laid out so as to conform to the requirements of this ordinance and to connect with the plats of subdivisions and partitions already approved for adjoining properties.
13. Streets and roads to be held for private use clearly indicated with all reservations or restrictions relating to such private roads and streets.
14. The elevations of all points used to determine contours with said points given to true elevation above mean sea level as determined by the County Surveyor. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:
 - 1) One foot contour intervals for ground slopes up to 5%;
 - 2) Two foot contour intervals for ground slopes between 5% and 10%;
 - 3) Five foot contour intervals for ground slopes exceeding 10%.
15. The radii of all curves.
16. Lot and block numbers.
17. Identification of any limitations to development such as topography, areas subject to flooding including the Base Flood or 100-year flood boundary as defined in Section 3.1.50, wetlands, geologic hazards including an outline of areas subject to the Slope Hazard Overlay as applicable in Section 3.2.20, identification of areas subject to Section 3.3.20 Riparian Overlay setbacks, drainage channels, and predominant natural features such as water courses and their flows, marshes and rock outcroppings.

18. Existing permanent buildings, and those proposed to be removed, railroad right-of-ways and other important features.

19. Existing and proposed sewers, water mains, culverts, drainage ways or other underground utilities or structures, and any designated reserve strips within or adjacent to the proposed subdivision, together with pipe sizes, grades and locations.

20. Parcels of land intended to be dedicated by the applicant for public use and the proposed uses including those reserved in the deeds for the use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations.

21. The domestic and fire protection water system and source proposed to be installed.

22. All improvements proposed to be made or installed, and the time within which such improvements are proposed to be completed.

23. The section, township, range and tax lot number in which the property is located, and a legal description of the boundaries of the entire tract owned by the applicant of which the proposed subdivision is a part.

24. Proposals for electrical utilities.

25. Proposals for sidewalks.

26. Copies of proposed deed restrictions.

3. Other Written Information.

1. An explanation of existing and proposed uses of the property.

2. Copies of requests and any responses that have been received regarding the capacity for City water and sewer and requests for utilities.

3. Copies of any requests to the State Health Division in regards to certification for a water collection system, and to DEQ in regards to certification for a wastewater collection system.

4. Preliminary Plat Approval.

Following approval of the preliminary plat, the applicant may proceed with final surveying, and preparation of the final plat.

9.2.20 Final Plat Requirements.

A. Conformance with Preliminary Plat Map. The final plan map shall substantially conform to the provisions of the preliminary plat as approved by the Planning Commission.

2. Preparation. All maps shall be prepared by a professional land surveyor registered with the State of Oregon.

3. Format. All maps shall be drawn in a good quality of black ink, approved by the County Surveyor, on a transparent medium such as tracing linen, synthetic film, a good grade of tracing paper, or shall be a photographic reproduction of the original on linen or synthetic film and shall be 18 inches by 24 inches with a 3 inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding.

4. Scale. The map shall be drawn to a scale of one inch equals 100 feet or to such other scale, approved by the County Surveyor, as is necessary to fit the map on a sheet size of 18 inches by 24 inches.

5. Survey Accuracy.

1. The survey for the map shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.

2. The dimensions shown on the map shall be of such accuracy that the error of closure on any portion shall not exceed 1 foot in 10,000 feet.

6. Measurements. The map shall contain the following measurements:

1. The boundary lines with distances and bearings, the exact location and widths of existing or recorded streets intersecting the boundary of the tract.

2. The length of arcs, radii, internal angles, lengths and bearings of the tangents and the length and bearings of chords.

3. The area of each parcel in either acres or square feet.

7. Monuments.

1. The map shall contain the location, material, and approximate size of all monuments which have been set. All monuments shall be set and referenced on the map before the map is offered for approval.

2. Monuments shall meet the specifications of the County Surveyor and shall be not less than those required by ORS 92.060.

3. If more than 50 percent of any parcel is located within a Flood Hazard Overlay, a permanent monument as approved by the County Surveyor, shall be set within the parcel above the regional flood level showing the elevation in feet above the mean sea level, unless an exception is allowed by the County Surveyor.

4. The person performing the survey work shall certify by affidavit that he has correctly surveyed and marked with proper monuments on the land as represented.

8. Final Map and Filing Information. The map shall contain the following general information:

1. Location of the parcel by township, range, section, and quarter section.

2. Names and addresses of the applicant/owner.

3. North point, scale and date.

4. Location and boundaries of the subdivision area.

5. The names of any streets intersecting or within the parcel.

6. The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required by this ordinance or other City ordinances or as a condition of the Planning Commission, with ties to locate the easement with respect to the subdivision. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

7. The locations, names and widths and typical improvement cross sections of all platted streets or public ways existing within or adjacent to the proposed subdivision and of all streets being created; for streets on curvature, curve data shall be based upon the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

8. The lot lines of all lots within the subdivision area, with dimensions and bearings shown.

9. Numbers designating each block beginning with #1 and continuing consecutively; Numbers designating each lot, with lots in each block beginning with #1, and continuing consecutively. Where the plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat. All numbers shall be solid, and of sufficient size and thickness to stand out, and be so placed as not to obliterate any figure.

10. A tie to a section corner, quarter corner, donation land claim corner, parcel corner of a recorded partition, or lot corner of a recorded subdivision with the description and location of all permanent stakes, reference monuments, or other evidence found on the ground used to determine boundaries of the subdivision.

11. A designation of all areas covered by water, and the location, width, and direction of flow of all water courses.

12. A designation of all areas subject to overlay protection zones including the Flood Hazard Overlay

(FHO), the Slope Hazard Overlay (SHO) and the Riparian Overlay (RO).

13. A designation of all area being dedicated by the applicant, including its proposed use, and an effective written dedication to distinguish property to be dedicated from lots intended for sale.
14. A copy of all protective deed restrictions proposed for the subdivision area shall accompany the final plat.
15. Any additional information made a condition of approval of the preliminary plat approval.
16. Copies of required certifications from any special districts within the boundaries of the subdivision.
17. Copies of certifications for the water collection system from the State Health Division, and from DEQ regarding the sewage collection system.
18. Copies of responses from all utilities that will be providing services.
19. Space for date and certifications of officials:
 - a. City Planning Commission Chair to certify compliance with planning requirements and conditions.
 - b. County Assessor to certify the applicant for the subdivision is the current owner, except that on partition plats no County Assessor signature is required.
 - c. County Tax Collector to certify that all taxes are paid in full.
8. County Surveyor to certify compliance with the platting laws the State of Oregon.
9. County Clerk Statement of Filing.
10. Mayor for City Council to certify that all streets, alleys, easements and other specified dedications have been accepted by the City.
11. Certification by an Oregon registered surveyor that the map has been correctly surveyed and properly monumented to comply with the requirements of ORS 92 and ORS 209.
12. Signatures of all parties having any record title interest in the land consenting to the preparation and recording of the map dedicating all land intended for public use.

Development and Design Requirements

Section 9.3.10 Design Standards.

- A. Overlay Protection Zone. When properties within Overlay Protection Zones are proposed to be partitioned or subdivided, specific requirements of overlay protection zones shall apply in addition to all other requirements.

2. Sanitary Sewers. All lots within a subdivision shall be served by the sewage system of the City of Glendale. Collection facilities shall comply with the City of Glendale Public Works Design Standards, Section 4.0000 - Sanitary Sewers and with DEQ requirements.

3. Water. All lots within a subdivision area shall be served by the water supply system of the City of Glendale. Distribution facilities shall comply with the City of Glendale Public Works Design Standards, Section 5.0000 - Water Mains and with Oregon Health Division standards.

4. Streets and Alleys.

1. Generally. The applicant shall comply with all the requirements of the City of Glendale Public Works Design Standards, Section 6.0000 - Streets. The Planning Commission has the authority to require the development and continuation of adequate streets, including collector streets, local streets, and other streets to be dedicated to the public by the applicant, of such design and in such locations as necessary to facilitate provision for the transportation and access needs of the community and the subdivision area in accordance with this ordinance and the City's Comprehensive Plan.

2. Special Safety Requirements. Where necessary to insure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subdivision area, the Planning Commission has the authority to require that local streets be so designed as to discourage their use by non-local traffic.

3. Width. Widths of street right-of-way and paving design for streets within the new subdivision shall be consistent with the adopted City of Glendale Public Works Design Standards - Section 6.0000 - Streets.

4. Continuation of Existing Street Abutting New Lots. A partition or subdivision that results in utilizing an existing street abutting new lots shall provide for the continuation of the existing street through dedication of an easement, improvement of an existing right-of-way, or dedication of improved right-of-way on the property. The widths of street right-of-way shall be the minimum width of right-of-way for such street existing along and adjacent to any boundary of the partition or subdivision area, and the requirement that is imposed by the Planning Commission on the applicant shall be roughly proportional in nature and extent to the impact that can result from the proposed uses for the new lots, if and when fully developed. The number of lots that are being created and that could ultimately be created, topography, lot size and shape, zoning requirements and the layout of properties within the vicinity are pertinent factors.

5. Continuation of Street Existing in Adjoining Properties. A partition or subdivision that does not abut an existing street system shall provide for the continuation of a street in adjoining property through

dedication of an easement, improvement of an existing right-of-way or dedication of improved right-of-way on the property. The requirement that is imposed on the applicant in regards to providing easements, right-of-way, or dedications of streets shall be roughly proportional in nature and extent to the impact that can result from the proposed uses for the new lots, if and when fully developed. The number of lots that are being created and that could ultimately be created, topography, lot size and shape, zoning requirements and the layout of properties within the vicinity are pertinent factors.

6. Future Extension of Streets. Where the subdivision area is adjacent to land likely to be subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part, where the Planning Commission determines that such continuation is necessary to provide for the orderly subdivision of such adjacent land, or the transportation and access needs of the community.

7. Reserve Strips. The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, to be placed under the jurisdiction of the City Council for the following reasons:

1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly subdivision of land lying beyond the street; or
2. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the City of Glendale Public Works Design Standards, Section 6.0000 - Streets; or
3. To prevent access to land abutting a street of the subdivision, but not within the tract or parcel of land being subdivided; or
4. To prevent access to land unsuitable for building development.

8. Angles at Street Intersections. Streets shall intersect one another with angles and intersections as set forth in the City of Glendale Public Works Design Standards, Section 6.0014 - Intersections.

9. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this Ordinance and the City of Glendale Public Works Design Standards.

10. Cul-de-sacs. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as described in the City of Glendale Public Works Design Standards, or the Planning Commission may approve for hillside conditions, a hammerhead or 'T' end cul-de-sac for a noncontinuous aligning street not exceeding 1,000 feet providing there is an improved roadway of 20

feet.

11. Street Names. Street names shall comply with of the City's ordinance providing for street naming and numbering and with the City of Glendale Public Works Design Standards, Section 6.0092 - Street Names and Traffic Control, and are subject to approval by the Planning Commission. Street names shall not unnecessarily duplicate or resemble the name of any existing or platted street in the City of Glendale or its surrounding area.

12. Grades and Curves. Unless otherwise approved by the Planning Commission because topographical conditions will not reasonably permit, grades and curves shall comply with the City of Glendale Public Works Design Standards, Sections 6.0020 - 6.0023.

E. Alleys.

1. Dedication. The Planning Commission may require alleys to be dedicated to the public by the applicants necessary to provide for the access needs of the community and the subdivision in accordance with the purposes of this ordinance.

2. Width. Width of right-of-way and paving design for alleys shall comply with the City of Glendale Public Works Design Standards, Sections 6.0130 - 6.0132, except that for an alley abutting land not in the subdivision, areas of a lesser width may be allowed at the discretion of the Planning Commission where the applicant presents a satisfactory plan whereby such alley could be expanded to the width otherwise required in the future.

3. Design for Alleyways. Unless otherwise approved by the Planning Commission where topographical conditions will not reasonably permit, design for alleyways shall meet the criteria set forth in the City of Glendale Public Works Design Standards, Sections 6.0131.

6. Block Length. Block length shall not exceed 1200 feet.

7. Access. Access to private property shall comply with the City of Glendale Public Works Design Standards, Section 6.0080.

8. Sidewalks and Pedestrian Ways. The Planning Commission shall require the applicant to comply with the City of Glendale sidewalk ordinance establishing rules and regulations pertaining to the installation and maintenance of sidewalks including handicapped ramps at all street intersections and with Public Works Design Standards, Section 6.0060 Sidewalks. Sidewalks or pedestrian pathways may be

dedicated to the public or where authorized as part of a Planned Unit Development, maintained by a homeowners' association.

9. Utilities.

1. Easements for Utilities. Dedication of easements for storm water sewers and for access for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access for maintenance, and dedication of easements for other public utilities, shall be required of the applicant by the Planning Commission, along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area. Easements shall be in compliance with the City of Glendale Public Works Design Standards, Section 3.0024 - Easements. Easements for utility lines may be less than the required width when easements on abutting land not in the subdivision are a lesser width and the Planning Commission determines that the applicant has presented a satisfactory plan whereby such easement could be expanded to the width otherwise required in the future.

2. Underground Utility and Service Facilities. The Planning Commission may require that all utility lines including, but not limited to those required for electric, communication, lighting, cable television services and other related facilities be placed underground except surface-mounted transformers, surface-mounted connection boxes, meter cabinets, temporary utility service facilities used during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The applicant shall make all necessary arrangements with the serving utility to provide all services.

10. Lots Size and Frontage. Lot size requirements are set forth in the specific zones, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 25 feet upon a street, measured on the arc. In the case of partitioning where either a public water supply or public sewers is not provided, lot size shall be sufficient to meet DEQ requirements.

1. Exceptions to Size and Frontage Requirements.

1. Subdivision Area Development As a Unit. The Planning Commission may at its discretion authorize the relaxation of the specified lot size and frontage requirements where the applicant presents a plan satisfactory to the Planning Commission under the requirements of Chapter 10 Planned Unit Development.

b. Land Zoned for Commercial or Industrial Use. The Planning Commission may at its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial or industrial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this ordinance.

3. Lot Retained for Future Subdivision. The Planning Commission may at its discretion waive lot frontage requirements where in its judgement a lot will be retained by the applicant, and future subdivision of such lot will be best protected by the creation of a reserve strip separating such lot from any street.

2. Key Lots and Butt Lots. There shall be no key lots or butt lots except where authorized by the Planning Commission where such lots are necessitated by unusual topographical conditions or a previous adjacent layout.

3. Lot Side Lines. As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.

4. Suitability for Intended Use. All lots shall be suitable for the purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision area or of such lot, as determined by the Planning Commission in accordance with the purpose of this Ordinance.

5. Future Subdivision of Lots. When partitioning or subdivision results in an area of one acre or more, lots and streets shall be arranged to allow for further partitioning or subdivision and for future continuation of streets.

K. Storm Drainage. Storm drainage facilities shall be constructed by the applicant in accordance with the requirements of the City of Glendale Public Works Design Standards, Section 3.0000 - Storm Drainage. Storm drainage design shall manage runoff from all impervious surfaces that result from the uses that are planned for the subdivision including but not limited to streets, roofs and footings, so that the development serves as an extension of the drainage system of the entire drainage basin. The Planning Commission may require an applicant to provide for access through private property to reach an approved point of disposal through the dedication of public easements.

L. Railroads.

1. Crossings. Special requirements in addition to those set forth within the City of Glendale Public Works Design Standards, Section 5.0034 Railroad or Highway Crossings may be imposed by the Planning Commission, including but not limited to provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of the subdivision area, for the protection of such residents and the safety of the general public, and in accordance with the purpose of this ordinance.

2. Subdivision Area Adjacent to Right-of-Way. Where the subdivision area is adjacent to a railroad right-

of-way, and the surrounding economic and physical conditions indicate such property is suitable to be used for industrial purposes in the future, the Planning Commission may require streets to be located at a sufficient distance from said right-of-way to allow for sites for industrial use adjacent to said right-of-way, or the Planning Commission may require a street to run approximately parallel to and on each side of such right-of-way with screen plantings adjacent to the railroad right-of-way.

13. Fire Hydrants. Fire hydrants shall be installed in compliance with City of Glendale specifications set forth in the City of Glendale Public Works Design Standards, Section 5.0032 - Fire Hydrants.

14. Bikeways. Bikeways or bike paths in the subdivision shall be installed and dedicated by the applicant. Bikeways and bike paths shall be in compliance with City-adopted plans for bikeways in the community and with the City of Glendale Public Works Design Standards, Sections 6.0070 - 6.0075.

15. Street Lighting. The applicant shall install street lighting in a pattern fitting the subdivision and according to the specifications of the City of Glendale Public Works Design Standards, Section 6.0091.

16. Street Signs. The developer is to install standard street traffic and regulatory signs and posts according to the specification of the City Glendale set forth in the City of Glendale Public Works Design Standards, Section 6.0092 - Street Names and Traffic Control.

17. Mailboxes. Joint mailbox facilities shall be provided in all residential developments as set forth within the City of Glendale Public Works Design Standards, Section 6.0100.

Section 9.3.20 Construction of Improvements.

1. Excavation and Grading. Excavation and grading shall comply with this ordinance and other City ordinances requiring bonds or other security as a condition for the construction of public improvements requiring the restoration of public right-of-ways, and with the City of Glendale Public Works Design Standards, Section 2.0000 - Excavation and Grading, and with bonding requirements set forth in Section 9.0.60(H) of this ordinance.

2. Construction Plans. Prior to final plat approval and the initiation of any construction work, the applicant shall submit construction plans, specifications and all other documents required by the City of Glendale Public Works Design Standards, Sections 1.0090 - 1.0164 and this ordinance for the City Engineer's approval.

3. Inspections. Inspections shall be carried out as set forth in the City of Glendale Public Works Design

Standards, Section 7.0020 - 7.0031(a).

Section 9.3.30 Modification of Provisions.

1. Application for Modification of Provisions.

1. Time for Submitting Application. Concurrently when submitting a preliminary partitioning plat map or final partitioning plat map, to the City Manager/Recorder for Planning Commission or City Council consideration and approval, an applicant may submit an application for a modification (relaxation of requirements) of the provisions in Section 9.3.10 or other provisions of this ordinance.

2. Contents of Application. An application for a modification shall be a written petition stating the provision sought to be modified and stating facts that support the criteria set forth in Section 9.3.30(3) Criteria for Granting Modifications.

3. Criteria for Granting Modifications. In granting modifications to the standards set forth in this ordinance, the decision making body shall make findings that all of the following conditions exist.

1. There are special conditions inherent in the property due to topography, location, configuration or previous layout of the subdivision area or neighboring area or physical difficulties in providing municipal services which would make strict compliance with the requirements of Section 9.3.10 an unreasonable hardship, or deprive the property of a valuable natural resource, or have an adverse effect on the public health, safety and welfare.

2. The modification is necessary for the proper development of the partitioning or subdivision and the preservation of property rights and values.

3. It is unlikely that the modification will have adverse effect on the public health, safety, and welfare, or on the comfort and convenience of owners and occupants of land within and surrounding the proposed partition or subdivision.

4. Each specific modification shall be considered separately, and no modification shall be granted if, taken together with other requested modifications, the cumulative effect would be to subvert the purpose expressed in this ordinance.

2. Authority for Approving Modifications.

1. Modifications of standards for improvements are under the jurisdiction of the Planning Commission at the time of preliminary plat approval.

2. Modifications of standards for specific improvements are under the jurisdiction of the City Council at the time that the Council considers final plat approval in order to approve dedications and at the time that the Council is asked to accept improvements. In making their decision, the City Council shall consider the recommendations of the Planning Commission, and any circumstances that may have changed from the time of the Planning Commission recommendation.

3. The Planning Commission and the City Council shall make findings to support their decision to allow or deny modifications of standards under Section 9.3.30.

3. Refusal to Allow Modification. If a modification is not approved as provided in Section 9.3.30, the application for modification shall be deemed to have been denied and the Planning Commission or City Council shall proceed under the standards provided in this ordinance.

Section 9.3.40 Site Preparation

No site preparation work may take place until all improvement agreements have been executed, except as authorized by the Public Works Superintendent.

Section 9.3.50 Building Permit Issuance

When the final plat has been filed, and when the City has a Mylar of the plat with all the signed approvals and all provisions for improvements have been assured or approved through an Improvement Guarantee and Performance Bond in conformance with Section 9.0.60, verification letters for building permits may be issued by the City Manager/Recorder. The applicant shall be required to present written verification from the public works superintendent that sewer and water service is available to subject lots.

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Chapter 10

CHAPTER 10 - PLANNED UNIT DEVELOPMENT (PUD)

10.0.10 Purpose.

The purpose of a Planned Unit Development (PUD) is to permit greater freedom and creativity of design in land development than that allowed under a strict interpretation of the zoning and subdivision regulations. The success of a Planned Unit Development is dependent upon the submission of an acceptable plan with assurances that the plan can be successfully carried out. A Planned Unit Development is residential in nature, but it may include compatible cultural, recreational and commercial uses as accessory uses. A Planned Unit Development endeavors to provide:

1. Economic efficiency for the community, buyer and seller.
2. Aesthetic qualities.
3. Common open space, recreation areas and facilities.
4. Convenience in location of accessory uses.
5. Preservation of natural topographical and geological features with emphasis on minimizing soil erosion; conservation of existing surface and subsurface water, and preservation of features that enhance the environment.
6. Dwellings or commercial units may be clustered within the PUD, and they may incorporate detached, semi-detached, attached, single-story, multi-storied, and any combination of the aforementioned structures.

7. Religious, cultural, recreational and commercial uses and purposes may be accommodated within a specific Planned Unit Development when they are accessory to the residential use.

10.0.20 Processing the Application.

1. Procedures.

1. The authorization to proceed with a Planned Unit Development shall be determined through site plan review. The Application shall comply with Section 5.2.10, Site Plan Submission Requirements.

2. Site Plan Review shall be processed under the application and hearing procedure set forth in Section 5.0.50. The provisions of Chapter 10 and Sections 5.0.30 and 5.0.40 shall apply.

3. Depending upon the proposal for marketing of the land, subdivision or partitioning procedures may be required in addition to the site plan review addressed in this section.

4. Substantial design changes in approved plans shall be approved under the same procedures outlined in this section.

2. Concurrent Processing. Any application for discretionary permits for one development applied for under this section shall be processed concurrently with other permits under this ordinance at the applicant's request, and using procedures set forth in Section 8.0.40 Consolidated Application Procedure.

10.0.30. Criteria for Site Plan Approval.

The Planning Commission shall make findings relative to the following in making its decision:

A. Economic Viability. The applicant has demonstrated the soundness and economic viability of the proposal and an ability to carry out the project as proposed.

B. Purpose. The proposal will accrue benefits to the City and the general public in keeping with Section 10.0.10 Purpose.

C. Impacts. The Planned Unit Development is designed and located in a manner that will provide minimal adverse impacts upon adjacent and surrounding developments.

D. Recreational Amenities. Parks, recreation facilities or open space amenities exist and are proposed to

be sufficient.

E. Compliance with Chapter 5. Section 5.2.10 provides site plan application procedures. Section 5.0.30 Criteria for Conditional Use Permit Approval and Section 5.0.40, Supplemental Approval Criteria are applicable.

F. Compliance with City Design Standards.

1. The proposal complies with the requirements of the City of Glendale Public Works Design Standards and Section 9.3.10 Design Standards except where specifically modified by the Planning Commission.

2. Utilities are proposed to be placed underground except where there has been a waiver by the Planning Commission.

7. .Modifications. All modifications to dimensional standards and design standards have been approved by the Planning Commission in compliance with Section 10.0.50(H) Modifications.

H. Compliance with State Regulations. Applicants shall comply with ORS 92 when there is a division of land. Applicants shall indicate their intent to comply with regulations administered by the Oregon Real Estate Agency including ORS 94 when developing a planned community, and ORS 100 when developing condominiums.

I. .Changes from Approved Preliminary Site Plan. Minor changes in the site plan for a Planned Unit Development may be allowed by the Planning Commission following approval of the preliminary site plan without a public hearing. Minor changes are any changes that are not within the description of a major change. Major changes include any changes in proposed boundary lines, lot lines, proposed uses, locations or widths of streets or accesses, utility easements or other utility plans, increases in density of land use or in the amount of land designated for any specific use, changes in perimeter landscaping or fencing treatment, or changes in conditions or modifications that were made part of the Planning Commission's approval. Major changes may only be considered by the Planning Commission at a public hearing utilizing the criteria and development standards within Chapter 10. The City Manager, the Planning Commission and/or the City Council have the authority to require a public hearing prior to approving changes to the site plan whether or not the changes are defined as minor or major.

10.0.40 Accessory Uses.

In addition to accessory uses typically authorized in conjunction with the primary uses and uses typically

allowed by the zone, accessory use for a Planned Unit Development may include commercial use, golf course development, private parks, lakes or waterways, recreation areas, recreation buildings, and other accessory structures that are approved by the Planning Commission to serve the Accessory use. Provisions of Sections 4.0.110 and 4.0.120 shall not apply.

10.0.50 Development Standards.

1. Density. The overall residential density of the Planned Unit Development shall conform with the density range of the zone in which it is located.

2. Underground Utilities. In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.

3. Easements. The Planning Commission or City Council may require easements necessary for orderly extension of public utilities to future adjacent developments.

E. Common Areas and Structures.

1. At least twenty (20) percent of the land area shall be dedicated or reserved as common usable 'outdoor living' and 'open space' exclusive of required parking. At least one-half of the common open space must be contiguous.

2. Lands and structures not dedicated to the public, but reserved for use by owners or tenants and their guests, shall be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon or to a City-approved public agency that agrees to maintain the common open space,

streets, access drives, service and parking areas, recreation areas and any buildings, structures, or other improvements that are common areas or facilities.

3. Such association of owners or tenants shall be set up before approval of the final plat or any portion of such, and no common areas and structures may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use through the same process that was used to approve the development. Any changes in boundaries of lot lines shall be subject to the vacation procedures set forth in Chapter 13 of this ordinance, and replat procedures set forth in ORS 92.

4. Membership in any association of owners or tenants shall be mandatory for each homeowner and any successive buyer.
 5. Open space restrictions shall be in perpetuity.
 6. The owner's association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 7. Homeowners or tenants shall pay their prorated share of the cost, or the assessment levied by the association shall become a lien on the property. Covenants governing the use, improvement, and maintenance of the common areas and structures shall authorize the City to enforce their provisions, using liens or assessments to pay the cost to the City of enforcement.
 8. The association shall be able to adjust the assessment to meet changes as needed.
- F. Landscaping Plan. A detailed landscaping plan indicating location and type of plant materials, location of irrigation system and maintenance provisions shall be approved.
- G. Flood Areas, Hazard Areas, Riparian Areas. Areas subject to flooding or natural hazards, and riparian areas shall be considered, and where appropriate, maintained as open space.
- H. Modifications. The Planning Commission may authorize modifications to the dimensional standards of the underlying zoning district, to parking lot design standards, or to the design of public streets and alleys subject to the following limitations.
1. Modifications Identified. Each proposed modification shall be separately identified, combined with an explanation of why the modification meets one or more of the purposes of the Planned Unit Development as stated in Section 10.0.10 Purpose.
 2. Modifications Limited. Modifications are limited to the restrictions and design standards listed within this section.
 3. Setbacks. Minimum lot size, front, side and rear yards and lot width shall not be regulated specifically by the zoning district, but will be determined during the site plan review.

4. Layout of Properties and Lot Coverage. Layout of the Planned Unit Development will be based on density, fire and life safety, access to sunlight, the relationship of buildings to each other and to adjacent properties.

5. Streets.

a. Local streets may be modified with respect to length, width, intersection standards, grades, curve radii, turnarounds, easements, street lighting, sidewalks, curbs and driveway approaches, provided they allow adequate access for fire protection and emergency access as determined by the Fire Chief within the Planned Unit Development. Local streets may be dedicated to the public or remain in the ownership of the owners' association.

b. The Planned Unit Development shall not impede the continuance, nor shall it modify the standards of any existing street that has been identified in the City's Comprehensive Plan as a street to be extended in order to allow for the future growth of the City.

c. No modifications shall be allowed for collector or arterial streets.

6. Parking Lot Standards. Parking lot design standards shall be of equivalent or better structural quality with respect to installation and construction than that required by Section 4.0.80 Off-Street Parking and Off-Street Loading Requirements of this ordinance and by the City of Glendale Public Works Design Standards adopted by the City Council.

7. Building Height. The maximum building height shall not exceed those building heights prescribed in the zone in which the Planned Unit Development is proposed, except that a greater height may be approved if surrounding open space within the Planned Unit Development, building setbacks, and other design features are used to avoid any adverse impact due to the greater height and provided that fire equipment is capable of serving all facilities.

8. Walkways. Sidewalks will not be required adjacent to private streets; however, the overall plan for the Planned Unit Development shall include an acceptable pedestrian circulation system.

9. Other Modifications. Modifications which do not meet the specific criteria of Section 10.0.50(H) must comply with the procedures and specifications of Section 9.3.30 Modification of Provisions.

10.0.60 Construction Plans and Improvements.

A. Engineering construction plans, profiles, details and specifications for all public facility and utility improvements shall be prepared by an Engineer registered in the State of Oregon and approved by the City prior to construction.

2. Except where specifically authorized by the Planning Commission at the time of approval, all public facilities and utilities shall be designed and constructed in accordance with the City of Glendale Public Works Design Standards and Section 9.3.10 Design Standards.

3. The procedures for engineering design, plan approval and inspection, and bonding requirements shall be those set forth in Section 9.0.60 Criteria for Final Plat Approval of Partitions and Subdivisions.

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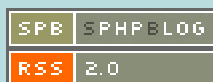
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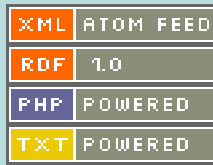
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CHAPTER 11 - LOT LINE ADJUSTMENT

11.0.10 Application.

The applicant for a lot or parcel line adjustment shall submit to the City Manager/Recorder an application with the following information:

- A. Letter of intent for the lot line adjustment which include(s) the reasoning behind the request.
- B. Vicinity map (minimum 8½ x 11 inches) locating the proposed boundary change in relation to adjacent subdivisions, partitions, other units of land and roadways, the location of public facilities and utilities with appropriate dimensions and the following:
 - 1. Zoning designation of properties located in the proposed boundary change.
 - 2. Square feet of the area involved in the adjustment.
 - 3. Dimensions (in feet) of all resulting lots or parcels involved in the adjustment.
 - 4. Area for the City Manager/Recorder to sign if approval is granted.
- C. Letters of consent from all property owners with property involved in the proposed lot line adjustment, and written legal descriptions of properties.
- D. A non-refundable fee as set by resolution of the City Council to be paid to the City Manager/Recorder as per Section 8.0.60 Fees and Professional Expense.
- E. A plot plan showing the following:
 - 1. Existing boundary lines of the lots or parcels affected by the parcel or lot line adjustment.
 - 2. The location for the proposed adjusted line.
 - 3. Lot sizes of all affected lots, existing and proposed.
 - 4. Locations of all structures, including existing and proposed setbacks.
 - 5. If the applicant is planning new construction, the construction plot plan of the proposed improvement shall also be submitted.

11.0.20 Criteria for Approval.

An application for a lot or parcel line adjustment may be approved by the City Manager/Recorder under this section if the following criteria are met:

- A. All resulting lots or parcels must be no more substandard than the original lots or parcels with respect to minimum lot or parcel area, dimensions, and building setback requirements for the given zone.
- B. All adjustments will occur within a given zone and are not permitted among differing zones.
- C. The lot or parcel line adjustment must result in either the new lot or parcel line boundary being no further than 10 feet from the old property line or the lot, or parcel line adjustment must effectively eliminate one or more lot or parcel lines between lots.
- D. Lot or parcel line adjustment shall not alter or impede the public right-of-way or any recorded easement.
- E. A lot line adjustment is permitted only where existing or planned structures will not encroach within required setbacks as measured from the adjusted line.
- F. A lot or parcel line adjustment shall have no effect on existing easements.

11.0.30 Map and Monuments.

For any resulting lot or parcel line adjustment, ten (10) acres or less, a survey map that complies with ORS 209.250 shall be prepared. The survey map shall establish monuments to mark the adjusted line when required to comply with ORS 92.060, Sections 7, 8 and 9.

11.0.40 Procedures.

- A. The City Manager/Recorder shall grant tentative approval for the application for lot or parcel line adjustment if the requirements set forth in Section 11.0.20 Criteria For Approval are met, and the City Manager/Recorder shall advise the applicant in writing that the parcel or lot line adjustment is tentatively approved.
- B. Within six months from the date of the tentative approval, the applicant shall prepare and submit a copy of the survey map that complies with ORS 209.250 to the City Manager/Recorder. The City Manager/Recorder shall indicate final approval by endorsement upon the map.
- C. Any proposed adjustment not meeting Section 11.0.20 shall be submitted to the Planning Commission for their approval or denial based on the degree to which the proposal varies from the Criteria for Approval, and the impact of any such variations. The Commission shall then determine if the application is approved, approved with conditions, or denied. The Planning Commission shall indicate the final approval by endorsement upon the map.
- D. Once the map has been endorsed, the applicant shall submit the map to the County Surveyor, and pay any fees required by the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map. A line adjustment shall be effective when the map is filed by the County Surveyor, and when the deed has been filed with the County Clerk in compliance with ORS 209.250.
- E. The City Manager/Recorder or the Planning Commission may refer any decision to the City Council.
- F. Decisions of the City Manager/Recorder may be appealed to the Planning Commission.

G. Decisions of the Planning Commission may be appealed to the City Council.

CHAPTER 12 - ANNEXATION

12.0.10 Compliance with Applicable Regulations.

A. Annexations to the City of Glendale may be carried out when the annexation is in compliance with all of the following:

1. The annexation shall comply with applicable City of Glendale Comprehensive Plan policies.
2. Procedures established in the Douglas County/City of Glendale Urban Growth Agreement shall be followed.
3. Property to be annexed is within the Glendale Urban Growth Boundary.
4. All annexed property shall be served by City sewer and water in compliance with Sections 4.0.130 and 4.0.140.
5. All annexed property shall be contiguous to the City of Glendale.

B. Property that is not within the Urban Growth Boundary shall be subject to an analysis and preparation of findings based upon the Statewide Planning Goals.

12.0.20 Procedures.

Procedures for Annexation are set forth in ORS 222. The City Council may seek the recommendations of the Planning Commission in regards to compliance with Section 12.0.10 for all annexation proposals. The Planning Commission shall make findings to support any recommendation to conditionally approve, deny or approve the annexation.

12.0.30 Zoning of Annexed Property.

Zoning of annexed property shall be subject to Section 2.1.30 Zoning of Annexed Areas, and prior to annexation, Section 3.0.40 Determination of Applicability shall apply.

CHAPTER 13 - VACATION

13.0.10 Procedures.

A. The vacation of a street, alley, plat, or other public place, shall comply with the procedures set forth in ORS 271.080 - 271.230.

B. Notice shall be provided.

C. Consent of affected property owners shall be obtained when the vacation is initiated by a private property owner.

D. Owners of the majority of the area affected shall have the opportunity to object in writing prior to a vacation initiated by the City Council's own motion.

E. The City Council may seek the recommendation of the Planning Commission in regards to compliance with applicable regulations and may request the Planning Commission to hold a public hearing.

13.0.20 Compliance with Applicable Regulations.

Recommendations by the Planning Commission and decisions by the City Council shall provide findings relative to the following:

A. The vacation shall not substantially negatively affect the marketability of abutting property in terms of access, utility services, or the public welfare or public safety.

B. The vacation shall not conflict with the City's Comprehensive Plan or with other ordinances.

13.0.30 Conditions.

The Planning Commission and Council may impose the following conditions or other conditions deemed necessary for any vacation at the applicant's expense:

A. Retention of an easement for physical access, a public utility, or other public service facility, and limitations on the use of the area adjacent to such facility.

B. Construction or removal of a public utility or other public service utility.

C. Replatting or rededication of land to be vacated.

D. Improvement of street or alley prior to rededication.

PASSED AND ADOPTED by the City Council of the City of Glendale this 13th day of December, 2004 by a unanimously favorable vote.

APPROVED by the Mayor this 13th day of December, 2004.

Flora C. Snyder, Mayor

Attest:

Betty Stanfill, City Recorder

CITY OF GLENDALE
ORDINANCE NO. 06-2005

AN ORDINANCE AMENDING ORDINANCE 01-2005 BY CREATING A
PROVISION FOR A MINOR VARIANCE (SECTION 5.1.60) AND BY
AMENDING SECTION 4.0.90 (B)

The City of Glendale ordains as follows:

Ordinance 01-2005

Definitions

Section 1.1.20

Minor Variance. An authorized relaxation of the setback requirements of this ordinance pertaining to two-story structures on lots with one or more dimensions of fifty (50) feet, where such relaxation of terms will not be contrary to the public interest.

Section 5.1.60 Minor Variances

Minor variances may be denied or granted upon review by the City Recorder or the Planning Commission Chairman for the following:

Additional 5-ft. Setbacks on 50-ft. Wide lots for two story structures in a residential zone.

Application for a minor variance made in conjunction with a building permit application shall have no additional fee applied.

Section 4.0.90 (B)

The minimum area to be developed for a manufactured home park is one (1) acre.

Effective Date

This Ordinance shall take effect thirty (30) days from the date of adoption by the Glendale City Council.

PASSED by the City Council and SIGNED by the Mayor this 11th day of April, 2005.

Attest: John Poore, Mayor

Betty Stanfill, City Recorder

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