

# **CRESWELL DEVELOPMENT CODE**



## **City of Creswell**

**Adopted by Creswell Ordinance No. 390**

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## SECTION 1

### INTRODUCTORY PROVISIONS

#### Sections:

- 1.1.0 Title
- 1.2.0 Purpose
- 1.3.0 Consistency with Plan and Laws

- 1.1.0 Title.** This Ordinance shall be known as the Development Code of the City of Creswell, Oregon and the map herein referred to shall be known as the Zoning Map of the City of Creswell, Oregon.
- 1.2.0 Purpose.** The purpose of this Ordinance is to coordinate city regulations governing the development and use of land and to implement the City of Creswell Comprehensive Plan.
- 1.3.0 Consistency with Plan and Laws.** Actions initiated under this Ordinance shall be consistent with the adopted Comprehensive Plan of the City of Creswell and with applicable state and federal laws and regulations as these plans, laws and regulations may now or hereafter provide.





## SECTION 2

### GENERAL PROVISIONS

#### Sections:

- 2.1.0 Scope and Compliance
- 2.2.0 Use of a Development
- 2.3.0 Interpretation
- 2.4.0 Severability
- 2.5.0 Conflict

- 2.1.0 Scope and Compliance.** A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise, only as this Ordinance permits. In addition to complying with the criteria and other provisions within this Ordinance, each development shall comply with the applicable standards and policies set forth in the Creswell Comprehensive Plan and refinements thereto. The requirements of this Ordinance apply to the person undertaking a development or the user of a development and to the person's successors in interest.
- 2.2.0 Use of a Development.** A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed and intended or which is deemed nonconforming.
- 2.3.0 Interpretation.** Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or any other ordinance, the provisions that are more restrictive shall govern.
- 2.4.0 Severability.** The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is judged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.
- 2.5.0 Conflict.** If any portion of this Ordinance is found to be in conflict with any other provision of any zoning, building, fire safety, or health ordinance of the City, the provision that establishes the higher standard shall prevail.



### SECTION 3

#### PROCEDURES

##### Sections:

- 3.1.0 Administration and Authority
- 3.2.0 Processing Applications
- 3.3.0 Uniform Requirements for Approval
- 3.4.0 Building Permits
- 3.5.0 Development Permit
- 3.6.0 Site Review
- 3.7.0 Conditional Uses
- 3.8.0 Revocation
- 3.9.0 Limitations on Re-filing of Application
- 3.10.0 Appeals
- 3.11.0 Enforcement, Violations and Penalties
- 3.12.0 Expedited Land Divisions

**3.1.0. Administration and Authority.** The City of Creswell City Council, Planning Commission, and Planning Director, as authorized, shall administer this Ordinance. Unless otherwise specifically prohibited, the City Council, Planning Commission, and Planning Director may delegate their duties under this Ordinance. The City of Creswell may employ the services of a Hearings Official to assist with appeals, the processing of land use permits, the conduct of public hearings, and the development of Findings of Fact. The Hearings Official shall report to the Planning Commission, or the Council in the event of an appeal of the Planning Commission’s action, which may adopt, modify or reject the Hearings Official’s recommendations.

**3.1.1 Council.** Council refers to the City Council of the City of Creswell, Oregon, which is the governing body of the City. The Council has the following powers and duties in addition to others not specifically mentioned that currently exist or develop in the future. The Council:

- A. Has authority to maintain the planning process;
- B. May adopt amendments, supplement, or repeal the text of this Ordinance;
- C. May approve, and from time to time amend, the Comprehensive Plan;
- D. May establish a reasonable schedule of fees in regards to matters processed under this Ordinance; and,
- E. May review decisions of the Planning Commission upon appeal.

**3.1.2 Planning Commission.** The Planning Commission shall have the powers and duties designated by this Ordinance in addition to the power and duty to enforce the provisions of this Ordinance.

**3.1.3 Planning Director.** The Planning Director referenced in this Ordinance is the Creswell City Administrator, or the person designated by the Creswell City Administrator. The Planning Director or designee shall have authority to supervise, organize, direct, and control activities defined herein, as well as make certain decisions regarding the processing of applications, as specified herein. The Planning Director is authorized to perform such other duties necessary for the administration of this Ordinance and those duties and powers further delegated.

**3.2.0 Processing Applications.**

**3.2.1. Materials.** Petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the City. In addition to the specific materials and information required for certain types of applications, every application for a building permit, development permit or other permit or approval required by this Ordinance shall be accompanied by the following:

- A. Fifteen (15) sets of plans and specifications and one (1) 8 ½” x 11” or 11” x 17” reduction drawn to scale that show the actual shape and dimensions of the lot to be built upon and that contain the name and address of the applicant and the street address of the property;
- B. The height, sizes and locations on the lot of all existing and proposed structures;
- C. The intended use of each structure;
- D. The number of families, if any, to be accommodated thereon;
- E. The relationship of the property to the surrounding area;
- F. Any area of the lot within the flood hazard area and the flood elevations of any proposed structures within the flood hazard area; and
- G. Such other information as is needed to determine conformance with this Ordinance.

The number of required plans and specifications may be adjusted by the Planning Director.

If a particular application requires more specific information, compliance with such more specific requirements may be substituted for supplying the equivalent information required in this subsection.

**3.2.2. Fees.** Each application for a permit shall be accompanied by the required fee, and shall not be considered complete and ready for processing until such time as all required fees have been paid and such other information as is required by other provisions of this Ordinance has been provided. Acceptance of the fee shall not be an indication that the application is otherwise complete. Fees shall not be refundable. Fees for all applications shall be as set by the Council, and may be revised as deemed appropriate by the Council.

**3.2.3. Types of Procedures.** Development permit applications subject to this Ordinance shall be classified according to one of the following categories as are defined below: Type I, Type II, Type III, or Type IV.

**A. Procedures.****1. Type I Procedure, Administrative Decision.**

- a. This type of decision is based upon standards specified in this Ordinance or other laws, and does not require interpretation or legal judgment in reviewing the proposed land use. Approval of a Type I application is not a land use decision.
- b. A public hearing or notice of action is not required. However, the applicant shall receive notice of the final decision.
- c. The applicant may appeal a Type I decision in accordance with the requirements discussed in Section 3.10.
- d. Type I Director's decisions: Actions that are processed by the Director as a Type I procedure include, but are not limited to decisions related to:
  - determination of the completeness of applications;
  - determination of the appropriate procedure for any application;
  - development permits for outright permitted uses requiring no Planning Commission action;
  - development permits after discretionary approvals become final;
  - sign permits; and
  - modifications to non-conforming uses.
- e. Type I Planning Commission decisions: Actions that are processed by the Planning Commission as a Type I procedure include but are not limited to:
  - lot line adjustments;
  - final subdivision plat approval for compliance with conditions;
  - minor partition replats; and
  - similar decisions that result in, or are the final opportunity for review before a change in ownership of any real property subject to review under this Ordinance.

**2. Type II Procedure, Limited Land Use Decision.**

- a. A Type II Procedure is classified as a Limited Land Use Decision as defined in ORS 197.015. This procedure allows for review of applications that involve discretionary standards for uses permitted outright by this Ordinance. The Commission or designated staff shall follow the procedures specified in the acknowledged Comprehensive Plan, land use regulations, and other applicable legal requirements.

b. Notice of Application for Type II Limited Land Use Decision.

- (1) Prior to a Type II Decision, the Planning Director shall mail notice to:
  - (a) All owners of record of real property within 100 feet of the subject site;
  - (b) All City-recognized neighborhood groups or associations whose boundaries include the site;
  - (c) Any person who submits a written request to receive a notice; and
  - (d) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.
  
- (2) The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.
  
- (3) Notice of a pending Type II Limited Land Use Decision shall:
  - (a) Provide a 14-day period for submitting written comments before a decision is made on the permit;
  - (b) List the relevant approval criteria, including Code Section numbers;
  - (c) State the place, date and time the comments are due, and the person to whom the comments should be addressed;
  - (d) Include the name and telephone number of a contact person regarding the Type II Decision;
  - (e) Identify the specific permits or approvals requested;
  - (f) Describe the street address or other easily understandable reference to the location of the site;
  - (g) State that if any person fails to address the relevant approval criteria with enough detail, they may not later have standing to appeal on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
  - (h) State that all evidence relied upon by the Planning Commission to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
  - (i) State that after the comment period closes, the Planning Commission shall issue a Type II Limited Land Use Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
  - (j) Contain the following notice: “Notice to mortgagee, lienholder, vendor, or seller: The Creswell Development Code requires that if you receive this notice, it shall be promptly forwarded to the purchaser.”

- c. A public hearing may be requested on a proposed decision by the applicant, a member of the Planning Commission, or any party entitled to notice or who is affected by the proposal. If the request for a public hearing shows valid reasons why a public hearing is necessary for a complete analysis of the application, the Planning Director shall schedule a public hearing at the next available Planning Commission meeting, and shall provide notice of the hearing to all persons entitled to receive the original notice of the application. Procedures at the public hearing shall be the same as for a Type III hearing.
- d. Either after receiving all written comments, or after close of the record in the event of a public hearing, the Planning Commission shall review all information received and make findings based on the applicable criteria. The Commission's decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval or denial of the application. Notice of the Planning Commission's decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The Planning Commission's decision can be appealed in accordance with Section 3.10.
- e. Examples of applications. Applications that are processed as a Type II procedure include, but are not limited, to
  - site reviews;
  - partitions;
  - temporary use permits; and
  - expedited land divisions.

### **3. Type III Procedure, Quasi-Judicial.**

- a. In accordance with ORS 197.764, a Type III procedure requires a public hearing and may involve complex actions that require discretion on the part of the Commission. Notice requirements are discussed in Section 3.2.5 herein.
- b. An application and supporting documents shall be submitted to the Planning Director at least 45 days in advance of the hearing. These documents shall be available for review once public notice has been sent.
- c. Except as specified for expedited land divisions, the total processing time for Type III land use requests, including that allotted for appeals, shall not exceed 120 days, unless all parties involved agree to waive this requirement. A request by the applicant for additional time for the submission of evidence or arguments resulting in either the continuance of a hearing or an extension of the time for submission of additional materials for the record shall result in an extension of the 120 day limit by the number of days of the continuance or extension.



- d. Public Hearing. The following procedures apply to a Type III public hearing.
- (1) Written materials related to the application submitted prior to or during the hearing shall be considered a part of the record. At the start of a public hearing, a statement shall be made that lists the applicable criteria. It shall also be stated that failure to raise an issue accompanied by sufficient statements or evidence to enable the Planning Commission to respond to the issue precludes appeal to the Planning Commission based on that issue. During the public hearing, staff, applicant, and interested persons may present information relevant to the criteria and standards applicable to the proposal. These individuals may indicate why the proposal should be approved, denied, or modified. If the Planning Commission determines that the record shall remain open for the submission of additional written material, the chairperson shall specify the time that the record shall remain open and the nature of the written submissions that may be received while the record remains open. This time shall be no less than seven (7) days. If the hearing is granted a continuance, the hearing shall be continued at least seven (7) days from the date of the initial evidentiary hearing.
  - (2) After close of the record in the public hearing, the Planning Commission shall review all information received and make findings based on the applicable criteria. The Planning Commission's decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval or denial of the application. In making a decision, the Planning Commission may impose additional conditions or restrictions to the approval to ensure compliance with the applicable standards. Notice of the Planning Commission's decision shall be sent to the applicant and any other person who participated in the public hearing or otherwise submitted comments and who has requested notice. The Planning Commission's decision can be appealed in accordance with Section 3.10.
- e. Examples of applications. Type III applications include, but are not limited to the following;
- conditional uses;
  - preliminary subdivision plat;
  - variances (including variances to sign permits);
  - planned unit developments; and
  - zone change (individualized review).

#### **4. Type IV Procedure, Legislative.**

- a. A Type IV procedure requires review by the Planning Commission and the Council, except for annexations where only a review by the Council is required. This type of decision may have significant or broad effects on various parties and properties in a large area. These decisions usually involve

changes to the development ordinance, the Comprehensive Plan, or zone change that concerns an area of the City.

- b. Proposed amendments to this Ordinance, the Comprehensive Plan, or other land use regulations may be initiated by an application from a resident of the City of Creswell, the Planning Director, the Planning Commission, the City Council or Lane County, if the requested change relates to the Creswell Comprehensive Plan.
- c. An application and supporting documents shall be submitted to the Planning Director at least 60 days in advance of the hearing. These documents shall be available for review once public notice has been sent.
- d. Public Notice. Notice of the public hearing or hearings associated with the proposed legislative change shall be provided in accordance with Section 3.2.5.
- e. Public Hearings for Type IV Applications.
  - (1) A minimum of two (2) hearings, one (1) before the Planning Commission and one (1) before the City Council, are required for all Type IV applications. A joint Planning Commission-City Council public hearing meets this requirement. For annexations, only a review by the City Council is required.
  - (2) The Planning Commission or City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, time, and date.
- f. The Planning Commission may submit recommendations and findings regarding the proposal to the Council. These recommendations and findings may include alterations from the original proposal or application. If the Planning Commission determines that the proposed change should not be recommended for approval by the Council, as originally proposed or as modified by the Planning Commission, the Commission may, but need not, submit the proposal to the Council. The Council may enact, amend, or defeat all or portions of the proposal or may refer the matter back to the Planning Commission for further consideration.
- g. If the Council takes final action in the form of an ordinance, resolution, or amendment, then the applicable rules of the Department of Land Conservation and Development must be complied with. Any participants in the hearing who request it shall receive notice of the final action including the effective date of the decision as well as appeal requirements.

**B. Determining the Applicable Procedure.**

1. If there is a question as to the appropriate procedure type, the Planning Director will determine the applicable type based upon the most similar land use application procedure specified herein or other established policy.
2. For an application containing two (2) or more proposals for the same property, these applications may be processed collectively under the highest numbered procedure that is applicable to any of the proposals. Alternatively, the applications can be reviewed individually according to the corresponding procedure type.

**C. Authorization of Similar Uses.** The Planning Director may permit a use not listed in this ordinance, in a particular zone, provided the use is of the same general type, intensity and character as the uses permitted in a particular zone by this Ordinance. However, this Section does not authorize the inclusion of a particular use in a zone where the use is not listed for that zone but is listed as a permitted or conditional use in another zone. The decision of the Planning Director may be appealed to the Planning Commission using procedures as spelled out in Section 3.10.0 (A) of this Ordinance.

**D. Pre-Application Conference.** An applicant may request an informal review of a proposal by the Director, or by planning staff if requested by the Director, prior to application to determine the general feasibility of the proposal.

**E. Consolidation of Permits.** Applicants shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. For purposes of this Ordinance, a consolidated permit process shall mean that the deciding body, to the greatest extent possible, apply concurrent notice, public hearing and decision-making procedures to the permits and zone changes that have been consolidated for review.

#### **3.2.4. Time Limits.**

**A. For application materials:** Upon request, the decision making body may continue the hearing to the next regularly scheduled date if the applicant fails to comply with time limit requirements.

**B. For appeals:** An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the Council within 10 days after the Planning Commission has rendered its decision, according to Section 3.10.0 of this Code. If the appeal is not filed within the 10-day period, the decision of the Planning Commission shall be final.

**C. For completion of approved development:** Unless specifically stated in the permit, the time limit for completion of all development work on any development or use approved pursuant to this Ordinance shall be one (1) year from the time the approval becomes final or the date the development permit is issued, whichever comes last. However, upon written request showing that there are valid reasons beyond the immediate

control of the applicant for the failure to achieve substantial completion in one (1) year, the Director may extend authorization for an additional period not to exceed one (1) year.

**D. Means of calculating time:** For all time limits in this Ordinance the time shall be calculated by considering the day after the day the application is deemed complete to be “day one,” and counting days sequentially until the specified number of days is reached. Saturdays, Sundays and federal holidays shall be included, except that if the final day of the specified period falls on a Saturday, Sunday or federal holiday, the final day of the period shall be the next day that is not a Saturday, Sunday or federal holiday.

**3.2.5. Public Notice.** The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit comments about the application before the decision is made. The goal of this notice is to invite people to participate early in the decision-making process.

A. Notice of a proposed Type III or IV action shall be provided as follows:

- (1) Each notice of hearing authorized by this Ordinance shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the date of the hearing.
- (2) Notice shall be mailed to the applicant and to all appropriate property owners at least 20 days but not more than 40 days before the date of the first hearing on the application:
  - (a) For Type III applications, this mailing shall include all owners of property located within 100 feet of any portion of the property subject to the application.
  - (b) For Type IV applications:
    - (i) Notice shall be mailed to each owner whose property would be rezoned in order to implement the ordinance (i.e. owners of a property subject to Comprehensive Plan amendment shall be notified if a zone change would be required to implement the proposed Comprehensive Plan amendment).
    - (ii) If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the City of Creswell, individual notice shall be prepared and mailed to these affected, including all persons within 100 feet of the affected property.
    - (iii) When a proposal to change the zone of property that includes all or part of a mobile home park is to be considered at a public hearing, notice shall be sent to each existing mailing address for tenants of the mobile home park.

- (iv) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
- (3) Notice shall be mailed to all recognized neighborhood groups or associations affected by the proposal.
- (4) Notice shall be provided to any person who submits a written request to receive a notice.
- (5) Notice shall be provided to any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and to other affected agencies as appropriate. For Type IV applications, the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and Development Code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. Once adopted, DLCD shall receive notification of amendments within five (5) working days of adoption.
- (6) For each mailing of notice and published notice, the Planning Director shall file an affidavit of notice in the record.
- (7) The notice provisions of this Section shall not restrict the giving of notice by other means, including mail or posting on property.
- (8) The public notice shall contain the following:
  - (a) Date, time, and location of the hearing or the ending date for any opportunity to submit comments.
  - (b) Explanation of the nature and extent of the proposal, and the number and title of the application file.
  - (c) The local government contact's name, address and telephone number where additional information about the application can be obtained.
  - (d) Information as to where a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost, and information that copies of all documents will be provided at reasonable cost.
  - (e) A list of the applicable approval criteria, the Comprehensive Plan, and other plans and laws that apply to the application.
  - (f) Each required mailed notice shall contain the following statement, "Notice to mortgagee, lienholder, vendor, or seller: The Creswell Development Code

requires that if you receive this notice, it shall be promptly forwarded to the purchaser.”

- (g) The statement: “Failure to raise an issue at this opportunity for comment or hearing, in person or by letter, or failure to provide statements or evidence related to an issue sufficient to afford the decision maker an opportunity to respond to the issue, precludes reliance on that issue in any later appeal of the decision that will be made after consideration of statements and evidence submitted, including an appeal to the Oregon Land Use Board of Appeals.”
- (h) A statement that all evidence relied upon to make the decision is available for public review, and that the staff report will be available for public review at least seven (7) days prior to the hearing date. Copies of the evidence and staff report can be obtained at a reasonable cost from the City.
- (i) Notice shall include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings or other review procedures, and a statement that the hearing will be held under the rules of procedure adopted by the Council and available at City Hall.

(9) Legislative actions may require Ballot Measure 56 notice.

### **3.3.0 Uniform Requirements for Approval.**

- A. No permit or discretionary approval may be granted where it appears that approval would result in a violation of any applicable state or federal law or regulation. Where allowed by this Ordinance, the application may, but need not be, granted with a condition that requires compliance with identified federal or state laws or regulations.
- B. No permit or discretionary approval may be granted if the applicant has failed to meet all conditions previously imposed or otherwise failed to comply with the applicable land use laws for any use within the City of Creswell. An exception may be granted if it is shown that the failure to comply with conditions imposed on a previously approved use, or to comply with laws applicable to a use, resulted from conditions or causes beyond the control of the applicant, that there had been a good faith attempt to comply, and that imposition of a condition of approval of the application under consideration requiring compliance for the other use is likely to increase the chances of bringing the other use into compliance. Where the Planning Commission determines that it is appropriate and the applicant agrees, final approval of an application may be delayed pending, or conditioned on, the submission of an application for modification of conditions of a previously approved use or such other action that may remove the impediment of failure to comply.

**3.4.0 Building Permits.** Building permits shall be issued and administered by the Creswell Building Department according to the following considerations:

- A. Building permits may be issued for permitted uses not requiring a separate development permit if after examination, the Creswell Building Department concludes that the proposed development will conform to all applicable local and state laws related to building construction and structural safety. A copy of the building permit shall be sent to the City Recorder for verification and filing.
- B. Application for building permits requiring land use approval, including a development permit signed by the Planning Director, site plan reviews, conditional uses, variances, or nonconforming uses shall be submitted for approval by the City prior to issuance.
- C. Each application for a building permit shall be accompanied by the information specified in section 3.2.1 of this Ordinance.

### **3.5.0. Development Permits.**

#### **3.5.1 Nature of a Development Permit**

- A. Purpose.** The purpose of a development permit is to provide the City and the property owner with documentary assurance that the applicable land use provisions, including conditions of approval, of this Ordinance have been applied to a proposed development. Issuance of a development permit is not a land use decision, but it is an indication that, based on the facts known at the time of issuance, the proposed use and development of the subject property is consistent with provisions of this Ordinance in effect at the time the application was completed and as applied through any prior development approval because all required discretionary review has been completed and become final, or is not necessary. The development permit is supplemental to other land use permits discussed in various sections of this Ordinance.
- B. When a Development Permit is Required.** Unless exempt, a person shall not promote or cause the development of land when a development permit has not been obtained for such action. Development permits, unless otherwise specified, are required for all uses permitted or conditionally permitted in all zoning districts, proposals subject to site plan approval, and proposals subject to discretionary approval processes including conditional uses and variances.
- C. Exclusions from the Development Permit Requirement.** An exclusion from the development permit requirement does not exempt the proposal or use from compliance with the other applicable provisions of this Ordinance, such as a Grading Permit (see Section 14.16.0, Grading and Drainage Plan). The uses and developments listed below do not require a development permit;
  - 1. Proposals involving an accessory structure to a permitted use that does not require a building permit, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Section 11 of this Ordinance.

2. An internal change to a building or other structure that does not substantially affect use of the building or structure nor involve installation or implementation of a new sign, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Section 11 of this Ordinance.
3. An emergency measure necessary for the immediate safety, health, and welfare of persons or property. Such exemption shall be temporary and shall not allow continuation of the use beyond the immediate period of the emergency, and must be followed within five (5) days of the initiation of the use by an application for the appropriate land use approval.

### **3.5.2 Building Permit as Development Permit.**

- A. The following proposals may utilize the building permit as the development permit as long as the applicable provisions of this Ordinance are met;
1. Detached single-family dwellings and duplex dwellings on pre-existing lots that conform to the applicable provisions of this Ordinance, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Section 11 of this Ordinance;
  2. Accessory buildings for permitted uses, except where the structure will be located on a parcel or lot within the Flood Plain Subzone and therefore be subject to Section 11 of this Ordinance;
  3. An internal change to a building or other structure that does not result in a change of use from permitted uses in that zone.

**3.5.3 Issuing a Development Permit.** The Planning Director shall issue development permits. Neither the designated city official nor any other state or local official shall issue a permit for use, development, or occupation of a structure that has not been approved according to this Ordinance. Review and sign-off of an approved development application, after all conditions of approval have been met, shall constitute a Development Permit.

**3.5.4 Certificate of Occupancy.** It is unlawful to use or occupy any building or premises until the building official or appropriate designated city official has issued a Certificate of Occupancy indicating that the proposed use is in compliance with this Ordinance and other applicable requirements. Where it is appropriate, and where there is a designation to this effect on the permit, a development permit or building permit may serve as the necessary certificate of occupancy. The occupancy of a building or premise without the Certificate of Occupancy is a violation of this Ordinance. Each day that violation of this Section occurs is considered to be a separate offense.

### **3.6.0. Site Review.**



**3.6.1 Purpose.** The purpose of this Section is to assure that a proposed development subject to site review requirements is developed in conformance with applicable land use regulations and is designed in a manner to provide for environmental quality that will not be detrimental to the public health, safety and general welfare.

**3.6.2 Application.**

- A. The Planning Commission must review and, if appropriate, approve a site plan for each new building, structure, open land use, or addition to an existing development in all instances where site plan review is requested or required by this Ordinance. No building permit or development permit shall be issued for such a development until the Planning Commission's approval of the site plan has become final. Nothing in this Section requires that the Planning Commission approve a site plan application.
- B. The Planning Commission must review and, if appropriate, approve a site plan for any application seeking to alter, move, renovate, demolish or change the use of any historical structure, as defined by the Creswell Comprehensive Plan. Planning Commission approval is necessary before such a change can be undertaken.

**3.6.3 Exceptions.** The requirement for approval of a site plan does not apply in the following cases:

- A. Temporary use of land not to exceed ten days.
- B. Uses permitted "outright" in a R zone, except in the case of historical sites.
- C. A proposal requiring a site plan that is also subject to approval under the provisions related to planned unit development, variance or conditional use permit.

**3.6.4 Review Procedures.**

- A. The application for site plan approval must be filed with the Planning Director on the form prescribed by the City.
- B. The Planning Commission shall review all applications for site review as a Type II procedure.
- C. The Planning Commission may approve, approve with conditions or deny an application for site review. If the Planning Commission decides that conditions are necessary for the application to comply with the requirements for approval of a site review, the Planning Commission shall identify and impose the conditions necessary to obtain compliance. If the Planning Commission determines that the proposed development is incompatible with the requirements for approval of an application for site review, the Planning Commission shall deny the application.

**3.6.5 Information to Accompany Application.** In addition to the information specified in subsection 3.2.1 of this Ordinance, an application for a site plan approval shall be accompanied by fifteen (15) copies of a site plan and one (1) 8-1/2" x 11" or 11" x 17" scaled reduction showing the following:

- A. Off-street parking lot design, including entrance and exit points and proper drainage.
- B. Street right-of-way line.
- C. Setbacks.
- D. Exterior lighting and signs.
- E. Fencing, landscaping and underground irrigation system.
- F. Building elevations to illustrate architectural style and compatibility with neighborhood.
- G. Shadow patterns of all proposed structures.
- H. Any other data necessary to describe the proposed development.

The number of required copies of the site plan may be adjusted by the Planning Director.

**3.6.6 Findings Necessary to Granting Approval.** Except for site plans concerning historic structures, in order to approve the site plan as meeting the requirements of conformance with applicable land use regulations and assurance of environmental qualities that are not detrimental to the public health, safety and general welfare, the Commission must find that:

- A. The proposed use and development of land conforms to applicable land use regulations and the Creswell Comprehensive Plan.
- B. The buildings are located so as to provide light and air according to yard requirements.
- C. Parking areas and entrance-exit points are designated so as not to cause exceptional traffic interference on abutting streets.
- D. Public facilities are adequate to accommodate the proposed development or provisions will be made in the course of development to upgrade public facilities to meet existing City standards.
- E. Measures have been taken to mitigate noise-generating and light-generating sources.
- F. No additional conditions are necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood and the City as a whole.

- G. Where applicable, that all criteria and standards relating to development in a flood hazard area have been met.

**3.6.7 Findings Necessary to Granting Approval for Historic Structures.** For site plans related to modifications of historic structures, the Planning Commission must adopt findings, which shall include the following considerations:

- A. Whether the site, structure or object has maintained the required characteristics for historic significance.
- B. Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare.
- C. Whether historical significance will be substantially affected by the proposed change.
- D. Whether the financial or other hardship to the owner in preserving the historic significance is outweighed by the public interest in preserving historic values.
- E. Whether there are alternative ways in which historic values may be preserved if the proposed action is carried out.
- F. Whether the proposed action or change will have any substantial economic, social, environmental or energy consequences and the affect of such consequences on the public and private interests involved.
- G. Whether there are sources of compensation or financial assistance available to compensate the owner in the event that preservation of the property is recommended by the Planning Commission.

**3.6.8 Conditions of Approval.** In approving a site review application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the appropriate development and best interest of the surrounding property, the neighborhood, and the City as a whole as well as being in conformance with the Comprehensive Plan. These conditions may include any of the following:

- A. Regulating the required lot size, lot width or yard dimensions.
- B. Regulating the height of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Requiring dedication of additional street right-of-way or increasing the street width.
- E. Increasing the number of required off-street parking or off-street loading spaces.

- F. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- G. Limiting the number, size, location and lighting of signs.
- H. Designating sites for open space or outdoor recreation areas.
- I. Requiring ongoing maintenance of buildings and grounds.
- J. Regulating noise, vibration, odors and similar factors that may have a substantial negative effect on the development of the surrounding area of the City as a whole.
- K. Providing internal property improvements such as underground utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening or recreation areas in order to enhance the area and to protect adjacent or nearby property.
- L. Regulating time periods for the conduct of certain activities.
- M. Setting a time limit for which the site plan is approved.
- N. Require the providing of public improvements such as streets, sidewalks, public utility facilities, drainage facilities and other basic services that are directly benefiting the proposed development or require participation in an improvement district to insure provision of basic services, parks or streets and sidewalks directly benefiting the proposed development.
- O. Require the staggering of units to avoid a barrack-like effect.
- P. Requiring the installation of fire and intrusive alarm systems.
- Q. Requiring that the proposed buildings are located so as to protect solar access of adjacent buildings and lots.
- R. Regulating grading, excavating, construction and filling in all areas identified as special flood hazard.
- S. Require that exterior modification of designated historical structures be made with the same or similar materials and in the same or similar architectural style as originally used in the historic structure.
- T. Additional conditions may be added to meet the requirements set out in Section 3.6.6 or 3.6.7 of this subsection, or the purposes of site review, provided that such conditions do not discourage needed housing types at densities provided by the underlying zone through unreasonable cost or delay.

**3.6.9 Building Permits for Approved Site Review Requests.** Building permits for all or any portion of a site review application shall be issued only on the basis of the approved plan. Any proposed change in the approved plan shall be submitted as a new application for site review.

**3.7.0. Conditional Uses.**

**3.7.1 Purpose.** Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration include, among others, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the City as a whole. All uses permitted conditionally possess unique and special characteristics making impractical their inclusion as outright uses in many of the various zones herein defined. Locations and operation of designated conditional uses shall be subject to review and authorized only by issuance of a Conditional Use Permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of establishing such conditions as may be reasonable so that the basic purposes of this Ordinance shall be served. Nothing herein shall be construed or applied in a manner inconsistent with state laws and regulations governing approval procedures and standards for needed housing.

**3.7.2 Initiation of Application.** Application for Conditional Use Permits shall be filed with the Planning Director on the form prescribed by the Council by any person with a legal interest in the property, or such person's authorized agent. In addition to the information listed in subsection 3.2.1 of this Ordinance, an application for a conditional use permit shall include fifteen (15) copies and one (1) 8-1/2" x 11" or 11" x 17" scaled reduction and include:

- A. Off-street parking lot design, including entrance and exit points and proper drainage.
- B. Street right-of-way line.
- C. Setbacks.
- D. Exterior lighting and signs.
- E. Fencing, landscaping and underground irrigation system.
- F. Building elevations to illustrate architectural style and compatibility with neighborhood.
- G. Shadow patterns of all proposed structures.

- H. Any other data necessary to describe the proposed development.
- I. A Statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.), a description of that interest and in the case the applicant is not the owner, that the owner knows of the application.
- J. Any other materials or information as may be deemed necessary by the applicant to demonstrate compliance with this Ordinance.

The number of required copies may be adjusted by the Planning Director.

**3.7.3 Review Procedures.**

- A. The Planning Commission shall review all applications for conditional use approval as a Type III procedure.
- B. The Planning Commission may approve, approve with conditions, or deny an application for conditional use approval.

**3.7.4 Findings Necessary to Granting Approval.** In order to approve an application for conditional use approval the Planning Commission must find that:

- A. The proposed use and development of land conforms to applicable land use regulations and the Creswell Comprehensive Plan. Conformity with this requirement shall mean that the proposed use is a use allowed within the terms of the land use regulations and is of a type permitted within the designations set forth in the Comprehensive Plan as those documents apply to the land upon which the proposed use will be sited.
- B. The size and area of use of the proposed development is consistent with and can be accommodated within the proposed location. This shall be determined by examining whether the submitted plans indicate that the proposed use will fit within the dimensions of the proposed location, taking into consideration all applicable setbacks, easements and other restrictions on location set forth in this Ordinance and in the documents of title to the proposed location.
- C. That the use can be and has been conditioned so as to mitigate any significant adverse traffic safety or volume impacts, or other adverse impacts on public water, wastewater and storm drainage facilities or fire protection and public safety.

For needed housing (as defined in ORS 197.303) a significant adverse traffic safety or volume impact shall mean a change in the standard measures of traffic safety and volume at least equal to one level in the commonly accepted rating standards used by traffic engineers for intersections of a size and character similar to the intersections near the proposed development. For needed housing an adverse impact on other public facilities shall mean that the demand for public facilities made by the proposed

development, including existing demand by other uses, shall be beyond the rated capacity of the public facilities that will be used by the proposed development, or can not otherwise be accommodated by the facilities locally available. For needed housing an adverse impact on fire protection and public safety shall mean that, as proposed, the size, location or configuration of the proposed use will create barriers to access or have an effect on flow rates that will, in the opinion of the public service provider, prevent an adequate provision of services. The level of proof for the applicant shall correspond to the requirements of Section 5.9.0.

- D. That there will be no significant adverse impacts on adjoining land uses or on the growth and development of the City, as identified in the Comprehensive Plan.

For needed housing a significant adverse impact on adjoining land uses shall mean the creation of conditions that have been documented to prevent the operation or use of an allowed use on the adjoining land. For needed housing a significant adverse impact on the growth and development of the City will mean the proposed development is of a type or in a location not allowed or planned in the applicable provisions of the Comprehensive Plan.

- E. That the proposed use will not be incompatible with the type of uses permitted in surrounding areas.

For needed housing incompatibility shall be limited to situations where it is demonstrated that the proposed use will create conditions making it impossible for the continuation of an existing use on properties adjacent to the proposed use property.

- F. Where applicable, that all criteria and standards relating to development in a flood hazard area have been met.

**3.7.5 Conditions.** The Planning Commission may impose conditions to minimize conflict between proposed and existing uses and otherwise assure compliance with the applicable criteria for approval. Such conditions include, but are not limited, to the following:

- A. Modify yard setbacks, coverage and height to accomplish specified ends.
- B. Screen unsightly development such as trash receptacles, mechanical apparatus, storage areas or windowless walls.
- C. Require walls, fences, hedges and screen planting to accomplish specified ends.
- D. Require planting of ground cover or other surfacing to prevent erosion and reduce dust.
- E. Retain trees or other natural features for buffers, windbreaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational use.

- F. Require adequate off-street parking and loading-unloading facilities.
- G. Modify access provisions for safety reasons.
- H. Modify sign requirements to meet specified ends.
- I. Require landscaping and lighting plans to accomplish specified ends.
- J. Require ongoing maintenance of buildings and grounds.
- K. Require adequate additional right-of-way and road improvements to promote traffic safety.
- L. Require abatement of noise, vibration and odors.
- M. Require time limitation for certain activities.
- N. Require a time period within which the proposed use shall be developed.
- O. Require a limit of total duration of use.
- P. Additional conditions that may be necessary to implement applicable requirements of Section 3.7.4.

**3.7.6 Building Permits for Approved Conditional Use Applications.** Building Permits for all or any portion of a conditional use application shall be issued only on the basis of the approved conditional use plan. Any significant change in the approved plan, including the proposed construction of any additional structures, shall be submitted as a new application for conditional use approval.



**3.8.0 Revocation.**

**3.8.1 Automatic Revocation.** All development permits, site review permits, conditional use permits and other discretionary permits issued pursuant to this Ordinance are automatically revoked without special action if:

- A. The Permit has not been exercised or a building permit issued within one (1) year of the date of approval.
- B. The use allowed by the Permit has been discontinued for any reason for one (1) continuous year or more.

**3.8.2 Revocation After a Hearing.** The Planning Commission may revoke any Permit for failure to comply with the applicable land use laws, including failure to comply with any prescribed conditions of approval.

- A. The Planning Commission may initiate a hearing on revocation at any time the Planning Commission determines that there is reason to believe that grounds for revocation exist. The Planning Commission may act upon receiving:
  - 1. A letter from the City Council notifying the Planning Commission that the Council is of the opinion any or all of the bases for revocation as stated in this subsection exist;
  - 2. A written complaint from any person where the complainant supplies at least sufficient information to show cause to believe that an investigation is justified;
  - 3. A written report from the Planning Director or City Attorney indicating that the Planning Director or City Attorney has come into possession of information indicating that one or more of the basis for revocation exist, and reciting such evidence.
- B. Procedures and notice for a revocation hearing shall be the same as for a Type III hearing. If the Planning Commission determines that it will be in the best interest of the City, the identity of the person or persons initiating the hearing may be kept confidential. In the hearing, the Director shall have the burden of showing that substantial evidence exists to justify the revocation of the permit. If a claim is made, the person to whom the permit was issued, or the successor to such person, shall have the burden of showing that good cause exists why the permit should not be revoked despite the showing of grounds for revocation. The Planning Commission shall make a decision based on the substantial evidence in the record as a whole concerning revocation.
- C. The Planning Commission's decision may be appealed to the Council in accordance with Section 3.10.0 of this Code.

**3.9.0 Limitations on Refiling of Application.** The Planning Commission shall not hear applications for which a substantially similar application has been denied or revoked for cause within the previous year unless the Planning Commission makes a determination that the applicant has shown that the application may be refiled for good cause. Any application that the Planning Director determines is likely to be found to be subject to this provision shall not be considered complete and ready for processing until the applicant has applied for and received a Planning Commission determination that the application in question may proceed. The Planning Commission's action shall be considered a Type I decision.

**3.10.0. Appeals.**

- A. An appeal of a decision by the Planning Director regarding a requirement of this Ordinance may be made only to the Planning Commission. Any action or decision exercising authority delegated to the Planning Director shall be considered final 12 days after the completion of that action. An appeal of the Planning Director's action must be filed with the City within 12 days of the action. If the appeal is filed, the Planning Commission shall receive a report and recommendation thereon from the Planning Director and shall hold a public hearing on the appeal. The grounds for the appeal are limited to the question of whether the Planning Director exercised delegated authority in a manner that is consistent with the requirements of this Ordinance.
- B. An action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within 12 days after the signing of the Planning Commission's final order. If the appeal is not filed within the 12-day period, the decision of the Planning Commission shall be final. Written notice of the appeal shall be filed with the City. The appeal shall refer to the specific criteria upon which the Planning Commission's decision was based, and state the reasons why the criteria were not satisfied. If the appeal is filed, the City Council shall consider the appeal and hold a public hearing following applicable procedures in Section 3.2.3. The hearing should be scheduled for the earliest possible regular meeting date of the Council, unless the Council determines otherwise. The Council's decision on any appeal shall be final upon the signing of the findings by the Council.
- C. Appeal procedure.
  - 1. Notice of appeal. Any person with standing to appeal may file a Notice of Appeal according to the following procedures;
  - 2. Content of notice of appeal. The Notice of Appeal shall contain:
    - a. An identification of the decision being appealed, including the date of the decision;
    - b. A statement explaining the specific issues raised on appeal;

- c. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
- d. Filing fee. The amount of the filing fee shall be established by the City.

### **3.11.0 Enforcement, Violations and Penalties**

#### **3.11.1 Penalty.**

- A. A person violating a provision of this Ordinance shall, upon conviction, be punished by a fine of not more than \$500.00. A violation of this Ordinance shall be considered a separate offense for each day the violation continues.
- B. Abatement of Violation Required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this Section are in addition to and not in lieu of any remedies available to the City.
- C. Responsible Party. If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this Section.

**3.11.2 Complaints Regarding Violations.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a complaint with the Planning Director, stating fully the causes and basis thereof. The Planning Director shall properly record such complaints, investigate and take action thereon as provided by this Code.

**3.11.3 Inspection and Right of Entry.** In accordance with Creswell Ordinance No. 375, Enforcement of the Oregon Building Code, Chapter 2, Section 201, Subsection 202.3, Right of Entry, the Building Official or his duly authorized representatives shall be permitted to enter at all reasonable times any building or premises if there is reasonable cause to believe that there exists in the building or premises a violation, or condition that is unsafe, dangerous or hazardous.

#### **3.11.4 Stop-Order Hearing.**

- A. Stop-Order Issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Planning Director may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue. A decision of the Planning Director is subject to review under Section 3.10.0

- B. **Stop-Order Hearing.** The Planning Director shall schedule a hearing if requested on the stop-order for the earliest practicable date. At the discretion of the Planning Director, such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
  2. Solely to determine whether a violation has occurred. The Planning Commission shall hold this hearing and shall make written findings as to the violation. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Director that the violation has been abated. The Planning Commission's decision is subject to review under Section 3.10.0.

### **3.12.0 Expedited Land Divisions.**

**3.12.1 Application.** A person who wishes to create three (3) or fewer parcels on residential land where the density after division will be at least 80 percent of the maximum net density permitted in the Residential zone may apply for an expedited land division. An application for an expedited land division must be clearly identified in writing on the application as an application for an expedited land division to be considered under the provisions of Section 3.12 of this Ordinance.

**3.12.2 Incomplete Application.** If an application for an expedited land division is incomplete, the Planning Director shall notify the applicant of exactly what information is missing within 21 days of the receipt of the application and allow the applicant to submit the information. For purposes of computation of time, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

**3.12.3 Notice.** Written notice of the receipt of the completed application shall be provided to any state agency, local government or special district responsible for providing public facilities or services to the development, and to owners of property within 100 feet of the entire contiguous site for which the application was made. Notice shall also be provided to any recognized neighborhood or community planning organization whose boundaries include the site.

**3.12.4 Comment.** After notice, interested parties shall have 14 days for submission of written comments prior to the decision.

**3.12.5 Decision.** A decision to approve or deny the application for an expedited land division shall be made without a hearing, after consideration of the material submitted with the application and all written comments received within the time allowed. A final decision shall be made within 63 days of receiving a completed application, based on whether the application satisfies the substantive requirements of Section 19 of this Code. The 63-day time period may be extended to a date certain, after seven (7) days notice to the applicant,

when such an extension is based on the determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall the extension be more than 120 days after the application was deemed complete.

Approval of an application for an expedited land division may include conditions to ensure that the application meets the applicable land use regulations. The applicant and all persons entitled to receive notice of the application shall be notified of the decision within 63 days of the date the completed application was submitted. The notice of decision shall include:

- A. A summary explaining the determination of compliance or non compliance with the applicable land use regulations, and
- B. An explanation of appeal rights under Section 3.12.6 and 3.10.0.

**3.12.6 Appeal.** The applicant or any person or organization who filed written comments in the allowed time period may file an appeal of the decision in accordance with Section 3.10.0 (A). An appeal shall be based solely on allegations listed in ORS 197.375(c). All appeals of expedited land use decisions shall be in compliance with ORS 197.375.

## SECTION 4

### DISTRICTS AND ZONES

#### Sections:

- 4.1.0 Classification of Zones
- 4.2.0 Zoning Map
- 4.3.0 Zone Boundaries
- 4.4.0 Zoning of Annexed Areas
- 4.5.0 Zone Changes

**4.1.0 Classification of Zones.** For the purpose of this Ordinance, the following zones are hereby established:

- A. Residential (R).
- B. General Commercial (GC).
- C. Downtown Commercial (DC).
- D. Industrial (I).
- E. Parks, Recreation and Open Space (PRO-S).
- F. Planned Unit Development Subzone (/PUD).
- G. Flood Plain Subzone (/FP).
- H. Airport Subzone (/A).
- I. Resort Commercial Subzone (/RC).
- J. Public Facilities/Government Zone (PFG)

**4.2.0 Zoning Map.** It shall be the responsibility of the City Recorder to keep the Zoning Map and to make alterations to the Zoning Map necessary to keep it up to date. A copy of the map as it existed on the effective date of this Ordinance shall be kept on file in the office of the City Recorder. Alterations shall be made within 10 days of an action authorized by this Ordinance that alters a boundary of a zone.

**4.3.0 Zone Boundaries.** The boundaries for the zones listed in this Ordinance are indicated on the Creswell Zoning Map, which is hereby adopted by reference.

**4.4.0 Zoning of Annexed Areas.** All areas annexed to the City shall be zoned as designated in the Creswell Comprehensive Plan at the time of annexation. A change in zoning from the Comprehensive Plan designation requires an application for a zone change as outlined in this Section and the statewide planning goals.

**4.5.0 Zone Changes**

**4.5.1 Initiation.** Zoning District and Subzone District Changes may be initiated by the Planning Director, the Planning Commission, the City Council or a property owner or the property owner's representative.

**4.5.2 Review.**

- A. Zoning District and Subzone District changes shall be heard by the Planning Commission. Before the Planning Commission may act on a Zoning District or Subzone District Change, it shall hold a public hearing in accordance with the provisions of Section 3. The Planning Commission shall treat requests for Zoning District and Subzone District changes as Type III procedures, or, where the proposed zone change concerns an area of the city rather than one or more individual properties, the Planning Commission shall treat the proposal as a Type IV procedure.
- B. After consideration of the proposed zone change, the Planning Commission may forward its recommendations to the City Council following relevant procedures for either a Type III or IV decision as listed in Section 3 of this Code.

**4.5.3 Criteria.** In reaching a decision on these actions, the Planning Commission, and City Council when applicable, shall adopt findings that demonstrate that the following criteria have been addressed:

- A. The proposed change is consistent with the Creswell Comprehensive Plan Text and Map; and,
- B. The uses and density that will be allowed by the change can be served through the orderly and efficient extension of key urban services and are consistent with the principles of compact and sequential growth.

## SECTION 5

### RESIDENTIAL ZONE (R)

#### Sections:

- 5.1.0 Purpose
- 5.2.0 Permitted Uses
- 5.3.0 Conditional Uses
- 5.4.0 Development Standards and Requirements
- 5.5.0 Solar Access
- 5.6.0 Parking
- 5.7.0 Signs
- 5.8.0 Fences
- 5.9.0 Special Standards for Uses in the Residential Zone

**5.1.0 Purpose.** The purpose of the Residential Zone is to provide opportunities for residential uses in Creswell. The primary uses within the zone shall be residential: single-family dwellings, planned residential developments and multi-family dwellings. Additional uses that can coexist with the residential character of the zone, which will be predominantly associated public uses, will also be allowed.

**5.2.0 Permitted Uses.** The following uses are permitted in this zone after issuance of a development permit; which may be issued upon determination of compliance with Section 3.4 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Agriculture, including the growing and raising of trees, vines, shrubs, vegetables, nursery stock, hay, grains and similar food and fiber products, but not including raising animals for commercial purposes, except that raising animals commonly recognized as household pets (dogs, cats, etc.) is permitted, subject to other restrictions (i.e. kennels, etc.).
- B. Duplex on a corner lot.
- C. Family Day Care Facility.
- D. Guest house (see Section 5.9.0-A.).
- E. Home occupations (see Section 5.9.0-D).
- F. Manufactured homes on individual lots (see Section 5.9.0-C).
- G. Planned Unit Development (see Section 10).



- H. Residential Home.
- I. Single-family dwellings (One per lot or parcel).
- J. Subdivision (residential) including manufactured home subdivisions (see Section 5.9.0-F and Section 19.6).

**5.3.0 Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Section 3.7. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. An amendment to an initially approved conditional use permit shall be subject to conditional use approval.

- A. Bed and Breakfast Inns. (see Section 5.9.0-G)
- B. Boarding, Lodging, or Rooming House.
- C. Cemeteries.
- D. Church.
- E. Day Care Facility.
- F. Duplex on non-corner lot.
- G. Elderly Housing.
- H. Hospital.
- I. Multi-family dwelling (see Section 5.9.0-B and F).
- J. Private or public golf course.
- K. Public and semi-public buildings and uses, including but not limited to, fire stations, substations, pump stations, wells, parks, playgrounds, libraries and community centers.
- L. School.
- M. Civic, Social and Fraternal Organization facilities.
- N. Residential Facility (as per ORS 197.667).
- O. Manufactured Home Park (see Section 5.9.0-E and F).

**5.4.0 Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Additional standards for certain developments may be found in other sections, especially in Section 19.6, Subdivisions. Non-residential uses in this zone include Family Day Care Facilities; Churches; Schools; Civic, Social and Fraternal Organizations; Hospitals; Elderly Housing; Cemeteries; Golf Courses; Day Care Facilities; Bed and Breakfast Inns; Boarding, Lodging or Rooming Houses; and Public and Semi-public buildings.

**TABLE 5.4.0 (A)**  
**Residential Uses**

<b>Minimum Lot Size</b>	
Single-family dwelling/manufactured home on individual lot	5,000 square feet if existing platted lot, otherwise 6,000 square feet
Duplex	7,500 square feet
Multi-family dwelling	10,000 square feet for 3 dwelling units, plus 2,500 square feet for each additional unit
Manufactured Home Park	In accordance with requirements in 5.9.0-E
<b>Minimum Lot Width</b>	50 feet for 5,000 square foot lot 60 feet for 6,000+ square foot lot 65 feet minimum for corner lots
<b>Minimum Lot Depth</b>	80 feet
<b>Minimum Lot Frontage</b>	20 feet
<b>Setbacks</b>	
Front yard	20 feet
Rear yard	5 feet, unless abutting an alley, then 1 foot
Side yard/Street side yard without vehicular access	5 feet on each side
Street side yard (see Section 23, Definitions, for Yard, Street Side definition)	10 feet, except carports and garages shall be 20 feet
<b>Maximum Building Height</b>	
Accessory Buildings	1 story or 15 feet
All other buildings	2 ½ stories or 35 feet
<b>Maximum Lot Coverage</b>	35 percent

A. Setbacks shall be measured from the property line to the foundation wall of a building or structure. Certain structures and projections into required yard areas are permitted, as specified below, and shall not be considered to be obstructions and shall not be included in the setback requirements.

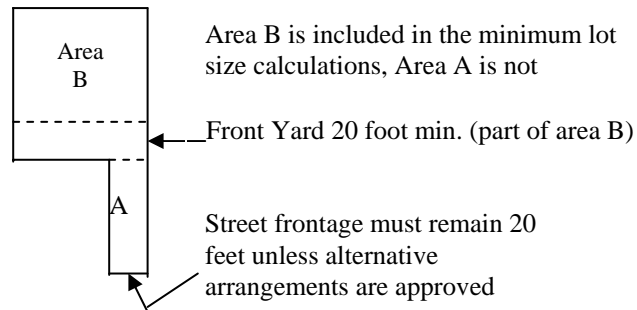
1. Cornices, canopies, eaves or other projections that do not increase the volume of space enclosed by the building may extend into the front yard or street side yard.

Cornices, canopies, eaves or other projections may extend up to two feet (2') into an interior side yard or rear yard so long as the amount of yard outside such projection remains at least three (3) feet.

2. Exterior steps or stairs shall not project into the required side yard setback area. Unenclosed and unroofed porches, not to exceed four feet (4'), may extend into the required front yard setback area so long as the amount of yard outside such projection remains at least three (3) feet.
- B. For street side yards without access, the setback shall be five (5) feet from a wall. See Section 23, Definitions, for Yard, Street Side for more information.
- C. For a flag lot, the setbacks and minimum lot size shall be measured using only the buildable portion of the lot (where the lot is of sufficient size to contain the primary structure with setbacks), so that the “pole” or narrow portion used as an access route shall not be included as a part of any measured setback or lot size requirement, except access. See Figure 5.4.0 (A).

**FIGURE 5.4.0 (A)**

**Flag Lots**



**TABLE 5.4.0 (B)**  
**Other Uses**

<b>Minimum Lot Size</b>	
Non-structural uses (agricultural, cemeteries)	None
Periodic Temporary Uses (School, Civic Organizations, Church)	10,000 square feet
Day Care	7,000 square feet for Family Day Care, 10,000 square feet for Day Care Facility
Visiting or Residence Care Facility (Hospital, Residential Home, etc.)	15,000 square feet
Public uses	6,000 square feet
<b>Minimum Lot Width</b>	Ten percent of minimum lot size
<b>Minimum Lot Depth</b>	80 feet
<b>Minimum Lot Frontage</b>	20 feet
<b>Setbacks</b>	
Front yard	20 feet
Rear yard	15 feet, unless abutting an alley, then 1 foot
Side yard/Street side yard without vehicular access	15 feet on each side
Street side yard (see Section 23, Definitions, for Yard, Street Side definition)	20 feet
<b>Maximum Building Height</b>	
Accessory Buildings	1 story or 15 feet
All other buildings	2 ½ stories or 35 feet
<b>Maximum Lot Coverage</b>	35 percent

**5.4.1 Vision Clearance.** Vision clearance areas shall be determined as illustrated in Section 14.2.12.

**5.5.0 Solar Access.** For the purpose of protecting solar access, the north side setback shall be sufficient to ensure that the proposed structure shall not shade the south facing walls and/or the rooftops of structures on the adjacent north lots, nor shade the protected areas of vacant adjacent north lots, between the hours of 9:30 a.m. and 2:30 p.m. on December 21<sup>st</sup>.

No setback shall be required that is greater than one-third the distance between the north and south property lines. The Building Department shall provide guidelines for determining the north side setback. The Building Inspector may grant exceptions to this setback requirement allowing the shading of all or a portion of the south facing walls and rooftops after finding that substantial difficulties exist with respect to topography, north facing slopes, unusual lot configurations and orientation and practical building design.

**5.6.0 Parking.** Off-street parking shall be provided in accordance with Section 17.

**5.7.0 Signs.** Signs shall be provided in accordance with Section 20.

**5.8.0 Fences.**

- A. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials.
- B. Fences are limited to no more than six (6) feet in height, except that in the front yard setback area (including side yard fences in the front yard area), fences or sight-obscuring landscaping shall be no more than three (3) feet in height. Vision clearance areas shall be in accordance with Section 14.2.12.

**5.9.0 Special Standards for Uses in the Residential Zone.** The following special standards apply to the particular uses listed in this subsection, in addition to and not as a substitute for the requirements applicable to all uses in the zone. Uses that are allowed as conditional uses in the Residential Zone, whether or not these uses are listed in this subsection, will be subject to the Conditional Use standards and to any conditions that may be applied as part of the conditional use process.

- A. Guest House.** Must be located in the rear or side yard, but not on a street side yard. Must be separated from the primary use and other accessory structures by a minimum of five (5) feet. Provisions for additional parking shall be made as if the lot contained a duplex.
- B. Multi-family dwelling.** Multi-family dwellings shall be constructed in accordance with the standards set forth below. Larger sites (more than 19 units) are also subject to the standards of subsection F.
  - 1. **Creswell Butte Visual Protection.** No multi-story building shall be allowed south of a line drawn from the intersection of Kings Row and Holbrook Lane, west down the middle of Kings Row to the UGB and east from the intersection of Kings Row and Holbrook Lane to Park Drive.
  - 2. **Improvement Standards.** The construction of any buildings, the improvement of driveways, walkways, drainage and other utilities shall conform to adopted state standards for such, or shall conform to the City's standards, whichever is more restrictive.
  - 3. **Landscaping.** All common areas on the lot or parcel containing a multi-family dwelling shall be landscaped with trees, shrubs and ground cover to present an attractive and hospitable place to live. At least 50 percent of the landscaping, including the ground cover, must be living within one (1) year of installation. If

landscaping fails to survive or is otherwise not maintained, it shall be replaced with an equivalent species and size within 90 days. Landscaping in vision clearance areas shall conform to standards set forth in Section 14.2.12.

4. **Professional Design Team.** The applicant for proposed multi-family dwelling shall certify in writing that a registered architect or professional designer; a landscape architect; and a registered engineer or land surveyor licensed by the State of Oregon have been utilized in the design and development of the project. Submitted plans with the name, address, seal and signature of a professional employed in the development of the plans may constitute the required certification.

**C. Manufactured Home on Individual Lot.** Manufactured homes are permitted on individual parcels or lots (one to each parcel or lot) outside Manufactured Home Parks, in accordance with the placement standards set forth below:

1. The manufactured home shall be a Class A manufactured home.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
3. The manufactured home shall have a pitched roof, with a slope of at least a nominal 3/12.
4. The manufactured home shall have exterior siding and roofing that in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the planning staff on review of the application.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured home shall have a garage or carport constructed of like materials that shall be detached where such is consistent with the predominant construction of immediately surrounding dwellings.

**D. Home Occupations.**

1. A home occupation permit shall be obtained prior to conducting a home occupation. The applicant for a home occupation shall sign an agreement acknowledging compliance with the conditions listed below.
2. Home occupations in operation at the time this Ordinance is adopted are

considered Non-Conforming Uses as described in Section 15, Non-Conforming Uses.

3. New home occupations shall comply with the following conditions at all times:
  - a. One non-illuminating wall sign is allowed not more than 1-1/2 square feet in area. No other display shall be allowed that indicates from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
  - b. The building shall retain the characteristics of a single-family dwelling, and shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
  - c. There shall be no equipment produced or used by the home occupation or outside storage of materials visible from public property or adjacent private property.
  - d. There shall be no persons other than family members employed at the home occupation.
  - e. Any activity involving on-site retail sales or manufacturing in violation of Subsection h below is prohibited. The sale of items that are incidental to a permitted home occupation is allowed. (For example, the sale of sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home businesses are allowed subject to other requirements in this Section.)
  - f. Not more than 25 percent of the floor area of the home occupation dwelling and an accessory building shall be used in the conduct of the home occupation.
  - g. There shall be no offensive noise, vibration, dust, odors, heat, electrical interference, or glare noticeable resulting from the home occupation at or beyond the property line.
  - h. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal for the District in which it is located. Any uses with objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration are not allowed, such as:
    - (i) Ambulance service;
    - (ii) Animal hospital, veterinary services, kennels or animal boarding;
    - (iii) Auto and other vehicle repair, including auto painting;

- (iv) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles; airplanes or large equipment on-site.
- 4. The Building Inspector or designee may visit and inspect the site of home occupations in accordance with this Section periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Violations shall be subject to provisions in the City of Creswell Nuisance Ordinances 254 and 256.

**E. Manufactured Home Parks.** Larger sites (more than 19 units) are also subject to the standards of subsection F.

**1. Creswell Butte Limitation.** To conform to the Comprehensive Plan limits on visual impact of developments on Creswell Butte, and to avoid problems associated with steep slopes and erosion and earthquake hazards, no Manufactured Home Park shall be allowed south of a line drawn from the intersection of Kings Row and Holbrook Lane, west down the middle of Kings Row to the UGB and east from the intersection of Kings Row and Holbrook Lane to Park Drive.

**2. General Standards.**

- a. Density. No space within a Manufactured Home Park shall be less than 4,000 square feet.
- b. Access. No space within a Manufactured Home Park shall have direct access to a public street outside the park boundaries.
- c. Perimeter Enclosures. All classes of manufactured homes must be installed with an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and backup framing shall be weather-resistant materials that blend with the exterior siding of the home. Below-grade level and for a minimum distance of eight (8) inches above finish grade, the materials shall be resistant to decay or oxidation. The siding must be installed in accordance with the manufacturer's recommendations or approved equal standards.
- d. Accessory Structures and Uses. Manufactured Home Parks may contain manufactured homes and accessory structures, community laundry and recreation facilities and other common buildings for use by park residents only, and one (1) residence, which may be other than a manufactured home, for the use of a caretaker or a manager responsible for maintaining or operating the property. Manufactured home parks may provide outside or covered storage areas for recreational vehicles or other equipment used by park residents provided that such areas are surfaced and drained in accordance with City standards and provide buffering and screening. In addition, except where garages are constructed, each manufactured home shall be provided with a



permanent storage building (that may be attached or adjacent to the carport) containing a minimum of 32 square feet of floor area. In lieu of this requirement, a combined storage facility may be provided that contains a minimum of 32 square feet of storage space for each manufactured home space. The height of this structure shall not exceed 12 feet.

- e. Utilities. All Manufactured Home Parks must provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the Planning Commission where underground service would require an exception to local prevalent conditions.
- f. Park Streets. All streets within a Manufactured Home Park shall be constructed to City street standards, including paving, gutters and sidewalks. The plan of park streets, including access to public streets, shall be approved by the City as a part of the review process.
- g. Improvement Standards. The improvement of driveways, walkways, drainage and other utilities shall conform to adopted State standards for such or, where the adopted City standards are more restrictive, with the adopted City standards. Additional requirements may be imposed where such are necessary to assure public health and safety in response to particular conditions within the Park or on adjacent properties.
- h. Recreation Area. Except where alternative facilities exist or are planned to be constructed in the immediate vicinity of the park, and the applicant will make a contribution to the cost of such facilities, a separate play area must be provided in all Manufactured Home Parks that accommodate children under 14 years of age. The recreation area must be a minimum of 2,500 square feet in area, with at least 100 square feet of provided for each manufactured home lot, and must be located in the park at a place that allows reasonable access from all manufactured home lots. The recreation area must include children's play structures or equipment sufficient to accommodate the anticipated demand for such facilities.
- i. Sidewalks. Permanent walkways of not less than three (3) feet in width shall be provided from each manufactured home main entrance to the nearest public or private street, and from each manufactured home space to the common areas and play areas, unless the street sidewalks can provide adequate access. All walkways must be separated, raised or protected from vehicular traffic and provide access for handicapped persons in a manner that complies with applicable state and federal law.
- j. Lighting. All accessways and walkways within the park shall be lighted at night to provide a minimum of 0.35 foot candles of illumination.

- k. Screening. Manufactured Home Parks must provide buffering and screening so as to create an appearance in conformity with the general character of the neighborhood. This shall include at least a decorative fence or wall not less than three (3) feet high along all portions of the park adjacent to a public street, and a sight-obscuring fence, wall or vegetation buffer around the perimeter of the park. If the Manufactured Home Park is adjacent to an existing or planned collector or arterial street, the provisions in Section 14.17 shall apply. In visual clearance areas, screening shall comply with Section 14.2.12.
- l. Signs. One freestanding non-illuminated sign identifying the Manufactured Home Park is allowed at each entrance to the park. Such signs may not exceed 32 square feet and are subject to clear vision area requirements.
- m. Fire Hydrants. If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park must have water supply mains designed to serve fire hydrants. Hydrants must be provided within 200 feet, measured along a vehicular way, of any space or structure. Each hydrant within the park must be located on a vehicular way and conform in design and capacity to the public hydrants in the city.
- n. Setbacks. The following setbacks shall apply within Manufactured Home Parks:
- (1) Minimum distance between manufactured homes - 10 feet.
  - (2) Minimum distance from a park building other than an accessory structure - 10 feet.
  - (3) Minimum distance of a manufactured home or accessory structure from a space boundary - 3 feet, except where a carport, garage, or storage structure is shared by adjoining spaces in which case the shared facilities may be attached at the space dividing line.
  - (4) Minimum distance of a manufactured home or accessory structure from an exterior park boundary - 10 feet. Where a public street abuts or runs through a Manufactured Home Park, the homes shall be 20 feet from the public street.
  - (5) Minimum distance of a manufactured home or accessory structure from a roadway within the park - 8 feet.
  - (6) Minimum distance of an accessory structure other than an approved manufactured home accessory structure attachment from a manufactured home - 3 feet.
- o. Landscaping. All common areas within a Manufactured Home Park -- exclusive of required buffer areas, buildings, and roadways -- shall be landscaped and maintained by the park owner so that the combination of trees, shrubs and ground cover allows the Manufactured Home Park to present an appearance of an attractive and hospitable place to live. At least 50 percent of

the landscaping, including ground cover, must be living within one (1) year of planting. If vegetation fails to survive or is otherwise not maintained, it shall be replaced with an equivalent species and size within 90 days. All manufactured home spaces shall be similarly landscaped within six (6) months of manufactured home placement. Such landscaping shall be the responsibility of the park owner unless, under terms of the space rental agreement, grading and materials are supplied by the park owner and labor is furnished by the renter. Landscaping in vision clearance areas must comply with Section 14.2.12.

- p. Parking. Manufactured home parks shall be designed to include two (2) automobile parking spaces for each manufactured home space. The required spaces may include space provided by a garage or carport space and the driveway as long as the sidewalk is not blocked. In addition, one guest space shall be provided for every eight (8) manufactured home spaces in a park, except where the streets are designed to allow on-street parking. Office and common buildings shall be provided with one (1) space for each 300 square feet of floor area. This requirement may be partially filled by required guest parking located within 300 feet of the building.

### 3. Application Requirements.

- a. Professional Design Team. The applicant for a proposed Manufactured Home Park shall certify in writing that a registered architect or professional designer; a landscape architect; and a registered engineer or land surveyor licensed by the State of Oregon have been utilized in the design and development of the project where such personnel would be necessary to design a Manufactured Home Park that meets the standards set forth in this Section. Submitted plans with the name, address, seal and signature of a professional employed in the development of the plans may constitute the required certification.
- b. Plot Plans Required. The application for a new or expansion of an existing Manufactured Home Park shall be accompanied by fifteen (15) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire Manufactured Home Park and should be drawn to a scale not smaller than 1" = 40' and include one (1) 8-1/2" x 11" or 11" x 17" scaled reduction of the proposal. In addition to other general requirements for such plans, the plan must include the following information:
- (1) A vicinity map, locating the Manufactured Home Park in the City and showing its relationship to the surrounding area, and detailed plans showing the location of adjacent streets and all private right-of-way existing and proposed within the development site. The plans shall include the width and typical improvement cross section of all streets within the site.
  - (2) A legal description of the development site.

- (3) The boundaries and dimensions of the Manufactured Home Park.
- (4) The location, dimensions, area and number of each manufactured home space. The plans shall demonstrate that planned spaces can reasonably accommodate a variety of manufactured home types with accessory structures and required setbacks.
- (5) The name and address of the Manufactured Home Park.
- (6) The date, scale and north point of the plan.
- (7) The location and dimensions of each existing or proposed structure, other than manufactured homes and accessory structures to manufactured homes, together with the usage and approximate location of all entrances, height, and gross floor area.
- (8) The location and width of accessways and walkways.
- (9) The extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities, open space, landscaping, fences and walls, and garbage receptacles.
- (10) The topography of the Manufactured Home Park, showing at least two-foot contour intervals.
- (11) The location of each lighting fixture for lighting manufactured home spaces and grounds.
- (12) The location and design of recreation areas, and the total area of the recreation space in square feet. The designs submitted shall specify the type and location of equipment to be placed in the recreation area.
- (13) The design and layout of the Manufactured Home Park water system and sanitary and storm sewer system, together with the adjacent public systems and the point where the Manufactured Home Park water system and storm and sanitary sewer system connects with the public system.
- (14) The location of existing and proposed fire hydrants.
- (15) An enlarged plot plan of a typical manufactured home space, showing location of the foundation, patio, storage space, parking, sidewalk, utility connections, setbacks and landscaping. If any spaces in the park will abut a public street, a separate typical space plan shall be provided for such spaces.

**F. Large Residential Developments.** Any planned residential development where the usable space on any parcel or contiguous parcels under the same ownership will allow the development of more than 19 residential units, including phased developments, shall be subject to the following requirements:

**1. Maximum potential development of more than 19 but fewer than 40 units.**

Any planned residential development where the maximum number of units that the parcel, or contiguous parcels under the same ownership, is planned upon full development to contain, or could contain in the event that the parcel is developed at a density of residential units per acre equal to the density of the initial proposed development, is more than 19 units but less than 40 units shall be subject to the following conditions:

- a. Traffic Impact Study.** An application for approval of a larger residential development shall be accompanied by a traffic study, prepared by a professional engineer in accordance with OAR 734-051-180. The Traffic Study shall document the anticipated traffic volume from the proposed development at all phases of development, including completion of the development. The Traffic Study shall demonstrate that the traffic flow from the proposed development shall have no deleterious effect on the safety or quality of adjacent or nearby intersections. Nearby intersection shall mean the closest three (3) intersections in any direction of travel, or the number of intersections necessary to reach an arterial street, whichever is smaller. Deleterious effect shall mean a decline at least equal to one level in the commonly accepted rating standards for intersections of a size and character similar to the intersections near the proposed development.
- b. Multiple vehicular entrances/exits.** Where the proposed residential development does not include the dedication of public streets, the development shall include two (2) or more vehicular entrance and exit points. The vehicular entrances shall be subject to all applicable traffic controls, and shall be separated from each other by a distance of not less than 150 feet. Where it can be shown that a reduction to one (1) entrance and exit, or one (1) regular exit and an emergency entrance and exit, will not result in the increase of any hazard or the loss of safety, such a reduction may be approved by the Planning Commission.

**2. Maximum potential development of more than 39 units.** Any planned residential development where the maximum number of units that the parcel, or contiguous parcels under the same ownership, is planned upon full development to contain, or could contain in the event that the parcel is developed at a density of residential units per acre equal to the density of the initial proposed development, is more than 39 units, including phased developments, shall be subject to the following conditions:

- a. Traffic Impact Study.** An application for approval of a larger residential development shall be accompanied by a traffic study, prepared by a professional engineer in accordance with OAR 734-051-180. The Traffic Study shall document the anticipated traffic volume from the proposed development at all phases of development, including completion of the development. The Traffic Study shall demonstrate that the traffic flow from

the proposed development shall have no deleterious effect on the safety or quality of adjacent or nearby intersections. Nearby intersection shall mean the closest three (3) intersections in any direction of travel, or the number of intersections necessary to reach an arterial street, whichever is smaller. Deleterious effect shall mean a significant decline in the commonly accepted rating standards for intersections of a size and character similar to the intersections near the proposed development.

- b. Multiple vehicular entrances/exits.** Where the proposed residential development does not include the dedication of public streets, the development shall include two or more vehicular entrance and exit points onto public streets. The vehicular entrances shall be subject to all applicable traffic controls, and shall be separated from each other by a distance of not less than 150 feet. Where it can be shown that a reduction to one entrance and exit, or one regular exit and an emergency entrance and exit, will not result in the increase of any hazard or the loss of safety, such a reduction may be approved by the Planning Commission.
- c. Phased development.** Except where the proposed development will be limited to residents over the age of 14, any large residential development must be planned in phases so that no more than 40 residential units will be made available for occupancy in any calendar year. Units made available in a phase of the development that remain available in the following year need not be included in any subsequent year's phase.

**G. Bed and Breakfast Inns.** Bed and Breakfast Inns shall comply with the following development standards:

1. The facility shall maintain an up-to-date guest register.
2. The facility shall be owner-occupied.
3. The length of stay for guests shall be a maximum of 30 consecutive nights.
4. The number of guest bedrooms shall be limited to four (4).
5. Signing shall be limited to one (1) non-illuminated wall sign with a maximum area of 1½ square feet.
6. Parking shall be in accordance with Section 17, Parking and Access Standards.

**H. Sale of Duplex Divisions.** See Section 19.4 for requirements.



## SECTION 6

### GENERAL COMMERCIAL ZONE (GC)

#### Sections:

- 6.1.0 Purpose
- 6.2.0 Permitted Uses
- 6.3.0 Conditional Uses
- 6.4.0 Development Standards and Requirements
- 6.5.0 Solar Access
- 6.6.0 Parking
- 6.7.0 Signs
- 6.8.0 Other Requirements
- 6.9.0 Special Standards for General Commercial Uses

**6.1.0 Purpose.** The purpose of the General Commercial Zone is to accommodate a wide range of commercial uses including those that attract shoppers from a community or larger market area.

**6.2.0 Permitted Uses.** The following uses are permitted in this zone after issuance of a site review permit, which may be issued upon determination of compliance with Section 3.6 and the additional requirements set forth in this Section. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Bed and breakfast Inn. (see Section 6.9.2)
- B. Boarding, lodging, or rooming home.
- C. Business, technical, and instructional facilities.
- D. Civic, social, and fraternal organizations.
- E. Clinics and health services, including animal clinics except that animals may be boarded overnight inside the building only when being medically treated in the clinic.
- F. Commercial indoor recreation uses, such as athletic clubs, spas, bowling lanes, theatres, dance halls, pool halls, and skating rinks.
- G. Day care and family day care.
- H. Eating and drinking establishments, including drive-through.
- I. Existing residences.



- J. Grocery stores or supermarkets.
- K. Hardware or building material retail sales, not including bulk sales of landscaping materials and rock products.
- L. Hospital.
- M. Hotel or motel.
- N. Mortuary or crematorium.
- O. Museums, galleries or studios for art and dance.
- P. New residences on ground floor that are necessary or accessory to the permitted commercial use.
- Q. New residences on second story above allowed commercial uses.
- R. Nursery/greenhouse.
- S. Parking garages and parking lots.
- T. Personal services, including but not limited to: banks and other financial institutions, barber and beauty shops, catering establishments, general business offices, laundry services, pharmacies, printing, publishing, and newspaper offices and professional offices.
- U. Public or private golf courses.
- V. Public and semi-public buildings, park, playground or recreation area.
- W. Rental storage units, including recreational vehicle and equipment storage.
- X. Residential Home.
- Y. Retail businesses.
- Z. Services, sales, rental and repair, including but not limited to bicycles, business machines, gunsmith, locksmith, shoes, small appliances and computers and electronic equipment, including support and development of computers and electronic equipment.
- AA. Other uses similar in nature.

**6.3.0 Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Section 3.7 and any other requirements established in this Section for the use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. An amendment to an approved conditional use permit shall be subject to conditional use approval.

- A. Airport.
- B. Automobile service stations, including automobile maintenance and repair that shall be conducted entirely within an enclosed building.
- C. Automobile, boat, truck, recreational vehicle, manufactured home, agricultural implements, or trailer sales, including fuel, service, repair, or maintenance provided that all repairs shall be conducted entirely within an enclosed building.
- D. Car washes.
- E. Kennels and animal clinics where animals may be boarded overnight when being medically treated in the clinic.
- F. Material recycling operations excluding metal salvage yards and automobile wrecking yards.
- G. Recreational vehicle parks (See Section 6.9.1).
- H. Residential Facility
- I. Retail bulk sales of landscaping materials and rock products.
- J. Retail sales and dispensing of any gasoline products or diesel without accessory service bays.
- K. Small-scale manufacturing provided that the front 25 feet of the building is used for commercial sales or business or professional offices.
- L. Storage and warehousing.
- M. Truck fuel sales, truck servicing, and overnight trucking facilities.
- N. Wholesale sales.

**6.4.0 Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone.

<b>Minimum Lot Size</b>	The parcel size shall be adequate to contain all structures and parking within the required yard setbacks.
<b>Minimum Lot Width</b>	25 feet.
<b>Setbacks</b>	
Front yard	None, except where specified setbacks are established for street widening purposes.
Rear yard	None, except where a Commercial zone abuts a Residential zone, then a 10 foot setback/buffer shall be provided in accordance with Section 6.8.1. Where rear yards are created, they shall be a minimum of 3 feet wide.
Side yard/Street side yard without vehicular access	None, except where a Commercial zone abuts a Residential zone, then a 5 foot setback/buffer shall be provided in accordance with Section 6.8.1. Where side yards are created, they shall be a minimum of 3 feet wide.
Street side yard (See Section 23, Definitions for Yard, Street Side definition)	None, except where a Commercial zone abuts a Residential zone, then a 10-foot setback shall be provided, except carports and garages shall be 20 feet.
<b>Maximum Building Height</b>	3 stories or 36 feet.
<b>Maximum Lot Coverage</b>	100 percent when minimum loading space, parking, and setbacks are provided.

- A. Setbacks shall be measured from the property line to the foundation wall of a building or structure. Certain structures and projections into required yard areas are permitted, as specified below, and shall not be considered to be obstructions and shall not be included in the setback requirements.
1. Cornices, canopies, eaves or other projections that do not increase the volume of space enclosed by the building may extend into the front yard or street side yard. Cornices, canopies, eaves or other projections may extend up to two (2) feet into an interior side yard or rear yard so long as the amount of yard outside such projection remains at least three (3) feet.
  2. Exterior steps or stairs shall not project into the required side yard setback area. Unenclosed and unroofed porches, not to exceed four feet (4'), may extend into the required front yard setback area so long as the amount of yard outside such projection remains at least three (3) feet.

**6.4.1 Vision Clearance.** Vision clearance areas shall be determined as illustrated in Section 14.2.12.

**6.5.0 Solar Access.** For the purpose of protecting solar access, the north side setback shall be sufficient to insure that the proposed structure shall not shade the south facing walls and/or the rooftops of permitted buildings in the Residential zone, nor the rooftops of permitted buildings in Commercial zones, nor the protected area of adjacent vacant north lots in the Residential zone, between the hours of 9:30 a.m. and 2:30 p.m. on December 21<sup>st</sup>.

The Planning Commission during site review may grant exceptions to this setback requirement allowing the shading of all or a portion of the south facing walls, rooftops, or protected areas, after finding that substantial difficulties exist with respect to topography, north facing slopes, unusual lot configurations and orientation and practical building design.

**6.6.0 Parking.** Off-street parking shall be provided in accordance with Section 17 of this Ordinance.

**6.7.0 Signs.** Signs shall be provided in accordance with Section 20 of this Ordinance.

**6.8.0 Other Requirements.**

**6.8.1 Landscaping.**

A. When no space for landscaping is available, no landscaping will be required (e.g., no yard or parking or other standards that require a portion of the parcel remain unoccupied by structures). Landscaping in visual clearance areas shall comply with Section 14.2.12.

A. All yards adjacent to a street exclusive of accessways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one (1) year may be issued if the developer posts a bond with the city. Plants native to the southern Willamette Valley are encouraged. Commercial areas are required to be landscaped according to the following plan:

1. Minimum landscaping acceptable per 1,000 square feet of required yard area is as follows:
  - a. One (1) tree at least six (6) feet in height with an expected maturation height of at least 25 feet.
  - b. Four (4) one-gallon shrubs or accent plants.

- c. The remaining area treated with suitable living ground cover or other attractive treatment that minimizes impervious surface area. See definition for Landscaping in Section 23 for more detail.
  2. Parking lots must be landscaped in accordance with the standards set forth in Section 17 of this Ordinance.
- C. Buffer standards. Buffers are required for general commercial areas that abut residential areas. The purpose of these buffers is to provide visual relief, to demarcate a change in usage, to absorb noise and block wind, and to constrain pedestrian traffic to designated walkways. Unless otherwise approved by the Planning Commission, buffers shall include the following:
  1. Buffer widths shall comply with the standards in Section 6.4.0.
  2. Four (4) shade trees per 100 lineal feet. Shade trees shall be a minimum of six (6) feet in height, with an expected maturation height of at least 25 feet.
  3. Twenty-five shrubs per 100 lineal feet. Shrubs shall be at least two (2) feet above grade at time of planting and a minimum of three (3) feet at maturation.
  4. Remaining buffer area shall be planted with living ground cover or other attractive treatment that minimizes impervious surface area. Walkways and other attractive features may be incorporated into the landscaped area as needed, provided that the buffering function is not diminished.
- D. Landscaping shall be maintained and irrigated or shall be replaced at the owner's expense. If vegetation fails to survive or is otherwise not maintained, it shall be replaced with an equivalent species and size within 90 days.

**6.8.2 Outside Storage.** Outside storage or display of materials, junk, parts or merchandise shall not be permitted within required front yards or parking lots, except as follows:

Seasonal or special displays of merchandise for sale are allowed when the merchandise is removed during non-business hours and the total cumulative time of display or sale during a calendar year does not exceed 120 days. See also Section 18, Short-Term Temporary Activities. Outside storage is permitted except in the front yard, provided such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm. This enclosure shall be located on the property at the required setback line.

**6.8.3 Screening of Refuse Containers.** Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring gate, fence, wall, or hedge a minimum of six (6) feet in height. All refuse materials shall be contained within the screened area. No refuse container shall be placed

within 15 feet of a dwelling window. Screened refuse containers may be placed within visual clearance areas as defined in Section 14.2.12.

#### **6.8.4 Fences.**

- A. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except when barbed wire is permitted atop a six (6) foot chain link fence, the total height of the fence and barbed wire is limited to eight (8) feet.
- B. Fences are limited to the height and location standards listed below:
1. Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard setback area and outside of any vision clearance area as defined in Section 14.2.2.
  2. Fences more than six (6) feet in height require Building Permits.
- C. Wherever a sight-obscuring fence, wall, or hedge is required under the provisions of this Code, it must meet the following provisions:
1. In order to be “sight-obscuring,” fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
  2. Fences and walls will be a minimum of six (6) feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height, and health when planted.
  3. Fences and walls must be maintained in safe condition and opacity must be maintained as required in subsection “1” above. Wooden materials must be protected from rot, decay, and insect infestation. Plants forming hedges shall be replaced by the property owner within six (6) months after dying or becoming diseased to the point that the opacity required in subsection “1” of this section is not met.

**6.8.5 Loading Standards.** All necessary loading spaces for commercial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- A. The minimum area required for commercial loading is as follows:
1. 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  2. 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.

3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- B. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- C. The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.
- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- E. Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

**6.8.6 Vision Clearance.** Vision clearance areas shall be determined in accordance with Section 14.2.12.

**6.9.0 Special Standards for General Commercial Uses**

**6.9.1 Recreational Vehicle Parks.** Recreational Vehicle (RV) Parks shall comply with the following development standards and requirements:

- A. All such developments shall comply with Oregon Administrative Rules, Chapter 918, Division 650, and all other applicable state building or specialty codes.
- B. Fifteen (15) sets of construction drawings and site plans at least 18" by 24" in size and one (1) 8-1/2" x 11" or 11" x 17" scaled reduction shall be provided to the city. The Planning Commission shall hold a public hearing and review and approve all site and construction plans prior to local government approval being issued.
- C. The entire perimeter of the park shall be screened with either a sight-obscuring fence or sight-obscuring landscaping as approved by the Planning Commission, and as required in Section 6.8.4, Fences.
- D. The recreational vehicle pad shall be constructed of concrete and all other driveable areas covered with asphalt or concrete.
- E. Shower facilities shall be provided for each sex at a ratio of no less than one for each 15 vehicle spaces.
- F. The length of stay for any recreational vehicle shall not exceed 45 days in any stay, and the total length of stay allowed in a recreational vehicle park shall not be more than six (6) months in any twelve (12) month period.

- G. Roadways must be a minimum of 30 feet in width if parking is permitted on the margin of the roadway, or 24 feet in width if parking is not permitted on the edge of the roadway.
- H. All RV spaces must be provided with public water and sewer. An RV staying in the park must be connected to the water and sewer utilities provided by the park if the vehicle has equipment needing such service.
- I. All RV spaces must be provided with electrical service.
- J. Trash receptacles for the disposal of solid waste materials must be provided in convenient locations for the use of guests of the park and be of sufficient quantity and capacity so that there is no uncovered accumulation of trash at any time.
- K. The space provided for each RV must be a minimum of 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than RVs and landscaped areas.
- L. The park must provide at least one (1) utility building or room containing one (1) clothes washing machine, one (1) clothes drying machine, and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof.
- M. Except for the access roadway into the park and vision clearance areas as described in Section 14.2.12, the park must be screened on all sides by a sight-obscuring hedge or fence not less than six (6) feet in height.
- N. Park rules must be developed and posted at prominent locations where visitors of the park are likely to see the rules, and must be given to each park visitor upon arrival for an overnight stay. The park rules must ensure that visitor keep the park neat and clean and refrain from excessive noise after 10 p.m.
- O. Toilet facilities shall be provided for each sex at the following ratio:

Number of RV Spaces	Number of Toilets	
	Men	Women
1 - 15	2	2
16 - 30	2	3
31 - 60	3	4
61 - 100*	4	5

\* Recreation Vehicle Parks with more than 100 spaces shall provide one additional toilet per sex for each additional 30 spaces or fraction thereof.

**6.9.2 Bed and Breakfast Inns.** Bed and Breakfast Inns shall comply with the following development standards:

- A. The facility shall maintain an up-to-date guest register.



- B. The facility shall be owner-occupied.
- C. The length of stay for guests shall be a maximum of 30 consecutive nights.
- D. The number of guest bedrooms shall be limited to four (4).
- E. Signing shall be limited to one (1) non-illuminated wall sign with a maximum area of 1½ square feet.
- F. Parking shall be in accordance with Section 17, Parking and Access Standards.

## SECTION 7

### DOWNTOWN COMMERCIAL ZONE (DC)

#### Sections:

- 7.1.0 Purpose
- 7.2.0 Permitted Uses
- 7.3.0 Conditional Uses
- 7.4.0 Development Standards and Requirements
- 7.5.0 Solar Access
- 7.6.0 Parking
- 7.7.0 Signs
- 7.8.0 Other Requirements

**7.1.0 Purpose.** The purpose of the Downtown Commercial Zone is to provide areas for a wide range of commercial, business, and civic uses whose market is assumed to be citywide. This zone is intended to provide all basic services and amenities required to keep the downtown the vital community center.

**7.2.0 Permitted Uses.** The following uses are permitted in this zone after issuance of a site review permit, which may be issued upon determination of compliance with Section 3.6 and the additional requirements set forth in this Section. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Bed and breakfast Inn. (See Section 7.8.9)
- B. Boarding, lodging, or rooming home.
- C. Business, technical, and instructional facilities.
- D. Civic, social, and fraternal organizations.
- E. Clinics and health services, including animal clinics except that animals may be boarded overnight inside the building only when being medically treated in the clinic.
- F. Commercial indoor recreation uses, such as athletic clubs, spas, bowling lanes, theatres, dance halls, pool halls, and skating rinks.
- G. Day care and family day care.
- H. Eating and drinking establishments, including drive-through.
- I. Existing residences.

- J. Grocery stores or supermarkets.
- K. Hardware or building material retail sales, not including bulk sales of landscaping materials and rock products.
- L. Hospital.
- M. Hotel or motel.
- N. Mortuary or crematorium.
- O. Museums, galleries or studios for art and dance.
- P. New residences on ground floor that are necessary or accessory to the permitted commercial use.
- Q. New residences on second story above allowed commercial uses.
- R. Nursery/greenhouse.
- S. Parking garages and parking lots.
- T. Personal services, including but not limited to, banks and other financial institutions, barber and beauty shops, catering establishments, general business offices, laundry services, pharmacies, printing, publishing, newspaper offices, and professional offices.
- U. Public and semi-public buildings, park, playground or recreation area.
- V. Residential Home.
- W. Retail businesses.
- X. Services, sales, rental and repair, including but not limited to bicycles, business machines, gunsmith, locksmith, shoes, small appliances and computers and electronic equipment, including support and development of computers and electronic equipment.
- Y. Other uses similar in nature.

**7.3.0 Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Section 3.7 and any other requirements of this Section. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. An

amendment to an approved conditional use permit shall be subject to conditional use approval.

- A. Automobile service stations, including automobile maintenance and repair that shall be conducted entirely within an enclosed building.
- B. Automobile, boat, truck, recreational vehicle, manufactured home, agricultural implements, or trailer sales, including fuel, service, repair, or maintenance provided that all repairs shall be conducted entirely within an enclosed building.
- C. Car washes.
- D. Residential Facility.
- E. Retail sale and dispensing of any gasoline products or diesel without accessory service bays.
- F. Small-scale manufacturing provided that the front 25 feet of the building is used for commercial sales or business or professional offices.

**7.4.0 Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone.

<b>Minimum Lot Size</b>	The parcel size shall be adequate to contain all structures and parking within the required yard setbacks
<b>Minimum Lot Width</b>	25 feet
<b>Setbacks</b>	
Front yard	None, except where specified setbacks are established for street widening purposes. Maximum setback 5 feet
Rear yard	None, except where a Commercial zone abuts a Residential zone, then a 10-foot setback shall be provided
Side yard/Street side yard without vehicular access	None, except where a Commercial zone abuts a Residential zone, then a 5-foot setback shall be provided. All buildings shall conform to vision clearance standards
Street side yard (See Section 23, Definitions, for Yard, Street Side definition)	None, except where a Commercial zone abuts a Residential zone, then a 10-foot setback shall be provided, except carports and garages shall be 20 feet. All buildings shall conform to vision clearance standards. 10 feet, except carports and garages shall be 20 feet

<b>Maximum Building Height</b>	3 stories or 36 feet
<b>Maximum Lot Coverage</b>	100 percent, except where compliance with other sections of the Development Code preclude this
<b>Orientation.</b> (May be waived where it is shown that the required orientation is not achievable due to site constraints)	Buildings shall be oriented toward the street. The primary entrance of all buildings shall be from the street. Buildings on corner lots shall be oriented to the street corner

**7.4.1 Vision Clearance.** Vision clearance areas shall be determined as illustrated in Section 14.2.12.

**7.5.0 Solar Access.** For the purpose of protecting solar access, the north side setback shall be sufficient to insure that the proposed structure shall not shade the south facing walls and/or the rooftops of permitted buildings in the Residential zone, nor the rooftops of permitted buildings in Commercial zones, nor the protected area of adjacent vacant north lots in the Residential zone, between the hours of 9:30 a.m. and 2:30 p.m. on December 21<sup>st</sup>.

The Planning Commission during site review may grant exceptions to this setback requirement allowing the shading of all or a portion of the south facing walls, rooftops, or protected areas, after finding that substantial difficulties exist with respect to topography, north facing slopes, unusual lot configurations and orientation and practical building design.

**7.6.0 Parking.** Off-street parking shall be provided in accordance with Section 17 of this Ordinance except as provided in this Section.

- A. For new uses involving the construction of a building and development of a parking area, off-street parking shall be located to the rear or side of buildings, except that on a corner lot, parking shall not be allowed in the area adjacent to the street corner (a building or other use must be located at the corner).
- B. New uses containing less than 4,000 square feet of commercial floor space are exempted from off-street parking requirements.
- C. New uses may meet the required number of spaces for vehicular parking by including the adjacent on-street parking spaces and, for vehicular and bicycle parking, by showing a shared parking area agreement with adjacent property owners, or other arrangements for parking acceptable to the City.

**7.7.0 Signs.** Signs shall be provided in accordance with Section 20 of this Ordinance.

**7.8.0 Other Requirements.**

**7.8.1 Landscaping.** When no yard or landscaping space is available, landscaping will not be required (e.g., no yard or parking or other standards that require a portion of the parcel

remain unoccupied by structures). Landscaping must comply with vision clearance standards set forth in Section 14.2.12. All yards adjacent to a street exclusive of accessways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one (1) year may be issued if the developer posts a bond with the city. Plants native to the southern Willamette Valley are encouraged. Landscaping shall be maintained and irrigated or shall be replaced at the owner's expense. If vegetation fails to survive or is otherwise not maintained, it shall be replaced with an equivalent species and size within 90 days.

A. Downtown Commercial areas are required to be landscaped according to the following plan. Minimum landscaping acceptable per 1,000 square feet of required yard area is as follows:

1. One (1) tree at least six (6) feet in height with an expected maturation height of at least 25 feet.
2. Four (4) one-gallon shrubs or accent plants.
3. The remaining area treated with suitable living ground cover or other attractive treatment that minimizes impervious surface area. See Section 23, Definitions under Landscaping, for more detail.

B. Parking lots must be landscaped in accordance with the standards set forth in Section 17 of this Ordinance.

**7.8.2 Outside Storage.** Outside storage is permitted except in the front yard, provided such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm. This enclosure shall be located on the property at the required setback line. Outside storage or display of materials, junk, parts or merchandise shall not be permitted within required front yards or parking lots, except that seasonal or special displays of merchandise for sale are allowed when the merchandise is removed during non-business hours and the total cumulative time of display or sale during a calendar year does not exceed 120 days. See also Section 18, Short-Term Temporary Activities.

**7.8.3 Screening of Refuse Containers.** Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring gate, fence, wall, or hedge a minimum of six (6) feet in height. All refuse materials shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window or within a vision clearance area as defined in Section 14.2.12.

**7.8.4 Fences.**

- A. Fences and wall shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except barbed wire is permitted atop a six (6) foot chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet.
- B. Fences are limited to the height and location standards listed below:
  - 1. Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard setback area and outside of any vision clearance area as described in Sections 14.2.12.
  - 2. Fences more than six (6) feet in height require Building Permits.
- C. Wherever a sight-obscuring fence, wall, or hedge is required under the provisions of this Code, it must meet the following provisions:
  - 1. In order to be “sight-obscuring,” fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
  - 2. Fences and walls will be a minimum of six (6) feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height, and health when planted.
  - 3. Fences and walls must be maintained in safe condition and opacity must be maintained as required in subsection “1” above. Wooden materials must be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within 90 days after dying or becoming diseased to the point that the opacity required in subsection “1” of this section is not met.

**7.8.5 Loading Standards.** All necessary loading spaces for commercial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- A. The minimum area required for commercial loading is as follows:
  - 1. 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  - 2. 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
  - 3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.

- B. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- C. The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.
- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- E. Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.

**7.8.6 Vision Clearance.** Vision clearance areas shall be determined in accordance with Section 14.2.12.

**7.8.7 Building Design** To enhance the visual character of the Downtown area, new commercial buildings are encouraged to:

- A. Provide architectural relief and interest, especially on facades facing public streets, with emphasis at building entrances and along sidewalks.
- B. Include, wherever possible, design elements such as large regularly spaced and similarly shaped windows with window trim, and with transom or clerestory windows above building entrances. On street-facing facades, windows shall cover more than fifty (50) percent, but shall not cover more than eighty (80) percent of the ground floor facade area, and shall not begin less than 18 or more than 30 inches above the sidewalk (except transom windows). Second and third story windows shall match the vertical and horizontal character of ground level windows.
- B. On street-facing facades, include decorative cornices or moldings at the upper corner of walls of flat roofed buildings or eaves on pitched roof buildings and awnings or overhangs projecting a minimum of four (4) feet and a maximum of eight feet (8) over sidewalks or other pedestrian space. The design materials and colors of awnings and overhangs shall complement the architecture of the building. Lighted, plastic or bubble awnings are not allowed.
- D. Use materials and paint colors compatible with the surrounding area. Compatible materials include masonry, tile, stucco, split face concrete blocks, or wood. Unadorned poured or tilt-up concrete or metal siding are not allowed. Where blank walls are required for structural reasons, all such walls visible from public streets shall include a combination of architectural elements and features such as offsets, entry treatments, patterns of varied materials and colors, decorative murals and divisions into bays, or similar features.



- E. Provide at least one of the following pedestrian amenities for each 4,000 square feet of planned commercial space in a manner compatible with adjacent downtown development and applicable laws (including, but not limited to, ADA requirements):
1. Plaza, courtyard or extra wide sidewalk next to entrance.
  2. Planters or hanging baskets.
  3. Sitting spaces for at least three persons, such as a dining area or benches.
  4. Public art displays such as a fountain, sculpture or mural.
  5. Special decorative paving such as colored or designed brick or tile distinguishable from the surrounding sidewalk or paving.

Where approved by the City, these amenities may be partially or entirely within the public right-of-way.

**7.8.8 Building remodeling.** Where a change of use or other change requiring development permit review occurs, changes to the exterior of buildings are encouraged, to the maximum extent possible, comply with the provisions of 7.8.7.

**7.8.9 Bed and Breakfast Inns.** Bed and Breakfast Inns shall comply with the following development standards:

- A. The facility shall maintain an up-to-date guest register.
- B. The facility shall be owner-occupied.
- C. The length of stay for guests shall be a maximum of 30 consecutive nights.
- D. The number of guest bedrooms shall be limited to four (4).
- E. Signing shall be limited to one non-illuminated wall sign with a maximum area of 1½ square feet.
- F. Parking shall be in accordance with Section 17, Parking and Access Standards.

## SECTION 8

### INDUSTRIAL ZONE (I)

#### Sections:

- 8.1.0 Purpose
- 8.2.0 Permitted Uses
- 8.3.0 Conditional Uses
- 8.4.0 Development Standards and Requirements

**8.1.0 Purpose.** To provide areas for a wide range of manufacturing, assembly, packaging, wholesaling and related activities and a limited range of uses such as offices, commercial services and retail commercial, when included as mixed use developments.

**8.2.0 Permitted Uses.** The following uses are permitted in this zone after issuance of a site review permit, which may be issued upon determination of compliance with Section 3.6 and the additional requirements that may be listed with each use. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as a part of a permitted use.

- A. Lumber and wood products, including secondary wood products.
- B. Publishing, including newspaper publishing.
- C. Manufacturing, fabrication and processing of materials, including but not limited to: machine parts; fabricated structural metal products; and electronic and communication components, systems and equipment. Rock quarries, and rock crushing or processing shall not be a permitted use.
- D. Warehousing, wholesaling and storage.
- E. Other establishments engaged in manufacturing, processing, packing, assembly, publishing, distribution, repair, finishing, or refinishing, testing, fabrication, research and development and servicing activities. Examples of uses include: aircraft or automobile parts, bottling plants, bakery products, fabricated textile products and building materials.

**8.3.0 Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Section 3.7. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as a part of a conditional use when identified at the time of approval. An amendment to an approved conditional use permit shall be subject to conditional use approval.

- A. Telecommunications facilities, including radio and wireless telephone towers, whether as a secondary use on a parcel with an existing industrial use, or as a single use. Wherever technologically possible, such initial uses shall provide for collocation of possible later uses.
- B. Other industrial uses (manufacturing, wholesaling or related activities) not listed as a permitted use, including recycling centers, salvage yards and the like.
- C. Large-scale commercial uses.

**8.4.0 Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone.

**8.4.1 Height Limits.** Three stories or 50 feet, whichever is less.

**8.4.2 Minimum Yard Requirements.**

- A. Front: 20 feet
- B. Side and Rear: None, except when contiguous to a Residential Zoning District, then 30 feet. Corner lots shall have a side yard of 15 feet on the street side.

**8.4.3 Minimum Lot Area and Dimensions.**

- A. Area: 10,000 square feet.
- B. Width: 100 feet.

**8.4.4 Lot Coverage.** One hundred (100) percent when minimum parking space, loading space, vision clearance and required yards are provided.

**8.4.5 Vision Clearance.** Vision clearance areas shall be determined as illustrated in Section 14.2.12.

**8.4.6 Parking.** Off-street parking shall be provided in accordance with Section 17 of this Ordinance.

**8.4.7 Solar Access.** For the purpose of protecting solar access, the north side setback shall be sufficient to insure that the proposed structure shall not shade the south facing walls and/or the rooftops of permitted buildings in the Residential Zone, nor the rooftops of permitted buildings in a Commercial or Industrial Zone, nor the protected area of adjacent vacant north lots in the Residential Zone, between the hours of 9:30 a.m. and 2:30 p.m. on December 21<sup>st</sup>.

The Planning Commission during site review may grant exceptions to this setback requirement allowing the shading of all or a portion of the south facing walls, rooftops, or protected areas, after finding that substantial difficulties exist with respect to topography, north facing slopes, unusual lot configurations and orientation and practical building design.

**8.4.8 Signs.** Signs shall be provided in accordance with Section 20 of this Ordinance.

**8.4.9 Landscaping.** When no space for landscaping is available, no landscaping will be required (e.g., no yard or parking or other standards that require a portion of the parcel remain unoccupied by structures). Landscaping must comply with vision clearance standards in Section 14.2.12. All yards adjacent to a street exclusive of accessways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one (1) year may be issued if the developer posts a bond with the city. Plants native to the southern Willamette Valley are encouraged. Landscaping shall be maintained and irrigated or shall be replaced at the owner's expense. If vegetation fails to survive or is otherwise not maintained, it shall be replaced with an equivalent species and size within 90 days.

A. Industrial areas are required to be landscaped according to the following plan.

Minimum landscaping acceptable per 1,000 square feet of required yard area is as follows:

1. One (1) tree at least six (6) feet in height with an expected maturation height of at least 25 feet.
2. Four (4) one-gallon shrubs or accent plants.
3. The remaining area treated with suitable living ground cover or other attractive treatment that minimizes impervious surface area. See Section 23, Definitions under Landscaping, for more detail.

B. Parking lots must be landscaped in accordance with the standards set forth in Section 17 of this Ordinance.

**8.4.10 Buffering and Screening.** In order to reduce the impacts on adjacent uses that are of a different type, buffering and screening is required that shall be at least a sight-obscuring fence or sight-obscuring landscaping.

**8.4.11 Outside Storage.** Outside storage or display of materials, junk, parts or merchandise shall not be permitted within required front yards or parking lots.

**8.4.12 Screening of Refuse Containers.** Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring gate, fence, wall, or hedge a minimum of six (6) feet in height. All refuse

materials shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window or within a vision clearance area as defined in Section 14.2.12.

#### **8.4.13 Fences.**

- A. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except that barbed wire is permitted atop a six (6) foot chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet.
- B. Fences are limited to the height and location standards listed below:
  - 1. Fences may be up to eight (8) feet in height provided that the fence is located behind the required front yard setback area and outside of any vision clearance area as defined in Section 14.2.12.
  - 2. Fences more than six (6) feet in height require Building Permits.
- C. Wherever a sight-obscuring fence, wall, or hedge is required under the provisions of this Code, it must meet the following provisions:
  - 1. In order to be “sight-obscuring”, fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
  - 2. Fences and wall will be a minimum of six (6) feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height, and health when planted.
  - 3. Fences and walls must be maintained in safe condition and opacity must be maintained as required in subsection “1” above. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within 90 days after dying or becoming diseased to the point that the opacity required in subsection “1” of this section is not met.

**8.4.14 Loading Standards.** All necessary loading spaces for industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- A. The minimum area required for industrial loading is as follows:
  - 1. 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  - 2. 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.

3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- B. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
  - C. The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.
  - D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
  - E. Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.



## SECTION 9

### **PARK, RECREATION OR OPEN-SPACE ZONE (PRO-S)**

#### **Sections:**

- 9.1.0 Purpose
- 9.2.0 Permitted Uses
- 9.3.0 Conditional Uses
- 9.4.0 Development Standards and Requirements

#### **9.1.0 Purpose**

- A. It is the purpose of this zone to preserve and protect park, recreation and open space lands that contribute to the general welfare and safety, the full enjoyment or the economic well-being of persons who reside, work or travel in, near or around them.
- B. This zone may be established, when found necessary, in order:
  - 1. To preserve any existing open land type of use that has been established or is proposed; to encourage development around it, such as a golf course, country club, park and recreation facility, etc., and investments have been or will be made in reliance upon the retention of such open type use.
  - 2. To buffer an otherwise incompatible use or zone.
  - 3. To preserve and maintain natural drainage ways, lakes (natural or artificial) areas unsuitable for intensive development by virtue of physical limitations and environmental control areas for the protection of resource areas and wildlife habitat.
  - 4. To preserve a valuable scenic vista or an area of historical significance.
- C. When establishing this zone, due regard shall be given the percentage of a total holding being zoned, the investment made or proposed to be made by private or public interests in reliance upon the retention of the open space, the proper balancing of public and private interest that are affected by such action.
- D. When used as a buffer, the land being zoned as a PRO-S Zone shall be part of the holding that creates the necessity for the buffer.
- E. In each instance, when this zone is established, the Planning Commission and City Council must establish the findings and purpose for establishment of the zone or the values to be obtained, encouraged or preserved.

#### **9.2.0 Permitted Uses.**



- A. Public parks and playgrounds.
- B. Golf courses and country clubs, if compatible with the stated purposes of adoption.
- C. Historical areas, structures, interpretive signs and monuments.
- D. Natural features and vistas unique to the urban growth area.
- E. Community Center.
- F. Accessory buildings and uses normal and incidental to uses permitted in this Section.
- G. Agricultural uses.
- H. Recreational facilities, to include tennis courts, swimming pools, etc.

**9.3.0 Conditional Uses.**

- A. Private recreation uses involving no above ground structure except dressing rooms, swimming pool covers, recreation shelters or comfort stations.
- B. Cemeteries, provided the only accessory buildings are chapels, administration and maintenance buildings and the only interment facilities are at ground level or below, and no mounds extend above ground level.
- C. Public and semi-public buildings related to health and safety services--fire stations, substations, reservoirs, waste water treatment facilities--essential to the physical, social and economic welfare of the area.
- D. Equestrian arenas, trails and paths and support facilities.

**9.4.0 Development Standards and Requirements.** None except as specified as a condition of approval for a Conditional Use Permit or a Planned Unit Development Permit.

**SECTION 10****PLANNED UNIT DEVELOPMENT SUBZONE /PUD****Sections:**

- 10.1.0 Purpose
- 10.2.0 Objectives
- 10.3.0 PUD Combining Suffix
- 10.4.0 Permitted Uses
- 10.5.0 Approval Criteria
- 10.6.0 Design Team and Professional Coordinator
- 10.7.0 Minimum Sized Area for Development
- 10.8.0 Land Coverage
- 10.9.0 Residential Density
- 10.10.0 Lot Area and Dimensional Standards
- 10.11.0 Perimeter Standards
- 10.12.0 Open Space Standards
- 10.13.0 Maintenance of Common Open Space and Facilities
- 10.14.0 Dedication
- 10.15.0 Construction Standards
- 10.16.0 Sign Requirements
- 10.17.0 General Application Criteria
- 10.18.0 PUD Requirements and Action

**10.1.0 Purpose.** The provisions of this Section shall be known as the Planned Unit Development requirements and procedures. The Planned Unit Development Section is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized comprehensive planning. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for the City of Creswell and the City of Creswell Development Ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas and the creation of attractive, healthful, efficient and stable environments for living, shopping, recreation or working.

A Planned Unit Development, for purposes of this Ordinance, is described as an approach to community development that allows modification of the more or less rigid setbacks, lot size specifications and land use provisions of the City of Creswell Development Ordinance and Building Code and instead establishes broad standards and goals to be followed, thus enabling and encouraging flexibility of design and development. Often based on the concept of cluster planning, it allows single-family and multi-family houses of varying sizes and appropriate commercial and other uses to be built in the same development, thus inviting considerable variety in both tract and building design and uses, the provision and protection of solar access, the retention of natural settings or the creation of community recreational areas and reduced street and utility installation cost.

Emphasis is placed on the relationship between buildings, uses and open space and the most efficient use of both natural and development resources, rather than planning on a lot-by-lot or building-by-building basis.

**10.2.0 Objectives.** The general objectives of the Planned Unit Development Subzone are:

- A. To encourage innovation and variety in the development or reuse of property.
- B. To maximize choice in the type of environment available in the City of Creswell.
- C. To encourage a more efficient use of land and of public services and facilities.
- D. To take advantage of and promote advances in technology, architectural design and functional land use design.
- E. To provide for the enhancement and preservation of property with unique features (e.g., historical, topographical and natural landscape).
- F. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.
- G. To enable special problem areas or sites in the City of Creswell to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape or historical legal nonconformance.
- H. To permit flexibility of design that will create desirable public and private common open spaces; a variety in type, design and layout of buildings and utilize to the best possible extent, the potentials of individual sites.
- I. To assist in reducing the public service cost of development.
- J. To provide for enhancement and preservation of desirable vegetation and trees within the PUD.
- K. To facilitate the use of solar energy in buildings through the provision and protection of solar access.

**10.3.0 PUD Subzone - Combining Suffix.** A Planned Unit Development may be developed or located in the Residential District and the General Commercial District; provided that a Planned Unit Development (/PUD) suffix has been added to the parent district in accordance with the provisions and objectives of this Section.

**10.4.0 Permitted Uses.** The following uses may be permitted in a Planned Unit Development (/PUD) Subzone. The uses permitted in a Planned Unit Development (/PUD) Subzone

shall be governed by the basic uses (purpose) of the parent district and purpose of the Planning Unit Development (/PUD) subzone.

- A. Single-family dwellings.
- B. Multi-family dwellings.
- C. Mobile homes, modular homes.
- D. Townhouses.
- E. All other uses permitted in the parent district.
- F. Conditional uses permitted in the parent district.
- G. Open space.
- H. Public and private nonprofit parks and playgrounds, community centers and recreational facilities.
- I. Hiking, riding trails and bike paths.
- J. Neighborhood shopping centers and convenience shops where they are deemed appropriate to the Planned Residential Development and are designed to primarily serve the residents of the PUD with goods and services.
- K. Freeway and tourist-related commercial activities where they are deemed appropriate to the Planned Residential Development.
- L. Accessory structures and uses to the extent necessary and normal to the uses permitted in this Section.

**10.5.0 Approval Criteria.** In addition to the following development and maintenance standards and principles, the Planning Commission shall expressly find that the following criteria are met before it approves a Planned Unit Development:

- A. That the location, size, design and uses are consistent with the City of Creswell Comprehensive Plan.
- B. That the location, design and size are such that the development can be well integrated with its surroundings and, in the case of a departure in character from surrounding land uses, that the location and design will adequately reduce the impact of the development on adjacent properties.
- C. That the location, design, size and land use are such that traffic generated by the development can be accommodated safely.

- D. That the location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing facilities and services or by facilities and services that are planned for construction within a time period that is deemed reasonable.
- E. That the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for living, shopping or working.
- F. The PUD layout and plan shall preserve the maximum number of trees and desirable natural plants, given the limits of the area to be developed.
- G. That the location, design, size and land uses are such that the long axis of 70 percent of all proposed buildings shall be oriented to within 45 degrees of the true east/west axis so as to provide proper solar orientation and that the south facing walls and rooftops of buildings with proper solar orientation shall be protected from shadows between the hours of 9:30 a.m. and 2:30 p.m. on December 21st. The Planning Commission may exempt from solar orientation requirements those buildings that by virtue of innovative design provide for the utilization of solar energy.

**10.6.0 Design Team and Professional Coordinator.** Professional design teams and coordinators shall comply with the following:

**10.6.1 Services.** A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering shall insure that the required plans are prepared and executed. An affidavit certifying the commitment between applicant and the coordinator for basic services shall be provided by the applicant, which shall include:

- A. Diagrammatic design.
- B. Design development.
- C. Construction documents, except for single-family detached dwellings and duplexes in subdivisions.
- D. Administration of the construction contract, including but not limited to inspection and verification of compliance with approved plans.

**10.6.2 Address and Attendance.** The coordinator or his professional representative shall maintain a Lane County address, unless this requirement is waived by the Planning Commission. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.

**10.6.3 Design Team Designation.** Except as provided herein, a design team, which includes an architect, landscape architect and engineer or engineer and land surveyor, shall be

designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice his or her profession in the State of Oregon.

**10.6.4 Design Team Participation and Waiver.** Unless waived by the Planning Commission upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all steps.

**10.6.5 Design Team Change.** Written notice of any change in design team personnel must be submitted to the Planning Commission within three (3) working days of the change.

**10.6.6 Plan Certification.** Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the state for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

**10.7.0 Minimum Sized Area for Developments.** A Planned Unit Development shall be of sufficient size to allow the objectives and standards of this Section to be met. Except as provided in this Section, the minimum size for a tract of land to be developed as a Planned Unit Development shall be not less than three (3) contiguous acres. Approval may be given to an application for a Planned Unit Development smaller than three (3) acres only upon a showing by the applicant, that the minimum size required above should be waived because a Planned Unit Development is in the public interest and that one (1) or more of the following conditions exist:

- A. Because of unusual physical features of the property or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a physical or topographical feature of the City.
- B. The property or its neighborhood has historical character of economic importance to the City that will be protected by use of a Planned Unit Development.
- C. The property is adjacent to property that has been officially approved, developed or redeveloped as a Planned Unit Development and that a Planned Unit Development on the subject property can be effectively integrated with the existing PUD.
- D. The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area.

**10.8.0 Land Coverage.**

- A. Planned Residential Developments.** In Residential Developments, at least 40 percent of the gross area shall be devoted to open space. Of this 40 percent, not more than 75 percent of said required open space may be utilized privately by individual owners or users of the Planned Unit Development; and at least 25 percent of this area shall be common or shared open space.
- B. Planned Residential and Commercial Developments.** In Residential and Commercial Developments, the maximum allowable land coverage shall be the same as required by the parent zoning districts or 60 percent of the gross area, whichever allows the lesser amount of land coverage.

### **10.9.0 Residential Density.**

- A. The residential density shall not exceed the requirements of the parent district, except as provided for under item B of this Subsection. The overall density of a Planned Residential Development shall be calculated by dividing the total net development area by the number of dwelling units. The net development area shall be determined by subtracting from the gross development area lands intended or used for:
1. Commercial purposes.
  2. Churches or schools.
  3. Public or semipublic uses not intended to primarily serve the residents of the PUD.
- B. The Planned Residential Development may be awarded a density in excess of the density otherwise permitted within the zone where the development is to be constructed. An increase in density not to exceed thirty (30) percent can be permitted by the Planning Commission if the proposed Planned Residential Development includes provisions that exceed the requirements of this Ordinance and are in the public interest. These provisions may include:
1. Dedication of open space beyond that required in Section 10.8.0.
  2. Arrangement of yard and common open space to protect a physical or topographical feature of importance to the City.
  3. Improvements by the developer such as bikeways, streets, curbs, lighting, underground utilities and landscaping.
  4. Energy conservation measures that meet or exceed those suggested by the servicing utility that are in excess of those required by the State of Oregon Building Code; solar water heating systems that meet the requirements of the State of Oregon Building Code; passive solar space heating designs that meet the certification requirements for the State of Oregon Alternative Energy Device Tax Credit; energy-efficient landscaping or any combination of the above.

- 10.10.0 Lot Area and Dimensional Standards.** The minimum lot area, width, depth, height and setback requirements of this Ordinance applicable to the zoning district in which the Planned Unit Development Subzone lies shall not dictate the strict guidelines for development within the Planned Unit Development but shall serve as a guideline to ensure that the development will be in harmony with the character of the surrounding area. Individual buildings, accessory buildings, off-street common parking, loading facilities, open space, landscaping and screening may be located without reference to lot lines, except the boundary lines of the Planned Unit Development.
- 10.11.0 Perimeter Standards.** When the Planning Commission determines that topographical or other existing barriers or the design of the Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the Planned Unit Development, the Planning Commission shall require that:
- A. Structures located near the perimeter of a Planned Unit Development are designed and located so as to protect the privacy and amenity of adjacent existing uses.
  - B. A permanent screening be established, either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.
- 10.12.0 Open Space Standards.** The location, shape, size and character of the open space shall be provided in a manner to meet the specific needs of the Planned Unit Development and consistent with the standards set forth below and shall be used only for those uses so specified:
- A. Open space may be used for scenic, landscaping or outdoor recreational purposes. The uses designated for the open space shall be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.
  - B. Open space shall be developed and improved to the extent that it will serve the purpose for which it is designated. Outdoor areas containing natural features and natural vegetation may be left unimproved. Trees will be preserved whenever possible.
  - C. Any structure and improvements within the open space shall be appropriate to the uses that are authorized for the open space and shall conserve and enhance the amenities of the open space, having regard to its topography and unimproved condition.
  - D. The development schedule that is part of the Development Plan must coordinate the improvement of the open space and the construction of residential dwellings and other buildings in the Planned Unit Development.



E. All structures, grading, landscaping and improvements indicated on the plan as being in the open space or common ground shall be completed before any approved phase of the PUD is sold.

**10.13.0 Maintenance of Common Open Space and Facilities.** Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the Planning Commission shall require that an association of owners or tenants be created into a nonprofit corporation under the laws of the State of Oregon and that such corporation shall adopt Sections of incorporation and bylaws, and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open space and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purpose intended. The period of existence of such association shall be not less than 20 years, and it shall continue thereafter until a majority vote of the members shall terminate it.

**10.14.0 Dedication.** The Planning Commission may, as a condition of approval for any development, require that portions of the Planned Unit Development be set aside, improved, conveyed or dedicated for the following uses:

- A. Easements necessary to the orderly extension of public utilities.
- B. Streets and pedestrian ways necessary to the proper development of either the Planned Unit Development and/or adjacent properties.
- C. Recreational areas or open spaces suitable for the owners, residents, employees or patrons of the Planned Unit Development and the general public.

**10.15.0 Construction Standards.** Except as expressly provided herein, the provisions of the Building Code and all other City ordinances and codes shall apply to and control all design and construction of improvements within a Planned Unit Development.

**10.16.0 Sign Requirements.** See Section 20, Sign Standards.

**10.17.0 General Application Criteria.** Any applicant desiring to develop a Planned Unit Development shall submit an application in accordance with procedures provided for in this Section and Section 3 of this Ordinance.

Each application shall include all required plans, programs and their material. Whenever a Planned Unit Development is subject to other provisions of this Ordinance, the procedures of the Ordinance shall also be complied with except as modified in accordance with the provisions of this Section. Any such requirements shall be considered and acted upon concurrently with the Planned Unit Development.

The tract or tracts of lands included in a proposed Planned Unit Development application must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase shall be deemed the owner of such land for the purposes of this Section.

**10.18.0 Planned Unit Development Requirements and Action.**

**10.18.1 Application Requirements.** Applications for preliminary approval shall be made by the owner(s) of all property included in the Planned Unit Development or an authorized agent and shall be fixed on a form prescribed by the City Council and filed with the City Recorder. The application shall also indicate all owners of record, contract purchasers, holders of options and proposed developers. Planned Unit Development applications shall be accompanied by the filing fee to defray the cost of processing the application and shall include the following:

- A. An application to establish a Planned Unit Development (/PUD) Subzone classification for the zoning district in which the property is located. The said application may include a request that the parent zone be changed.
- B. One (1) copy of a written statement made up of the following information:
  - 1. An explanation of the character of the Planned Unit Development and the form of organization to own and maintain the common areas and facilities and the type of ownership of individual units or spaces.
  - 2. A narrative explaining how the proposed development meets the approval criteria listed in Section 10.5.0.
  - 3. Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements and maintenance of common and private areas of facilities.
  - 4. A development schedule indicating:
    - a. The approximate date when construction of the project can be expected to begin.
    - b. The proposed stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
    - c. The approximate dates when the development will be completed.
    - d. The area, uses and location of common open space that will be provided at each stage.

- e. A tabulation of land area to be devoted to various uses and a calculation of the average residential density per net acre.
- C. Fifteen (15) copies and one (1) 8-1/2" x 11" or 11" x 17" scaled reduction of a preliminary development plan(s) of the entire development that shall include, at a minimum, the following:
- 1. Existing contours and proposed contours after development at intervals of:
    - a. One (1) foot for ground slopes of less than 5 percent or spot elevations and drainage features.
    - b. Two (2) feet for ground slopes between 5 and 30 percent.
    - c. Five (5) feet for ground slopes in excess of 30 percent.
  - 2. Approximate location, arrangement and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking, loading areas and other development amenities.
  - 3. Approximate location and dimensions of building and structures and their use, open space and dedicated or reserved properties.
  - 4. Preliminary landscaping plan depicting existing and proposed tree plantings, ground cover, screen planting and fences, etc., showing existing trees in excess of 12 inches in diameter, measured 4 feet from ground level, which are proposed to be removed by the development.
  - 5. Architectural sketches or drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, ways, parking spaces or garages and open spaces.
  - 6. Existing and proposed drainage, water and sanitary systems and facilities as required.
  - 7. Location, character and type of signs and lighting facilities.
  - 8. A preliminary subdivision plat if the land or building is to be subdivided.

9. Shadow patterns for all buildings and trees illustrating areas shaded between the hours of 9:30 a.m. and 2:30 p.m. on December 21st. For the purpose of protecting solar access, the north side setback shall be sufficient to insure that the proposed structure shall not shade the south facing walls and/or the rooftops of permitted buildings in the Residential zone, nor the rooftops of permitted buildings in Commercial zones, nor the protected area of adjacent vacant north lots in the Residential zone, between the hours of 9:30 a.m. and 2:30 p.m. on December 21<sup>st</sup>.

The Planning Commission during site review may grant exceptions to this setback requirement allowing the shading of all or a portion of the south facing walls, rooftops, or protected areas, after finding that substantial difficulties exist with respect to topography, north facing slopes, unusual lot configurations and orientation and practical building design.

- D. The application must include a list or set of mailing addresses of properties within the required notification area. This list or set of labels must be prepared through a title company and must include the tax lot numbers as well as the owners' names and mailing addresses.
- E. At the request of the Planning Commission, the applicant may be required to provide a utility plan and/or impact study.

**10.18.2 Planning Commission Hearing on Planned Unit Development Application.** The Planning Commission shall review the Planned Unit Development application as a Type III procedure unless a zone change for an area of the City is being considered, in which case a Type IV procedure will apply. The Planning Commission shall review reports and recommendations thereon at a public hearing after acceptance by the City Recorder of the required application material and fee. If it appears from the evidence presented at the public hearing that the proposed Planned Unit Development application conforms to the objectives, criteria and standards of this Section, the Planning Commission shall approve the Planned Unit Development application or require such changes therein or impose such conditions of approval as are in its judgment necessary to ensure conformity to said objectives, criteria and standards. The Planning Commission may, in its discretion, authorize submission of a final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. In addition, the Planning Commission may continue such hearings as provided for in this Ordinance.

- A. If the Planning Commission finds that PUD does not meet the criteria of this Ordinance, it shall clearly and concisely set forth the reasons the application does not comply, citing the appropriate section of the zoning ordinance. The applicant must, within 30 days, notify the City Recorder that the applicant wishes the matter reviewed and decided as submitted or that the applicant will modify the application to the Planning Commission.

- B. Within ten (10) days following consideration by the Planning Commission of the zone change and accompanying development plan, the applicant shall be notified in writing by the City Recorder of the Planning Commission's action.

## SECTION 11

### CRESWELL FLOOD PLAIN SUBZONE (/FP)

#### Sections:

- 11.1.0 Purpose
- 11.2.0 Designation of Special Flood Hazard Areas
- 11.3.0 Designation of the Administrator
- 11.4.0 Provisions for Flood Hazard Reduction
- 11.5.0 Review of all Proposed Construction Required
- 11.6.0 Criteria and Standards
- 11.7.0 Site Investigation Report
- 11.8.0 General Requirements
- 11.9.0 Grading, Excavating and Filling- General Requirements
- 11.10.0 Variances
- 11.11.0 Fees

**11.1.0 Purpose.** The FP Flood Plain Subzone designation shall be applied in any zone hereinafter set forth where the area is subject to inundation by flooding shall be shown on the Creswell Flood Hazard Map and the Creswell Zoning Map, which designate regulated floodways and areas subject to a one (1) percent or 100-year flood. Its purpose is to minimize property loss, danger of injury and health hazards. To accomplish such purposes, floor elevations will be established by the City prior to issuing any building permits.

- A. The Flood Plain Subzone establishes special concern requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water in order to safeguard the life and health of people in the area of the general public.
- B. The Flood Plain Subzone shall be any zone in combination with the symbol "FP" as an overlay district of special concern. (For example, R/FP means a Residential Zone with combining Flood Plain District regulations.)
- C. The regulations governing the /FP Subzone shall be those of the zone in which it lies and additionally, the provisions of this Section applicable to the development.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions, Flood heights may be increased by man made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Creswell, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative

decision lawfully made hereunder.

**11.2.0 Designation of Special Flood Hazard Areas**

- A. The area of Creswell's jurisdiction within the flood hazard area identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lane County Oregon and incorporated cities, dated June 2, 1999, with accompanying Flood Insurance Maps, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Creswell City Hall. The City Council may adopt subsequent Flood Insurance Maps and studies and make them applicable without a change to this Ordinance.
- B. In areas where base flood elevations have not been provided in accordance with Section A above, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer this Section. When only approximate flood information is available, the property owner shall be cautioned that the property is within an identified flood hazard area.

**11.3.0 Designation of the Administrator.** The Planning Director is hereby authorized as administrator, having authority to make all necessary inquiries and determinations to obtain assurances that compliance with this Section is achieved. In areas of special flood hazard, the Planning Director may review all development proposals to determine that the requirements of this Section have been satisfied and that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334. Where applicable, a requirement to obtain such permits can be made a condition for approval of any application within areas of flood hazard.

**11.4.0 Provisions for Flood Hazard Reduction - Development Permits.** All structures being erected, repaired, or relocated in areas of special flood hazard must first obtain a development permit. The degree of flood hazard will dictate precautions that must be taken to protect the structure and contents from base flood levels unless exempted by the current state building code or amendments. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 11.2 A. The development permit shall be for all structures including manufactured homes, as set forth in Section 22 of this Ordinance, and for all development including fill and other activities, also as set forth in Section 22 of this Ordinance.

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

- 11.5.0 Review of All Proposed Construction Required.** Notwithstanding any other provision of this Ordinance, any proposed construction or development within any area of special flood hazard shall require review to assure compliance with the provisions of Sections 11.6 through 11.9 of this Ordinance. Where other review is required, (i.e., site review or conditional use review) the determination of compliance with the standards of Sections 11.6 through 11.9 may be combined with and made a part of that review.
- 11.6.0 Criteria and Standards.** Development Permits, Site Review Approval, Conditional Use Permits and other land use approvals for development within the flood hazard area may be approved by the Planning Director, the Planning Commission or the City Council (whichever is appropriate) after determination that:
- A. The proposed development site will not during potential future flooding be so inundated by flood water so as to result in injury to property or to the health, safety and welfare of residents or potential residents of the immediate area.
  - B. All new construction, relocation or substantial improvements of structures within "FP" areas shall have the lowest floor (including basement and mechanical systems) elevated to at least one (1) foot above the 100-year flood level. Non-residential structures may be floodproofed in lieu of the elevation of the lowest floor. Flood proofing plans shall be prepared by an engineer licensed by the State of Oregon to practice civil or structural engineering.
  - C. No improvements are proposed that will have a serious tendency to change the flow of surface water during potential future flooding so as to endanger the health, safety and welfare of residents or potential residents or other property in the area.
  - D. That emergency vehicles such as ambulances, police and fire will have access to the site during occurrence of any such flooding, for the purpose of evacuating residents or inhabitants of any residential structures or living quarters within the Flood Plain area.
  - E. The lowest floor elevation, (including basement and mechanical systems) foundation elevation, ground elevation or top of floodproofing elevation required in conjunction with building permit issuance shall be certified in mean sea level datum by a Land Surveyor and the certification filed with the City Recorder. The certifications must be filed within 30 days of completion of that part of the structure to be certified. An unsatisfactory certification will not be accepted. Failure to comply will represent a Creswell Code infraction.
  - F. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages and shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.



- G. All new and replacement water supply and sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sewage systems shall also be designed to minimize or eliminate discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- H. All subdivision proposals shall be consistent with the need to minimize flood damage, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage and shall have adequate drainage provided to reduce exposure to flood damage. 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 that contain at least 50 lots or 5 acres (whichever is less).
- I. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this criteria must either be certified by a registered engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
  2. The bottom of all openings shall be not higher than one (1) foot above grade.
  3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**11.7.0 Site Investigation Report.** As a part of the review prior to approval, a site investigation report shall be required that provides information on the site of the development and adjacent land that is likely to be affected. The site investigation report shall provide topographic information of the area in sufficient detail to assess accurately potential flooding elevations based on the recognized definition of area flood potential; identify existing natural drainage ways and potential drainage ways; and other characteristics of the area and their significance as related to the proposed development flooding potential. The report also may serve to refine boundaries shown on the Comprehensive Plan and/or Zoning Map that classify land areas within the Flood Plain Subzone. The report shall comply with the standards for the kind of area being investigated and the kind of development being proposed.

The site investigation report shall be prepared by a person or team of persons qualified by experience and training to assemble and analyze physical conditions in a flood potential area. The person or team shall be employed by the applicant but shall be subject to

approval as to qualifications by the City.

### **11.8.0 General Requirements**

A. In a special flood hazard area where base flood elevations have not been established:

1. The applicant shall be notified that the building site is in an Approximate Study Flood Hazard Area and extra precautions may be appropriate to assure that the building site will be reasonably safe from flooding.
2. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. All manufactured homes must be anchored to prevent flotation, collapse, or lateral movement, shall be installed using methods and practices that minimize flood damage, and shall be installed within 30 days of placement. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors and shall be installed in a manner to comply with State standards.
3. A time extension to the tie-down requirement may be granted for hardship by the Building Official between May and October based on written appeal. A request shall contain a time schedule for achieving compliance and an agreement not to remonstrate against enforcement action for failure to comply.
4. Require that development greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.

B. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 11.2 B, the City shall:

1. 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 floodproofed structures:
  - a. verify and record the actual elevation (in relation to mean sea level), and
  - b. maintain the floodproofing certifications required in Section 11.2 A.
3. Maintain for public inspection all record pertaining to the provisions of this Section.
4. Apply the following standards for construction and improvements of residential structures other than manufactured homes (see subsection 6 below).
  - a. Require that all construction and substantial improvements of residential

structures have the lowest floor (including the basement and mechanical systems) elevated to one (1) foot above the base flood elevation. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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:
  - (1) 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.
  - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
5. Apply the following standards to all construction and improvements of non-residential structures:
  - a. Require that all new construction and substantial improvements of nonresidential structures have the lowest floor (including the basement and mechanical systems) elevated to one (1) foot above the base flood elevation; or
  - b. Require that, together with attendant utility and sanitary facilities, all new construction and substantial improvements of nonresidential structures shall:
    - (1) Be floodproofed so that below the base flood level the structure is watertight 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 this Section.
    - (4) Nonresidential structures that are elevated, not floodproofed, must meet the

same standards for space below the lowest floor as described in part 11.8.0 B.4.b. of this Section.

- (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level.)
6. Apply the following standards to all construction and improvements of manufactured homes:
    - a. All manufactured homes must 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 tie to ground anchors.
    - b. All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on sites:
      - (1) Outside of a manufactured home park or subdivision,
      - (2) In a new manufactured home park or subdivision,
      - (3) In an expansion to an existing manufactured home park or subdivision, or
      - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot about the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
    - c. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-A30, AH, and AE that are not subject to the above manufactured home provisions be elevated so that either:
      - (1) The lowest floor of the manufactured home is at least one foot above the base flood elevation, or
      - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral

movement.

7. Require that all recreational vehicles placed on sites within Zones A1-30, AH, or AE either:
  - a. Be on the site for fewer than 180 consecutive days,
  - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions or
  - c. Meet the permit requirements in Section 11.4.0 and the anchoring requirements for manufactured homes.
- C. In all designated regulatory floodways the City shall:
  1. Require that no partitions or land divisions be permitted, if the development site for the structure is inside the floodway boundary or unless an engineering analysis can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood levels during the occurrence of a base flood discharge.
  2. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  3. Mobile homes on single lots or in new or improved mobile home parks or subdivisions are prohibited in designated regulatory floodways.
- D. Replacement in kind shall comply with standards for new construction.
- E. Requirements of this Section shall not apply when specifically waived in accordance with Federal or State laws governing the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
- F. Development permitted under this subsection shall also be subject to the requirements of Sections 11.8 A2 and B.
- G. Adjacent communities and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be furnished to the Federal Insurance Administration.

- H. Maintenance shall be required within the altered or relocated portion of altered or relocated watercourses so that the flood carrying capacity is not diminished.

**11.9.0 Grading, Excavating and Filling - General Requirements.** All areas identified as special flood hazard are subject to the following:

- A. No development will occur within 50 feet of any primary or secondary stream channel, including but not exclusive to the Coast Fork of the Willamette River, Camas Swale and Hill Creek and no swale or other low area necessary to discharge water downstream during periods of flooding shall be obstructed unless a grading plan is approved in accordance with Section 14.16.0.
- B. Channel improvement or bank protection shall be performed only after receiving approval of a site review permit.
- C. The site review permit shall not authorize any work that is not in compliance with local zoning or other local, state or federal regulations pertaining to the operations authorized by the permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under the site review permit.
- D. Require that in riverine situations, adjacent communities and Division of State Lands State Coordinating Officer be notified prior to any alteration or relocation of a watercourse, and that copies of such notification be submitted to the Federal Administrator.
- E. That the flood carrying capacity within the altered or relocated portion of any watercourse be maintained.

**11.10.0 Variances.**

- A. The issuance of the variance described in this Section is for flood plain management purposes only and is generally limited to a lot size less than one-half acre. Insurance premium rates are determined by statute and will not be modified by the granting of a variance.
- B. Variances shall not be issued by the City within any designated regulatory floodway if any increase in base flood discharge would result.
- C. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. Variances shall only be issued by the City upon showing good and sufficient cause based on scientific technical data compiled by a surveyor, engineer or architect submitted by the applicant. There must be a determination that failure to grant the

variance would result in exceptional hardship to the applicant. It must be determined that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local laws or ordinances.

- E. In all cases, the applicant is charged with the responsibility of obtaining all technical or other evidence for review and filing.
- F. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- G. The applicant shall be notified in writing that:
  - 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and,
  - 2. Such construction below the base flood level increases risks to life and property.
- H. Records will be maintained on all variance actions, including justification for their issuance, and reported in the annual or biennial report submitted to the Administrator.
- I. Variances may be issued for new construction and substantial improvements and for other development necessary for conduct of a functionally dependent use provided that items C through H of Section 11.10.0 are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**11.11.0 Fees.** Fees established by the City for the floodplain permits or variances will be required by this Section to defray the cost of processing the application.

**SECTION 12****CRESWELL AIRPORT SUBZONE****Sections:**

- 12.1.0 Purpose
- 12.2.0 Use Restrictions
- 12.3.0 Height Restrictions
- 12.4.0 General Uses
- 12.5.0 Uses Permitted Outright by Zones
- 12.6.0 Uses Permitted Conditionally by Zones
- 12.7.0 Conditional Use Criteria
- 12.8.0 Nonconforming Uses
- 12.9.0 Variances
- 12.10.0 Obstruction Marking

**12.1.0 Purpose.** The Airport Subzone District is intended to safeguard land uses adjacent to the Creswell Municipal Airport (Hobby Field) from noise and hazards associated with aircraft operations and to protect existing use and potential expansion of the airport itself from incompatible development. This Ordinance establishes various areas within this subzone to control land uses within the Creswell Urban Growth Boundary and to serve as a guide in reviewing development proposals outside the Urban Growth Boundary. This subzone shall not be used in lieu of the zoning districts that it overlays. Rather, it shall be used in conjunction with such districts; i.e., the underlying district controls the primary land use and is subject to the additional standards and limitations imposed by this Overlay Subzone.

**12.2.0 Use Restrictions.** Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

**12.3.0 Height Restrictions.** The height of structures or objects in this subzone shall not exceed the maximum height prescribed by the underlying zone. Furthermore, no structure or object shall penetrate any of the surfaces defined in Section 22.

**12.4.0 General Uses.** Provided the following uses are permitted either outright or conditionally in the underlying zone, they may be permitted in the various zones of the Airport Subzone subject to the provisions of Subsections 12.5.0 and 12.6.0:

**A. Undeveloped land and water areas.**



1. Undeveloped and unused land area (excluding noncommercial forest development).
2. Water areas.

**B. Resource production and extraction.**

1. Agriculture and related services.
2. Forestry activities and related services.
3. Fishing activities and related services.
4. Mining activities and related services.

**C. Residential.**

1. Single units.
2. Multiple units.
3. Transient lodgings.
4. Retirement homes.

**D. Cultural, Entertainment and Recreational.**

1. Cultural activities.
2. Public assembly.
3. Amusements.
4. Resorts.
5. Parks.

**E. Transportation, Communication and Utilities.**

1. Railroad, rapid rail transit and street railway transportation.
2. Motor vehicle transportation.
3. Aircraft transportation.
4. Marine craft transportation.

5. Highway and street right-of-way.
6. Automobile parking.
7. Utilities.
8. Solid waste disposal.
9. Communications.
10. Bulk gas, petroleum storage.

**F. Services**

1. Finance, insurance and real estate services.
2. Personal services.
3. Business services.
4. Professional services.
5. Contract construction services.
6. Government services.
7. Elderly Housing.
8. Hospitals.
9. Religious activities, churches.
10. Educational services.
11. Repair services.

**G. Trade.**

1. Wholesale trade.
2. Retail trade. Building materials, hardware and farm equipment.
3. Retail trade. General merchandise.
4. Retail trade. Food.

5. Retail trade. Automotive, marine craft, aircraft and accessories.
6. Retail trade. Apparel and accessories.
7. Retail trade. Furniture, home furnishings and equipment.
8. Retail trade. Eating and drinking.

**H Manufacturing.**

1. Food and kindred products.
2. Lumber and wood products.
3. Paper and allied products.
4. Printing, publishing and allied industries.
5. Fabricated metal products.
6. Professional, scientific and controlling instruments.
7. Textile mill products.
8. Furniture and fixtures.
9. Chemicals and allied products.
10. Petroleum refining and related industries.
11. Rubber and plastic products.
12. Stone, clay and glass products.
13. Primary metal industries.
14. Apparel and other finished products made from fabric, leather and similar material.

**12.5.0 Uses Permitted Outright by Zones.**

- A. **Approach Safety Zone.** Those uses listed in A (excluding 2); B (excluding 4); D5; E (except items 8-10); items 1-6, 11 of F; G (except items 3 and 8); and H of Section 12.4.0.
- B. **Substantial Noise Zone.** Those uses listed in A; B; item 5 of D; E; items 5 and 11 of F; G (except 8); and H (except item 6) of Section 12.4.0.
- C. **Moderate Noise Zone.** Those uses listed in A; B; items 3 and 5 of D; E; items 1-5, and 11 of F; G; and H of Section 12.4.0.
- D. **Obstruction Zone.** All uses listed in Section 12.4.0.

**12.6.0 Uses Permitted Conditionally by Zone.**

- A. **Clear Zone.** Those uses listed in A and B (excluding item 4) of Section 12.4.0.
- B. **Approach Safety Zone.** Those uses listed in C1 and G (excluding 4) of Section 12.4.0.
- C. **Moderate Noise Zone.** Those uses listed in C, D2 and D4 of Section 12.4.0.

**12.7.0 Conditional Use Criteria.** Notwithstanding any other provisions of this Ordinance, the following shall be considered before approving a conditional use request in the following zones:

- A. **Clear Zone.** Activities shall be shown to be necessary to the present use of the land and that no alternative location for the activity exists. Structures are prohibited.
- B. **Approach Safety Zone.** Noise reduction requirements shall be analyzed and appropriate sound insulation measures shall be taken or "hold harmless" agreements shall be made.
- C. **Substantial Noise Zone.** Noise reduction requirements shall be analyzed and appropriate sound insulation measures shall be taken or "hold harmless" agreements shall be made.
- D. **Moderate Noise Zone.** Noise reduction requirements shall be analyzed and appropriate sound insulation measures shall be taken or "hold harmless" agreements shall be made.

**12.8.0 Nonconforming Uses**

- A. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or object not conforming to the regulations as of the effective date of this Ordinance or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this Ordinance and is diligently prosecuted.
- B. Notwithstanding the preceding provision, the owner of any existing nonconforming structure or object is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport owner to indicate to the operators of aircraft in the vicinity of the Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport owner.
- C. No approval shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or object to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto.
- D. Whenever the Creswell Planning Commission determines that a nonconforming object or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or object to exceed the applicable height limit or otherwise deviate from the zoning regulations.

**12.9.0 Variances.** Any person desiring to erect or increase the height of any structure or object or to use property not in accordance with the regulations prescribed in this Ordinance, may apply to the City for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and, relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this Ordinance. Additionally, no application for a variance to the requirements of this Section may be considered by the Planning Commission unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within 15 days after receipt, the Planning Commission may act on its own to grant or deny said application.

**12.10.0 Obstruction Marking.** If such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, the owner of the structure, object or use in question may be required to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Planning Commission, this condition may be modified to require the owner to permit the airport owner at its own expense, to install, operate and maintain the necessary markings and lights.



**SECTION 13****RESORT COMMERCIAL SUBZONE (/RC)****Sections:**

- 13.1.0 Purpose
- 13.2.0 Permitted Uses
- 13.3.0 Height Restrictions
- 13.4.0 Planned Unit Development Procedures Required

**13.1.0 Purpose.** The Resort Commercial Subzone is intended to designate those areas identified by the Creswell Comprehensive Plan as suitable for accommodating large-scale concentrations of recreationally-oriented uses. It is the intent of this subzone that such uses represent an internally consistent development pattern that is compatible and closely related to the recreational resources upon which they rely. Examples of such resources are lakes or other bodies of water, golf courses and related amenities, amusement centers and the like. Recreational uses allowed in this subzone must also be compatible with adjacent agricultural uses. Traditional residential and commercial uses shall not be permitted within this subzone except when shown as necessary to support the primary recreationally-oriented uses. The burden of proof is on the applicant to show that all aspects of the development are clearly related to the recreational resource.

**13.2.0 Permitted Uses.** The following uses are permitted in the Resort Commercial Subzone, subject to the provisions of parts 13.3 and 13.4 of this Section and subject to any additional requirements of the underlying Commercial zone:

- A. Motels.
- B. Single-family dwellings, townhouses, dwellings subject to ORS Ch. 94 and other residential uses primarily marketed under time-sharing provisions.
- C. Clubhouses.
- D. Restaurants.
- E. Sports and playground facilities.
- F. Facilities shown to be necessary to the support and service primary recreational uses and that are consistent with the intent of this subzone.
- G. Other recreationally-oriented uses consistent with the development plans for the subzone and that are approved by the Planning Commission.

**13.3.0 Height Restrictions.** The height of structures or objects in this subzone shall not exceed the maximum height prescribed by the underlying commercial zone. Because of the



proximity of some portions of this subzone to the Airport Subzone, all persons involved in development within this zone should check to assure compliance with the Airport Subzone requirements.

- 13.4.0 Planned Unit Development Procedures Required.** Development within the Resort Commercial Subzone shall be subject to the provisions of Section 10, the Planned Unit Development Subzone. Specifically, no segment or phase of a development within the Resort Commercial Subzone shall be approved until a conceptual plan for the entire development has been approved by the Planning Commission, pursuant to the requirements of Section 10.18. Facilities and improvements proposed for a development must be shown to conform to the Creswell Facilities Plan and the Creswell Comprehensive Plan. The provisions of Section 10 shall be implemented by the Planning Commission within the guidelines set out in part 13.1 of this Section.

**SECTION 14****DEVELOPMENT STANDARDS****Sections:**

- 14.1.0 Purpose
- 14.2.0 Street Standards
- 14.3.0 Reserve Strips
- 14.4.0 Access Spacing/Driveway Approaches
- 14.5.0 Alleys
- 14.6.0 Lots and Block Specifications
- 14.7.0 Sidewalks
- 14.8.0 Bikeways
- 14.9.0 Easements
- 14.10.0 Utilities
- 14.11.0 Storm Drainage
- 14.12.0 Sanitary Sewers
- 14.13.0 Water Service
- 14.14.0 Fire Hydrants
- 14.15.0 Street Lights
- 14.16.0 Erosion Control
- 14.17.0 Perimeter Fences
- 14.18.0 Railroads
- 14.19.0 Improvement Assurances

**14.1.0 Purpose.** This Section contains the city's development standards that may apply to any development within the City of Creswell. Development Standards are in addition to standards and criteria set forth in the particular zoning district in which the development lies, in addition to applicable sections of Section 10, PUD Subzone, of this Code, and in accordance with the Creswell Transportation System Plan.

**14.2.0 Street Standards.**

**14.2.1 Dedication.** The Planning Commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the developer of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the subdivision area in accordance with the purpose of this Code and the Creswell Transportation System Plan.

**14.2.2 Safety Requirements.** Where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public and resident of the subdivision area, the Planning Commission may require that local streets be so designed as to discourage their

use by non-local traffic. Roadways shall be designed to efficiently and safely accommodate emergency service vehicles.

- 14.2.3 Transportation System Plan.** The Creswell Transportation System Plan (TSP) was adopted by the City Council in August 1998. The TSP shall be considered by the Planning Commission to be a correct designation of the transportation, access and safety needs of the area. The TSP is used for the purpose of determining roadway classification and the design and location of streets required under this Code. The City Council may adopt subsequent TSP updates and make them applicable without a change to this Ordinance.
- 14.2.4 General Design.** Street design shall be responsive to topographic changes and scenic views and shall minimize impacts to natural features including wetlands, drainage ways, streams, riparian areas, and wildlife corridors.
- 14.2.5 Width.** Widths of street right-of-ways and paving design for streets shall be as set forth in the Table 14.2.1 below. The table presents a range of street widths for each street type. The Planning Commission may require a width within the limits shown based upon adjacent physical conditions, safety of the public, and the traffic needs of the community.
- 14.2.6 Existing Adjacent Street.** The widths of street rights-of-way provided in Table 14.2.1 below shall be the range of right-of-way for streets existing along and adjacent to any boundary of the development area. The developer shall dedicate additional right-of-way as determined by the Planning Commission in accordance with Table 14.2.1, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in this table.

**TABLE 14.2.1  
STREET STANDARDS**

<b>Type of Street</b>	<b>Right-of-Way Width</b>	<b>Paving Width*</b>	<b>Sidewalk Width**</b>	<b>Bike Lane Width</b>
Arterials	60' – 120'	36' – 52'	6.5'	6'
Major and Minor Collector Streets	50' – 80'	34' – 46'	5.5'	6' (if required)
Local Streets	40' – 60'	24' – 36'	5.5'	Not required
Other Local Streets	40' – 60'	24' – 36'	5.5'	Not required
Cul-de-sacs	40' – 50'	28' – 36'	5.5'	Not required
Cul-de-sacs Bulb	92' ***	70' ***	5.5'	Not required
Hammerhead or "T" Stubs	30' "T" end	15' – 20'	5.5'	Not required

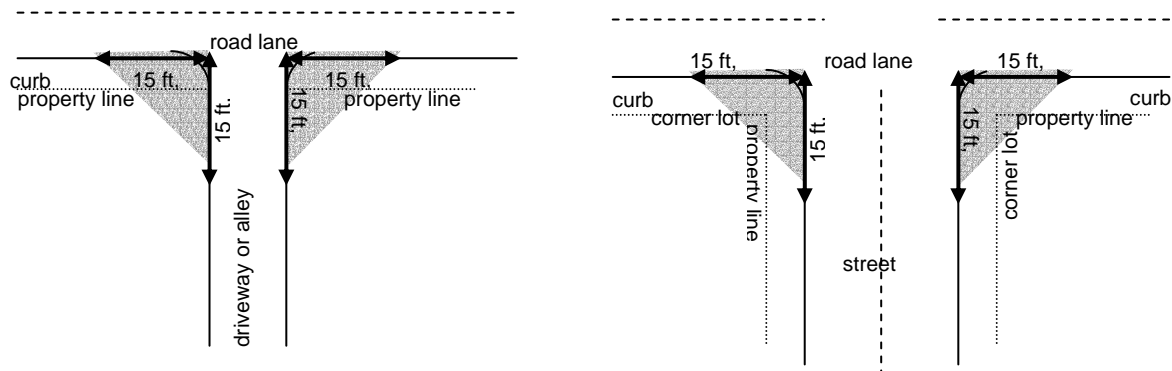
\*Paving measured from inside of curb to inside of curb.

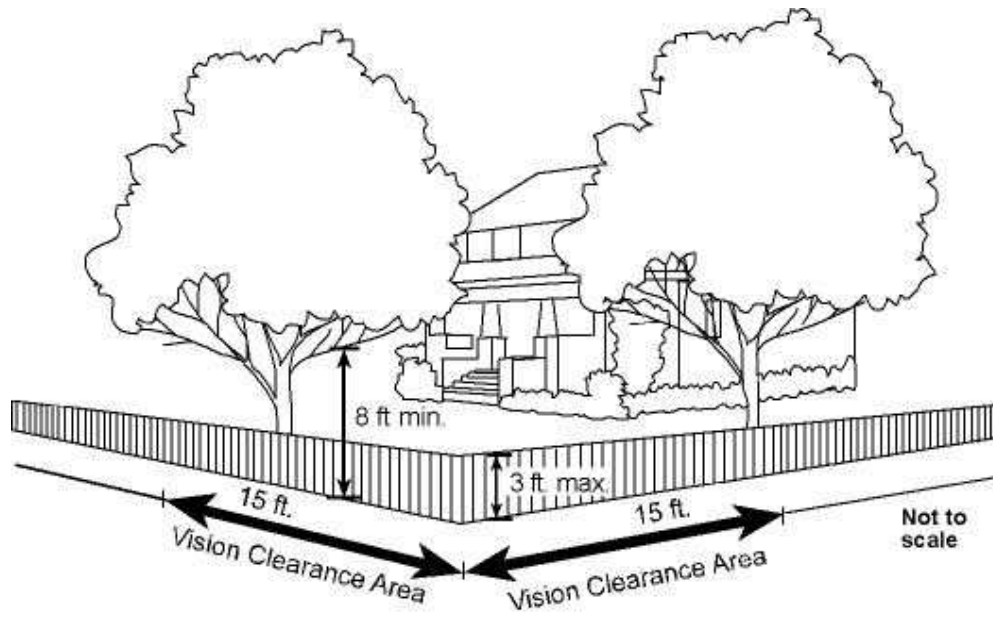
\*\*Includes six (6) inch curb width.

\*\*\*Measured by diameter of circle constituting circular end.

- 14.2.7 **Modifications to Street Standards.** Modifications to street standards require approval by the Planning Commission and Fire Marshal.
- 14.2.8 **Street Connectivity.** All streets, bicycle and pedestrian facilities shall connect to other existing and planned facilities outside the development.
- 14.2.9 **Intersection Angles.** All streets within and abutting a development shall intersect one another at an angle as near to a right angle as is practicable unless necessitated by topography of the area and previous adjacent layout.
- 14.2.10 **Street Alignment.** As far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the center line thereof. In no case shall the staggering of streets making “T” intersections be designed where jogs of less than 125 feet are created, as measured from the center line of any intersection.
- 14.2.11 **Intersections.** Streets must be laid out so as to intersect as nearly as possible at right angles. Proposed intersection of two (2) streets at an acute angle of less than 75 degrees is not allowed. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. No more than two (2) streets shall intersect at any one (1) point.
- 14.2.12 **Clear Vision Area.** A clear vision area must be maintained at each access to a public street and on each corner of property at intersections of two streets or a street and a railroad. All intersections shall be constructed with a vision clearance area as defined by a minimum of 15 feet in both directions (as indicated by the bold arrows in Figure 14.2.12 (a)). This area may be increased by the Planning Director or City Engineer upon finding that more sight distance is required (i.e. due to traffic speeds, roadway alignment, etc.). No new buildings, signs, structures (including fences), or vegetation over three (3) feet in height shall be placed in “vision clearance areas,” as shown in Figure 14.2.12 (b). Tree branches and other objects must have at least eight (8) feet clearance from the grade, as shown in Figure 14.2.12 (b).

**FIGURE 14.2.12 (a) – Vision Clearance Areas**



**FIGURE 14.2.12 (b) – Vision Clearance Areas**

\*Fencing, landscaping, and other development standards vary by zoning district. Refer to specific zoning requirements for more detailed information.

- 14.2.13 Stormwater.** Where appropriate, the street system and its infrastructure shall be utilized to convey and treat stormwater runoff.
- 14.2.14 Transit.** Streets identified as future transit routes shall be designed to safely and efficiently accommodate transit vehicles and pedestrians. Developers shall coordinate with the transit department on curb return radius, lane width, and other transit needs.
- 14.2.15 Truck Routes.** Future improvements or extensions on streets identified in the Creswell Transportation System Plan as truck routes shall take into consideration the heavy volume of trucks, special needs for traffic control, road geometry, access during construction, and possible traffic/pedestrian/bicycle conflicts.
- 14.2.16 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 part. The Planning Commission may require that such continuation is necessary to provide for the orderly subdivision of such adjacent land, or the transportation and access needs of the community.
- 14.2.17 Cul-de-sacs.** Cul-de-sacs and other dead-end streets (Hammerhead or T-end) shall be discouraged except where topography, natural features, or land development patterns preclude street connectivity. There shall be no cul-de-sacs more than 400 feet long or serving more than 18 single family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in Table 14.2.1, or

if hillside conditions require, the Planning Commission may allow Hammerhead or “T” end cul-de-sacs as provided for in Table 14.2.1. If cul-de-sacs are installed, a multi-use path connecting the end of the cul-de-sac to other street or activity areas may be required.

**14.2.18 Street Names.** Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Planning Commission and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the City of Creswell or its surrounding area.

**14.2.19 Half Streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of this code. The Planning Commission can approve a half street improvement when it finds that this improvement will be adequate to serve projected traffic demands and it will be practical to require the dedication of the other half when the adjoining tract is developed. Whenever a half street is adjacent to a tract to be developed, the other half of the street shall be planned within such tract. Reserve strips may be required to preserve the objectives of half streets.

Notwithstanding the above, the minimum total paved width of a half street shall not be less than 20 feet. The first developer responsible for the construction of a new street or streets shall be responsible for the construction of a sidewalk on one side. Until the remainder of the street is developed, it must be signed “No Parking” in order to provide unobstructed fire apparatus access.

**14.2.20 Private Streets.** Unless the Planning Commission determines that public streets are needed to provide for circulation and/or access to neighboring properties, private streets are permitted within Planned Unit Developments, Manufactured Home Parks, and singularly owned developments of sufficient size to warrant interior circulation. Unless otherwise specifically authorized as part of a street plan, a private street shall comply with the same standards as a public street. A street held for private use shall be distinguished from public streets and any reservations or restrictions relating to the private street shall be described in the land division documents and the deed records. The Planning Commission may require legal assurances for the construction and maintenance of private streets.

**14.2.21 Street Signs.** The City shall install all street signs relative to traffic control and street names as specified for any development. The cost of sign and installation shall be included in the developer’s project costs.

**14.2.22 Grades and Curves.** Unless otherwise approved by the Planning Commission because topographical conditions will not reasonably permit, grades and centerline radii on curves shall be developed in accordance with in Table 14.2.2 that follows.

**TABLE 14.2.2  
GRADES AND CURVES**

<b>Designation</b>	<b>Grade (in percent)</b>	<b>Curves (centerline radii in feet)</b>
Arterials	Not to exceed 6%	Not less than 300'
Collectors	Not to exceed 10%	Not less than 200'
All Other Streets	Not to exceed 12%	Not less than 100'

**14.3.0 Reserve Strips.** The Planning Commission may require the developer to create a reserve strip controlling the access to a street. The reserve strip will be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission or City Engineer determines that a strip is necessary:

- A. 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.
- B. 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 this Code.
- C. To prevent access to land abutting a street of the development, but not within the tract or parcel of land being developed.
- D. To prevent access to land unsuitable for buildable development.
- E. To prevent access for a dual frontage lot to a street of higher classification when a lower classification street is available.

**14.4.0 Access Spacing/Driveway Approaches.** The location and improvement of an access point onto a public street shall be included in the review of a development proposal.

- A. Approaches and driveways to City streets and alleys must be paved and constructed in accordance with the Standard Construction Specifications.
- B. Properties that have frontage on more than one street may be restricted to access on streets of a lower classification. For example, a house on the corner of a collector and a local street shall gain access from the local street.
- C. All driveways must be located the maximum distance that is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following as measured from the nearest curb return radius: Arterial, 40 feet; Collector, 20 feet; and Local street, 10 feet.
- D. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to City standards.

- E. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.
- F. A common access point to a property line is encouraged and, in some instances, may be required in order to reduce the number of access points to streets.
- G. Access to a designated state highway is subject to the provisions of this Section in addition to requirements of the Oregon Department of Transportation. Where regulations of the City and state conflict, the more restrictive requirements apply.
- H. The location and width of access driveways onto public streets shall be subject to the design standards and criteria in Tables 14.4.1 and 14.4.2, and the policies of the Creswell Transportation System Plan:

**TABLE 14.4.1  
ACCESS SPACING**

Roadway Type	Distance Between Access Points (in feet)
Arterial	150'
Major Collector	75'
Minor Collector	50'
Local Street	25'

**TABLE 14.4.2  
DRIVEWAY WIDTHS**

Use	Minimum Width	Maximum Width
Single- and two-family dwellings	10'	24' *
All other residential	15'	32'
Commercial	24'	32'
Industrial	24'	48'

\* For up to two (2) parking stalls. For each additional parking stall within a garage an additional 12 feet of width may be added.



**14.5.0 Alleys**

**14.5.1 Dedication.** The Planning Commission may require adequate and proper alleys to be dedicated to the public by the developer of such design and in such location as necessary to provide for the access needs of the development area in accordance with the purpose of this Code.

**14.5.2 Width.** Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the development area a lesser width may be allowed at the discretion of the Planning Commission where the developer presents a satisfactory plan whereby such alley will be expanded to the width otherwise required.

**14.5.3 Corner Cut-offs.** Where two (2) alleys intersect, 10-foot corner cut-offs shall be provided.

**14.5.4 Grades and Curves.** Unless otherwise approved by the Planning Commission where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall not be less than 100 feet.

**14.5.5 Other Requirements.** All provisions and requirements with respect to streets in Section 14.2.7 – 14.2.12 and 14.2.15 of this Code shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys” respectively.

**14.6.0 Lots and Block Specifications**

**14.6.1 Lot Width.** Each lot shall have an average width between the lot side lines of not less than 60 feet. Each corner lot shall have an average width between the lot side of not less than 65 feet.

**14.6.2 Lot Depth.** Each lot shall have an average depth between the lot front line and lot rear line of not less than 80 feet and not more than 2 ½ times the average width between the lot side lines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 120 feet unless a lesser depth is approved by the Planning Commission where necessitated by unusual topographical conditions, such as steep slopes.

**14.6.3 Lot Area.** Each lot shall comprise a minimum of 6,000 square feet. When lots are more than double the minimum area, those lots must be arranged so as to allow further subdivision and the opening of future streets, where it would be necessary to serve potential lots.

**14.6.4 Lot Frontage.** Each lot shall have frontage of not less than 60 feet upon a street, 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 35 feet upon a street, measured on the arc. Flag lots shall have a minimum frontage of 20 feet, except where access is shared with an adjacent

property. In this case the minimum frontage is 12.5 feet with a combined frontage of 25 feet.

#### **14.6.5 Lot Size and Frontage Exceptions.**

A. Subdivision Area Developed As a Unit – Planned Unit Development (PUD). The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the subdivider presents a plan satisfactory to the Planning Commission whereby the entire subdivision area will be designed and developed with provision for proper maintenance of recreation and park area that:

1. Will be commonly available to the residents of the subdivision area.
2. The Planning Commission determines the benefit to residents is equal to the benefits derived from observance of the lot size and frontage requirements.
3. Will be in accordance with the purpose of this Code.

B. Land Zoned for Commercial or Industrial Use. The Planning Commission may at its discretion authorize relaxation of the lot size and frontage requirements 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 Code.

**14.6.6 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.

**14.6.7 Lots Retained for Future Subdivision.** The Planning Commission may at its discretion waive lot frontage requirements where in its judgment a lot should and will be retained by the subdivider, and future subdivision of such lot will be best protected by the creation of a reserve strip separating such lot from any street.

**14.6.8 Flag Lots.** Flag lots are allowed only when absolutely necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street cannot be provided. The minimum width for access to a flag lot is 20 feet, except where access is shared with an adjacent property and an acceptable easement with a maintenance agreement is established and recorded. In this case the minimum lot width is 12.5 feet with a combined access minimum of 25 feet. A driveway with a paved width of at least 18 feet must be constructed to provide access to both lots.

**14.6.9 Cul-de-sac Lots.** Cul-de-sac lots are limited to five (5) lots with access on a cul-de-sac bulb except that additional lots may be permitted where one (1) additional off-street parking space is created for each unit that takes access on a cul-de-sac bulb. The minimum frontage of a lot on a cul-de-sac shall be 35 feet measured on the arc.

- 14.6.10 Lots Suitable 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 the lot, as determined by the Planning Commission in accordance with the purpose of this Code.
- 14.6.11 Future Subdivision of Lots.** Where the subdivision will result in a lot one half acre or larger in size which, in the judgment of the Planning Commission, is likely to be subdivided in the future, the Planning Commission may require that the location of lot lines and other details of layout be such that future subdivision may readily be made without violating the requirements of this Code and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary for the purpose of this Code.
- 14.6.12 Block Length.** Block length shall not exceed 1,200 feet.
- 14.6.13 Partial Development.** Where the development area includes only part of the tract owned by the developer, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said tract.
- 14.6.14 Unsuitable Area.** No areas dangerous to the health and safety of the public shall be developed. No land subject to slippage or inundation shall be developed.
- 14.7.0 Sidewalks**
- 14.7.1 Requirement.** All development for which a land use application is required must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses, manufactured homes, and duplexes.
- 14.7.2 Standards.** Sidewalks shall be constructed to City standards specified in Table 14.2.1 and any additional requirements of the Americans with Disabilities Act. Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.
- Where the Planning Commission determines the public interest is better served, multi-use paths which provide both bicycle and pedestrian circulation may be installed in lieu of separate bikeways and sidewalks.
- 14.7.3 Timing of Construction.** Sidewalks shall be constructed to City standards prior to the issuance of an occupancy permit or within two (2) years from the date of final plat approval, whichever comes first.

The subdivider or owner of the property within the final subdivision plat shall include in every deed or other document transferring any interest in a portion of the property subject to the final subdivision plat approval, a statement providing: "As a condition of approval

of the proposed development and sale of this property, the owner of this property, and all subsequent owners, consent to pay the City of Creswell any charges reasonably related to Creswell's construction of sidewalks done pursuant to the provisions of Creswell's land division ordinance."

**14.7.4 Failure to Comply.** If the subdivider fails to install sidewalks on any portion of the subdivision within two (2) years from the date of final plat approval as indicated in the conditions of approval, the City of Creswell may provide the owner of the property where sidewalks have not been installed, written notice of the City's determination that sidewalks must be installed within 60 days of the date of the written notice. If the owner of the property receiving such notice fails to install sidewalks within 60 days, or fails to provide the City of Creswell adequate assurance of the owner's intent to install sidewalks within a reasonable period of time, the City of Creswell may install sidewalks to achieve compliance with the final subdivision plat. Installation of sidewalks may be done by the City of Creswell or by contract for the City, as determined by the City of Creswell. Charges for the cost of installation of sidewalks by the City of Creswell shall be paid by the owner of the property on which the sidewalks are installed. If the owner of the property fails to pay the charges in full, or to make satisfactory arrangements for their payment, within 60 days of the date of written notice of the charges, the charges for construction, plus all costs associated with collection of the amount owed, shall become a lien on the property where the sidewalk was installed, and may be filed and collected in the manner provided for other liens of the City of Creswell.

**14.8.0 Bikeways.**

**14.8.1 Standards.** Bicycle facilities shall be developed according to standards specified in Table 14.2.1 and according to the Creswell Transportation System Plan. In addition, bicycle safety devices such as bicycle-proof drain grates, rubberized pads at railroad crossing, and appropriate signage shall be required throughout the bicycle system.

All arterials and collectors identified in the Transportation System Plan shall have bike lanes, unless an equally adequate alternative route is proposed and accepted by the Planning Commission. The Planning Commission may, based on need, require bikeways on other street classifications (including but not limited to roads connecting to schools, parks, open space, downtown, etc.).

Bicycle facilities shall be designed for both internal circulation and to provide linkages to regional travel.

**14.8.2 Provisions for Bikeways.** Developments adjoining or containing proposed bikeways identified in the Transportation System Plan shall include provisions for the future extension of such bikeways. Bike lanes shall be built during the construction of new streets or the reconstruction of existing streets.

Where the Planning Commission determines the public interest is better served, multi-use paths that provide both bicycle and pedestrian circulation may be installed in lieu of

separate bikeways and sidewalks. Bikeways shall be designed to meet the needs of pedestrians and cyclists in order to promote safe and convenient bicycle and pedestrian circulation in the community

#### **14.9.0 Easements**

**14.9.1 Public Utility Easements.** The developer shall make arrangements with the City of Creswell and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. All utility easements must be public easements.

Easements for sewers, drainage, water mains, public utility installations, and other like public purposes shall be dedicated, reserved, or granted by the developer. The standard width for public utility easements adjacent to street rights-of-way is seven (7) feet. The minimum widths for other public utility easements shall be 14 feet for water and storm drainage and 15 feet for sanitary sewer, unless otherwise approved by the City Engineer. Where feasible, utility easements shall be centered on a lot line.

**14.9.2 Pedestrian Easements.** The Planning Commission may require the developer to dedicate to the public pedestrian ways up to 15 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks or other public areas, of such design and location as reasonably required to facilitate pedestrian travel.

**14.9.3 Slope Easements.** The Planning Commission may require a perpetual unobstructed easement adjacent to a public right-of-way where the slope of the land is such that earth movements might damage a public right-of-way and where the natural vegetation shall not be disturbed.

**14.9.4 Drainage Easements.** Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a public stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such width as the City Engineer determines will be adequate for conveyance and maintenance. Improvements to the drainageway, or streets, or parkways parallel to water courses may be required.

**14.9.5 Access Easements.** In general, the creation of access easements between property owners is discouraged. However, there are some instances where an access easement is the only viable method of providing access to a developable lot. The Planning Commission will approve an access easement where the applicant has demonstrated that all of the following criteria have been met:

- A. No more than two parcels or uses are to be served by the proposed access easement;
- B. There is insufficient room for a public right-of-way due to topography, lot configuration, or placement of existing buildings and,

- C. The City Engineer has determined that there is not a need for a public street in this location.

#### **14.10.0 Utilities**

**14.10.1 Requirement for Underground Utilities.** All utility lines, cables, or wires (including but not limited to those used for electricity, communication, street lighting, and cable television) constructed upon, adjacent to, or within land subdivided or prepared for development, after the date of this code, must be placed underground. The intent is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within such subdivision or development.

**14.11.0 Storm Drainage** The review body will approve a development request only where adequate provisions for storm runoff have been made as determined by the City Engineer. The storm drainage system must be separate and independent from the sanitary sewer system. Where possible, inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns, runoff calculations, and proposed storm drainage must be shown on every development proposal plan. All proposed storm drainage plans must be approved by the City Engineer as part of the preliminary plat or site review process and shall include a Grading and Drainage Plan. See Section 14.16.0 for Grading and Drainage Plan requirements.

**14.11.1 Drainage Management Practices.** Development must employ drainage management practices approved by the City Engineer that minimize the amount and rate of surface water runoff into receiving streams or drainage facilities or onto adjoining properties. Drainage management practices must include, but are not limited to detention, permanent storage, minimization of impervious surfaces, emphasis on natural drainageways, stabilization of natural drainageways, and other practices designed to transport stormwater and improve water quality.

**14.11.2 Design Requirements for New Development.** All new development must, where appropriate, make provisions for the continuation or appropriate projection of existing storm sewer lines or drainageways serving surrounding areas.

**14.11.3 Erosion Control.** Erosion control is required prior to, during and after construction activities for projects that disturb one (1) or more acres of land over a period of time, as follows:

- A. Erosion Control During Construction: A National Pollutant Discharge Elimination System (NPDES) Permit (e.g., a 1200-C permit) must be obtained from DEQ prior to the issuance of a development permit or a land use permit.
- B. Erosion Control Prior to and Following Construction Activities: In addition to construction-related erosion, the applicant must show how areas prone to erosion prior to and following construction will be controlled. Materials required as part of the

NPDES permit may be augmented and submitted for approval to satisfy this requirement.

- 14.12.0 Sanitary Sewers.** All new development must be served by the public sanitary sewer system of the City of Creswell. All proposed sanitary sewer plans must be approved by the City Engineer as part of the preliminary plat review process.
- 14.13.0 Water Service.** All new development, including a single-family residence, must extend and connect to the public water system when service is available. Fire hydrants, mains, and related appurtenances shall be in accordance with the Oregon Uniform Fire Code. All proposed water plans must be approved by the City Engineer as part of the preliminary plat review process.
- 14.14.0 Fire Hydrants.** If any portion of the development is more than 250' from an existing public fire hydrant, additional hydrants may be required. Average spacing for hydrants in a development shall be no greater than 500'. Minimum fire flow requirements for proposed structures and facilities must be met by fire hydrants and mains. Developers shall provide third party verification of existing and proposed water service mains and hydrant flow supporting the development site. Plans for hydrants and water service mains shall be reviewed and approved by the Fire Marshal as part of the preliminary plat process.
- 14.15.0 Street Lights.** Street lighting shall be provided in all developments within the City and shall be provided in accordance with the following standards:
- A. New Streets. Street lighting shall be installed at intersections and at a minimum distance of 220 feet apart at a height of 25 to 30 feet with the following exceptions:
1. A cul-de-sac where the terminus is less than 150 feet from the nearest lighted intersection; otherwise, a street light shall be installed at the end of a cul-de-sac.
  2. For streets serving industrial areas, there shall be a minimum of one (1) street light at each intersection.
  3. Existing Streets. Development having 200 feet or more of frontage on an existing street shall install a minimum of one (1) street light for the first 200 feet, plus one (1) street light per 220 feet of additional frontage. A development with less than 200 feet of frontage on an existing street shall enter into a deferred improvement agreement for future light installation. Street lights shall be 25 to 30 feet in height.
  4. All street lighting shall be constructed to cast light downward and minimize light pollution.
- 14.16.0 Grading and Drainage Plan.** The applicant shall submit a grading and drainage plan stamped by an engineer, architect, landscape architect, or other similar profession, and shall show proposed engineering plans for cuts, fills, and drainage. The Planning Director shall

refer the proposed grading and drainage plan to the Buildings Official for review. The approval of the grading and drainage plan shall constitute a grading permit, which may be required as a condition of approval and must be issued prior to any construction on the site. Submittal requirements shall include, but are not limited to:

- A. Property lines and sufficient adjacent area to understand the relationship of site to off-site drainage patterns (shown by arrows).
- B. Existing and proposed drainages, including any redirection of flows, with direction of flow arrows that transport water onto, across, or from the site (i.e., waterways, 100-year flood plain and flood hazard areas, riparian vegetation, pipes, wetlands, etc.).
- C. Cross-sections of excavation/fill areas on-site and a description of where material will be disposed.
- D. Existing and proposed topography at two (2) foot contours for 1-15 percent slope and five (5) foot contours for greater than 15 percent slope.
- E. Soils report indicating status of any hazard areas (i.e., land slide prone, high water table).
- F. Existing and proposed structures.

**14.17.0 Perimeter Fences.** Perimeter fences shall be required where rear yards abut an existing or planned minor or major collector or arterial street. The perimeter fence shall be sight-obscuring and at least five (5) feet in height, and shall be setback at least three (3) feet from the sidewalk. At least one (1) deciduous shade tree (minimum 2-inches caliper at planting) shall be provided for each 50 lineal feet of street frontage. At the time of application review, the Planning Commission may also require additional subdivision perimeter fencing, retaining walls, or other perimeter treatment in order to address privacy, stormwater runoff, or other issues relating to compatibility with adjacent properties. Fencing and landscaping shall be maintained in good condition. If vegetation fails to survive or the fence or vegetation is otherwise not maintained, the property owner shall replace the fence or vegetation with the equivalent size and/or species within 90 days.

**14.18.0 Railroads.**

- A. Crossings. Special requirements 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 that will immediately affect the safety of the residents of the subdivision and the safety of the general public and in accordance with the purpose of this Code.
- B. Area Adjacent to Right-of-Way. Where a residential development is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate such property will be used for industrial purposes in the normal growth to the



community, all streets shall be located at a sufficient distance from the right-of-way to allow for industrial use adjacent to the right-of-way.

**14.19.0 Improvement Assurances.** The purpose of improvement assurances is to provide the City with a guarantee that the improvements called for in this Ordinance will be made. The type of guarantee will be determined by the City. Before issuing or renewing a development approval when the applicant has an obligation to design and construct improvements shown on the development plan, the Planning Commission may require that the applicant acknowledge the obligation.

**14.19.1 Form and Contents.** The assurance shall contain the time within which the obligation is met. It may take the form of a surety or performance bond, cash, a negotiable security deposit, a mutual improvement agreement, a monetary contribution to a fund for future improvements if established by a separate city ordinance or other guarantees approved by the City Attorney sufficient to cover the cost of the work as estimated by the City. The bond shall be conditioned upon the developer's carrying out the obligation and fulfilling the other requirements that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the developer does not fulfill the requirements. The bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control. The City Engineer shall review and approve cost estimates for the improvements provided by the developer.

**14.19.2 Noncompliance with Provisions Under Obligation.** If the Planning Director finds that a developer is not fulfilling an obligation, the Planning Director shall, in written notice to the developer, specify the details of the noncompliance. Unless the Planning Director allows more time for compliance because of circumstances beyond the developer's control, within 30 days after receiving the notice, the developer shall commence the compliance and proceed diligently to complete fulfillment of the obligation.

If the developer does not commence the compliance within 30 days or the additional time allowed by the Director, or has so commenced but fails diligently to complete the compliance, or the compliance is not otherwise completed within the time specified in granting the development approval, the City may take the following action:

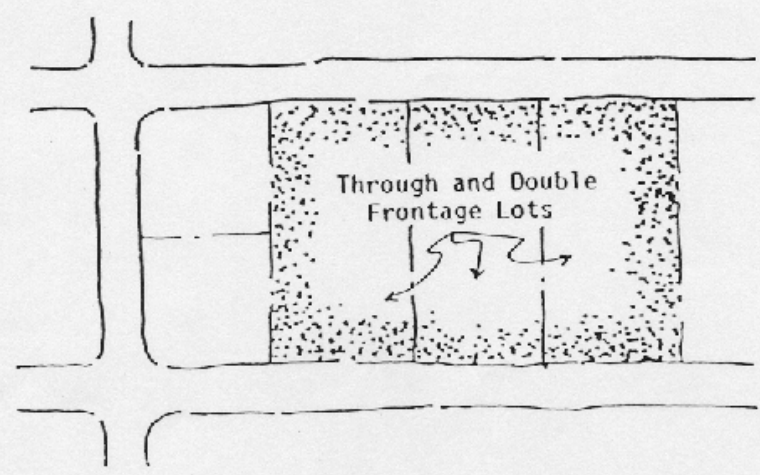
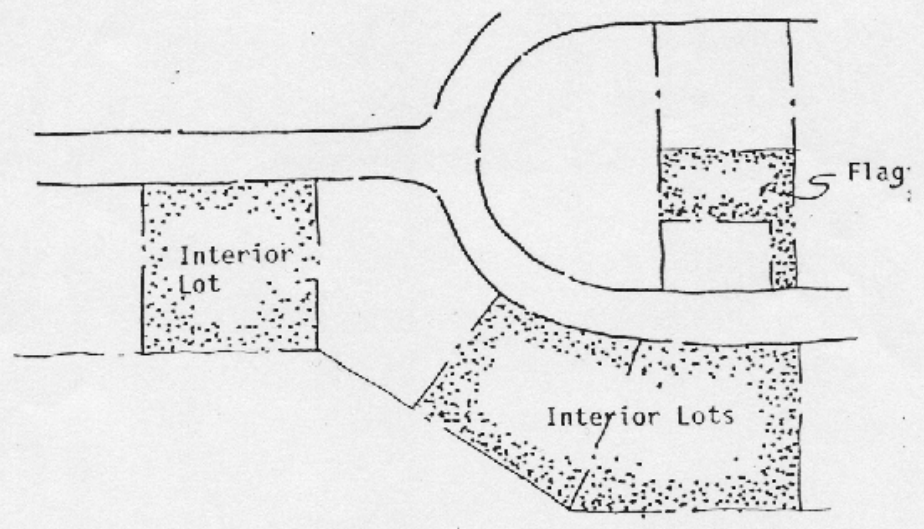
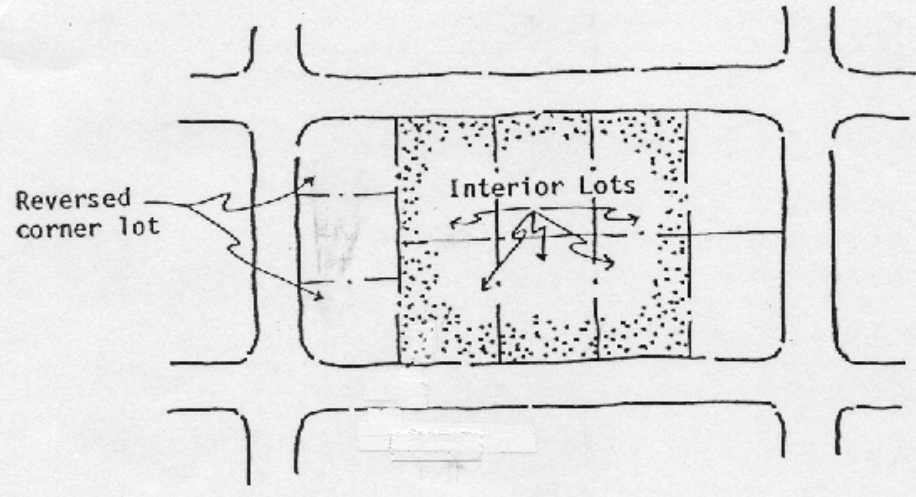
- A. Enter upon the site of the development and carry out the obligation in accordance with the provisions under the acknowledgement.
- B. Notify the developer of the failure to perform as required by this Code.
- C. Demand payment from the developer for the unfulfilled obligation.
- D. If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the City, or if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expense.

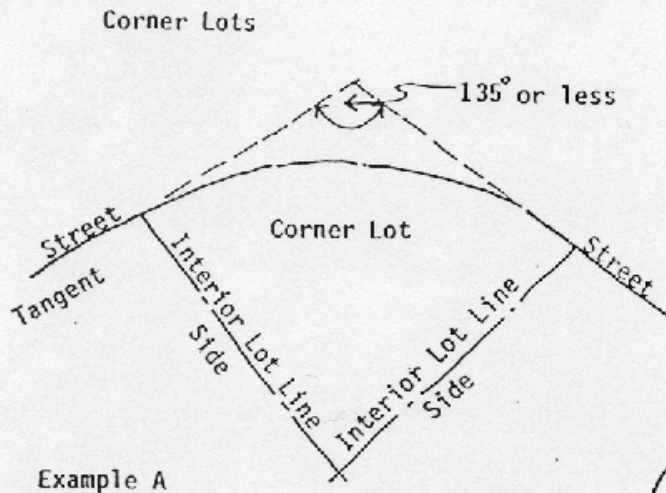
- E. Void all approvals granted in reliance on the improvement assurance.

**14.19.3 Other Provisions.**

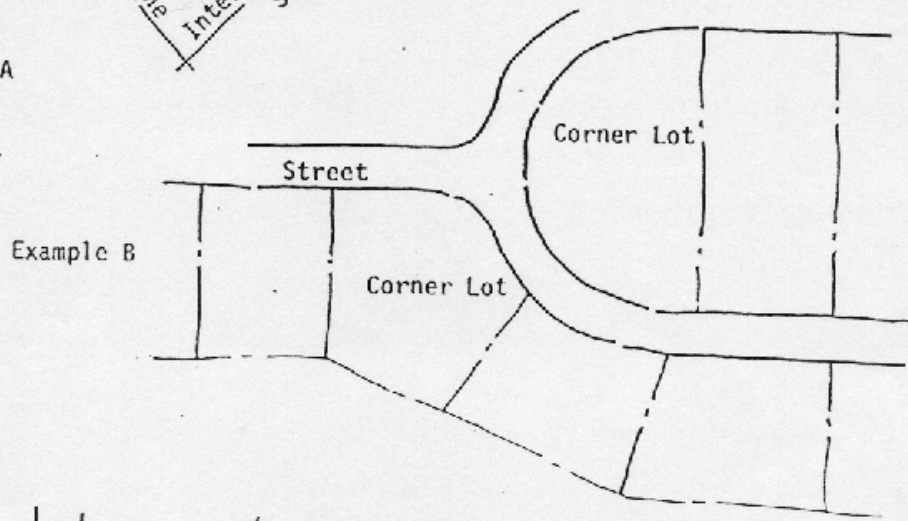
- A. If a bond or other security is not sufficient to compensate the City for expenses necessary to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City and upon the entire contiguous real property of the owner of the land subject to the obligation.
- B. The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer's failure to do the required obligation.
- C. The lien may be foreclosed in the manner by law for foreclosing other liens on real property.
- D. The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer with any item of a performance agreement shall entitle the city to pursue any civil remedy permitted by law.

INTERIOR LOTS

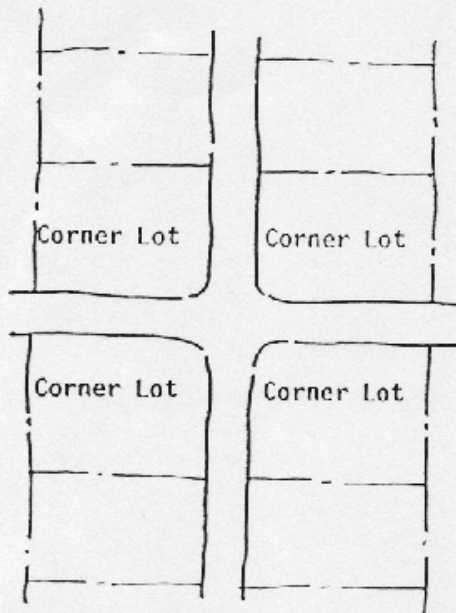




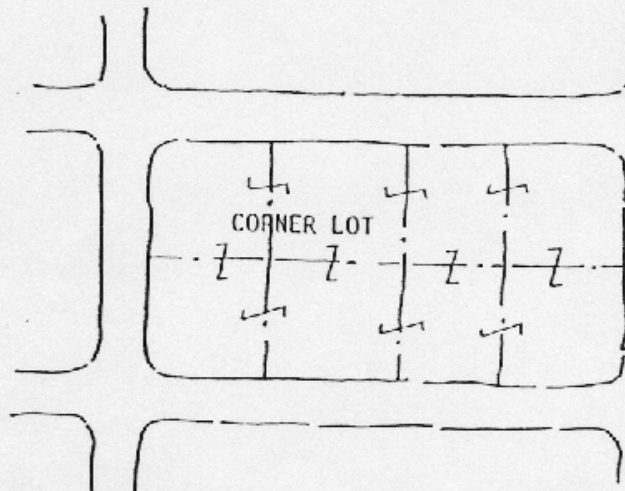
Example A



Example B

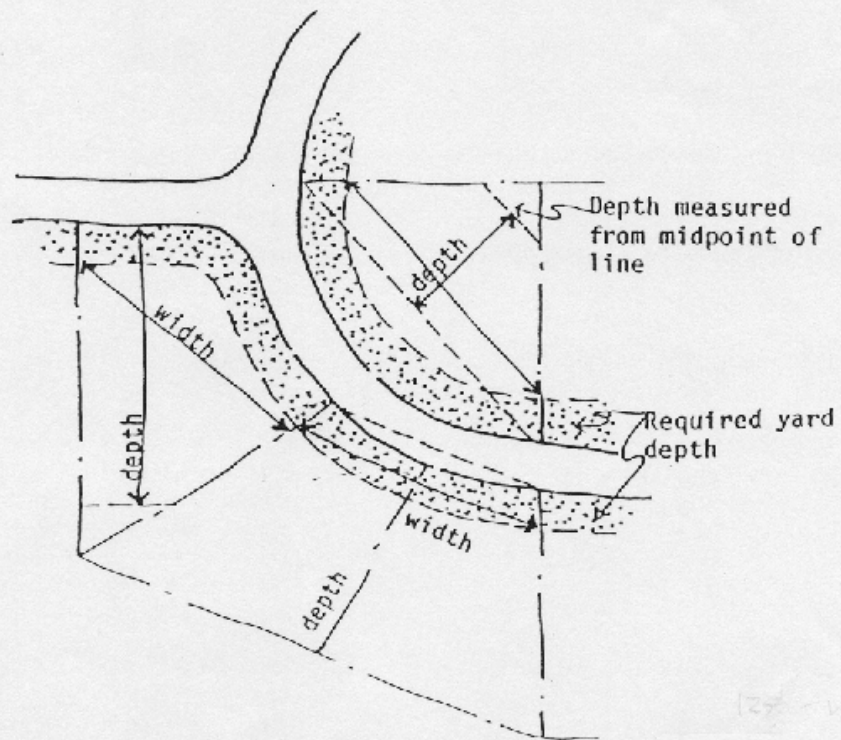
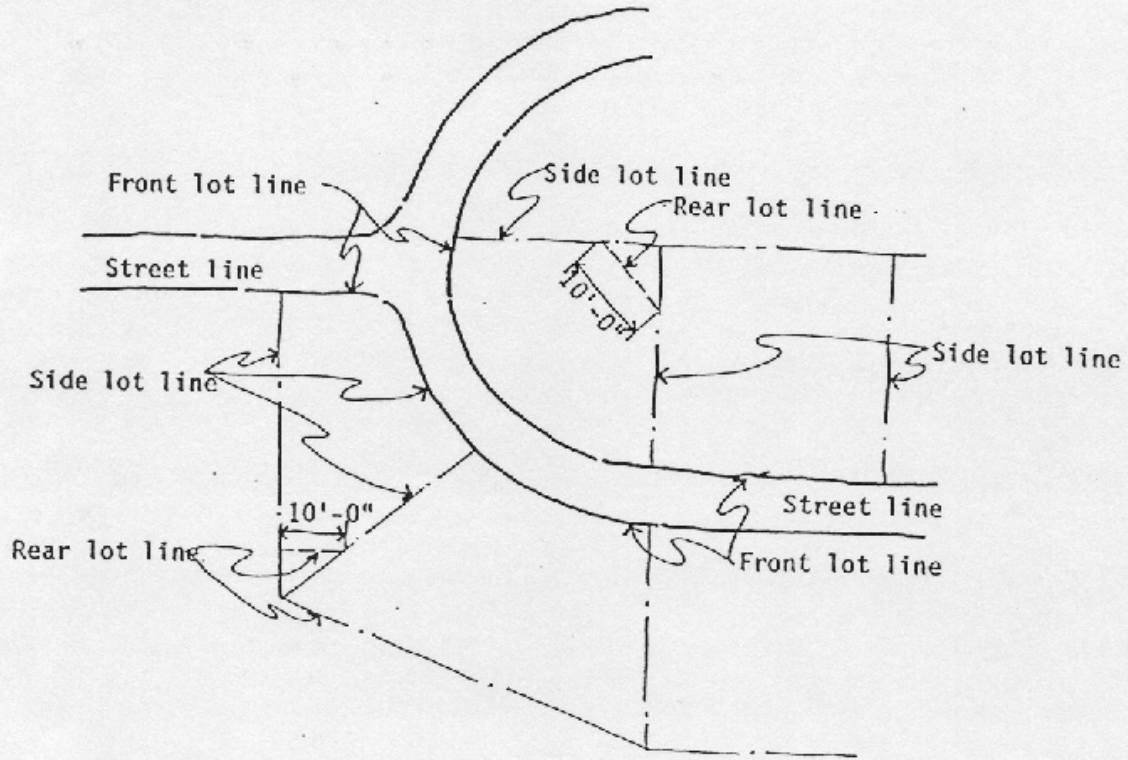


Example C



Example D

LOT LINES, DEPTH AND WIDTH



**SECTION 15****NONCONFORMING USES****Sections:**

- 15.1.0 Purpose
- 15.2.0 Continuation of a Nonconforming Use
- 15.3.0 Completion of a Nonconforming Use
- 15.4.0 Termination of a Nonconforming Use

**15.1.0 Purpose.** It is the intent of the Nonconforming Use Section of this Ordinance to permit pre-existing uses and structures that do not conform to the use or dimensional standards of this Ordinance to continue under conditions specified herein.

**15.2.0 Continuation of a Nonconforming Use.**

- A. Subject to the provisions of this Section, a nonconforming use of a structure or a nonconforming use, may be continued and maintained but shall not be altered or extended except as provided herein.
- B. A nonconforming use may be extended to a portion of a structure that was designed for such use at the time of passage of this Ordinance.
- C. In any Industrial or Commercial zone, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not exceed the yard, lot coverage and building height requirements of the Residential zone.

**15.3.0 Completion of a Nonconforming Use.** A development that is lawfully under construction on the date this Ordinance is adopted may be completed even though not in compliance with this Ordinance and may be used for the purpose for which it was designed, arranged and intended. The development and its use are then nonconforming.

**15.4.0 Termination of a Nonconforming Use.** A nonconforming development or use shall terminate under the following conditions:

- A. When the use has been discontinued for a period of 12 consecutive months.
- B. When the structure that is nonconforming has been destroyed to an extent exceeding eighty (80) percent of its fair market value, as indicated by the record of the County Assessor. Residences in the Commercial zones are exempted from this restriction and may be rebuilt if destroyed.
- C. When it is a sign pertaining to a business product or service and 30 days have transpired since the business product or service has been offered to the public at the location of the sign.



**SECTION 16****VARIANCES****Sections:**

- 16.1.0 Purpose
- 16.2.0 Authorization to Grant or Deny Variances
- 16.3.0 Circumstances for Granting a Variance
- 16.4.0 Variance Approval Procedure
- 16.5.0 Building Permits for an Approved Variance
- 16.6.0 Time Limit on an Approved Variance
- 16.7.0 Termination
- 16.8.0 Limitations
- 16.9.0 Variance to Sign Standards

**16.1.0 Purpose.** To adjust the provisions of this Ordinance to special and unusual cases without defeating the general purposes and intent of the Ordinance.

**16.2.0 Authorization to Grant or Deny Variances.** The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific property, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance. The Planning Commission decision shall be final unless the decision is appealed to the City Council in accordance with Section 3.10, Appeals.

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

- A. Special or unusual circumstances apply to the property that do not apply generally to other properties within the same zone or vicinity.
- B. The variance would not be materially detrimental to the public health, safety and welfare or to the purposes of this Ordinance or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City plan or policy.
- C. The variance requested is the minimum variance that would alleviate the hardship.
- D. Where applicable, the provisions for special variances regarding construction in the flood hazard area, as discussed in Section 11, apply.



- 16.4.0 Variance Approval Procedure.** The procedure for taking action on an application for a variance shall be as follows:
- A. A property owner may initiate a request for a variance by filing an application with the Planning Commission. A filing fee as specified by the City Council shall accompany an application for a variance. The applicant shall submit evidence that the circumstances for granting a variance as outlined above apply to the variance request.
  - B. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon in accordance with the provisions of Section 3.2.3.
  - C. The Planning Commission may prescribe the terms and conditions upon which a variance may be granted and set a time limit for the duration of such variance and may require guarantees in such form as it may deem proper under the circumstances to insure that the purposes for which said variance is granted will be fulfilled and that the conditions of the variance will be met.
  - D. Within ten (10) days after a decision has been rendered with reference to a variance application, the Planning Commission shall provide the applicant with written notice of the decision.
- 16.5.0 Building Permits for an Approved Variance.** Building permits for all or any portion of an application involving an approved variance shall be issued only on the basis of the plan for the variance as approved by the Planning Commission. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a variance.
- 16.6.0 Time Limit on an Approved Variance.** Authorization of a variance shall be void one (1) year after the date of approval of a variance application or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the Planning Commission may extend authorization for an additional period not to exceed one (1) year.
- 16.7.0 Termination.** A variance may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:
- A. Approval of the variance was obtained by fraud or misrepresentation.
  - B. The use for which approval was granted has ceased to exist.
  - C. The use does not meet the conditions specifically established for it at the time of approval of the application.
  - D. The variance is in violation of any other applicable statute, ordinance or regulation.

**16.8.0** **Limitations.** No request for a variance shall be considered by the Planning Commission within the one-year period immediately following a denial of such request, unless new evidence or a change of circumstances warrants it.

**16.9.0** **Variance to Sign Standards.** There may be rare instances where a combination of strict application of the standards in Section 20 and/or public safety concerns may preclude use of signs as a communication medium for a primary frontage. In these cases, it may be appropriate to vary a particular standard to enable a property owner to utilize signage in a manner similar to others in the district. In addition to criteria set forth in Section 16.1.0 through 16.8.0, the following provisions apply to a sign variation:

A. A sign variance request shall not be granted for any of the following:

1. Size of a proposed sign;
2. Limitations on visibility resulting from required landscaping;
3. Location of buildings or other structures;
4. Lack of exposure on a primary sign frontage;
5. Convenience or economic hardship to the applicant;
6. Inclusion of signs otherwise prohibited by this Code.

B. **Approval Criteria.** To approve a sign variance request, the Planning Commission must find that the application meets all of the following criteria *in addition* to criteria in Section 16.3.0:

1. The type of the proposed sign is not of a type prohibited by Section 20.3.0.
2. The variance does not substantially subvert the basic regulating formula relating the amount of area to the amount of sign frontage.
3. No other alternative solution that complies with these regulations is available to the applicant.

C. **Sign Included in Conditional Use Permit or Variance Application.** Whenever application is made for a conditional use permit or other types of variance covered by Section 16, the application may include plans for signs to be erected or constructed on the premises without applying for a separate sign variance. Such plans for signs shall be subject to approval, denial, or modification at the discretion of the Planning Commission.



## SECTION 17

### PARKING AND ACCESS STANDARDS

#### Section:

- 17.1.0 Purpose
- 17.2.0 Procedures and Compliance
- 17.3.0 General Provisions
- 17.4.0 Off-Street Parking Requirements
- 17.5.0 Design, Size, and Access
- 17.6.0 Parking Lot Plan
- 17.7.0 Bicycle Parking Facilities

**17.1.0 Purpose.** The purpose of this Section is to provide adequate capacity and appropriate location and design of on-site parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles and bicycles.

**17.2.0 Procedures and Compliance.** Wherever a new or expanded building or use is proposed, a development permit or business license shall not be issued until compliance with this Section has been met. A Parking Lot Plan shall be prepared and submitted for review and approved in accordance with the requirements of this code. For land use requests requiring other actions, such as site plan review, the Parking Lot Plan shall be made part of the overall Site Plan.

#### **17.3.0 General Provisions**

- A. Provision and Maintenance. The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles is a continuing obligation of property owners. Building permits or other permits will only be issued after review and approval of site plans showing the location of permanent access, parking, and loading facilities. Parking lots shall be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated conditions shall be improved to maintain conformance with these standards.
- B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this Section shall be determined by the Planning Commission based upon the requirements of similar specified uses.
- C. New Structure or Use. When a structure is constructed or a new use is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Sections 17.4.0 and 17.6.0, or as otherwise modified through an approved planned development.

- D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.
- E. Change in Use. When an existing structure or use is changed from one use to another and the vehicle and bicycle parking requirements for each use are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of the number of required parking spaces, additional parking shall be required to meet the new use.
- F. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy permit and/or final building inspection.
- G. Inoperative Motor Vehicles. In the Residential District, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored off the street in a screened space, garage, or carport.
- H. Truck Parking. In the Residential District, no overnight parking or trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for agricultural uses on the premises where such use is conducted.
- I. Mixed Uses. In the case of mixed uses, the total required parking shall be the sum of requirements of individual uses computed separately.
- J. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking shall govern.
- K. Availability of Parking Spaces. Required parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
- L. Location of Required Parking.
1. On-street parking shall not be utilized to meet the minimum requirements, except where otherwise modified in another section. Street right-of-way shall be excepted when determining contiguity, except arterials and collectors where there is no controlled intersection within 100 feet of the subject property.
  2. Except for residential uses, required parking facilities may be located on an adjacent parcel of land not farther than 500 feet from the building or use they are intended to serve. Where parking is located on a parcel not owned by the

applicant, a lease or other evidence of agreement shall be submitted demonstrating that the use of the facilities are exclusively for the applicant.

3. Required parking facilities for two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
4. Required parking shall not be located in a required front or side yard setback area abutting a public street except in the Industrial District. For single-family and duplexes, required parking may be located in front of a garage.
5. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of five (5) feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this Ordinance.
6. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.4.0 below.

M. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 space or more of a space) a full space shall be required.

N. Maximum Parking Allowed. No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 17.4.0 below.

**17.4.0 Off-Street Parking Requirements**. Off-Street parking spaces shall be provided according to Table 17.4.1:

**TABLE 17.4.1  
OFF-STREET PARKING REQUIREMENTS**

<b>Land Use</b>	<b>Number of Parking Spaces</b>	<b>Number of Bicycle Spaces</b>
<b>(1) Residential Uses</b>		
Single-Family Dwelling or Manufactured Home on Individual Lot	2 spaces per dwelling unit.	0
Duplex	2 spaces per unit	0
Multi-Family Dwellings with 4 or more units •Studio and 1 bedroom •2, 3 and 4 bedroom	1 visitor space per every 5 units and: 1 space per unit 2 spaces per unit	1 space per dwelling unit Type 2
Residential Home; Residential Facility; or Board, Lodging or Rooming House	1 space for each accommodation plus 1 additional space per 2 employees	10% of vehicle spaces or 2 spaces whichever is greater. Type 2
Manufactured Home Park	2 spaces per manufactured home plus 1 space for guest parking for each 4 homes	0
<b>(2) Commercial Residential Uses</b>		
Recreational Vehicle Park	1 space per recreational vehicle space plus 1 visitor space for each 8 spaces	5% of vehicle spaces or 2 spaces, whichever is greater Type 2
Motel or Hotel	1 space per rental unit	5% of vehicle spaces or 2 spaces, whichever is greater Type 2
Civic, Social, or Fraternal Organizations	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.	5% of vehicle spaces or 2 spaces whichever is greater Type 2
Bed and Breakfast	1 space per guest room plus one space for the owner/innkeeper.	5% of vehicle spaces or 2 spaces whichever is greater Type 3

<b>Land Use</b>	<b>Number of Parking Spaces</b>	<b>Number of Bicycle Spaces</b>
<b>(3) Institutions and Public Assembly Uses</b>		
Welfare or correctional institution	1 space per 5 beds for patients or inmates.	5% of vehicle spaces or 2 spaces whichever is greater Type 1
Elderly Housing	1 space per 4 beds for patients or residents plus 1 space for each employee	5% of vehicle spaces or 2 spaces whichever is greater Type 3
Hospitals	1 space per 2 beds plus 1 space per staff doctor plus 1 space per 2 full-time employees	5% of vehicle spaces or 2 spaces whichever is greater Type 3
Church and other places of religious assembly	1 space per 4 seats or every 8 feet of bench or every 28 sq. ft. of rooms with no fixed seats	5% of vehicle spaces or 2 spaces whichever is greater Type 2
Library and museum	1 space per 500 square feet of floor area plus 1 space for each employee	30% of vehicle spaces Type 3
Day Care Facility, Family Day Care, Preschool	1 space per attendant in addition to residential parking requirements. Resident attendants are not counted in parking requirements for attendant parking	5% of vehicle spaces or 2 spaces whichever is greater Type 2
Elementary School	1.5 spaces per full-time employee	1 per every 12 students Type 1
Middle School	1.5 spaces per full-time employee	1 per every 10 students Type 1
High School, College and Business, Technical and Instructional Facility	1.5 spaces per classroom, plus one space per 10 students (per 5 students over 18 year of age) the facility is designed to accommodate, or the requirements for Auditoriums, whichever is greater.	8 per classroom Type 3
Auditorium, stadium or theater	1 space per 4 seats or 8 ft of bench length, or every 28 sq. ft. where no permanent seats or benches are maintained.	5% of vehicle spaces or 2 spaces whichever is greater Type 2



<u>Land Use</u>	<b>Number of Parking Spaces</b>	<b>Number of Bicycle Spaces</b>
<b>(4) Commercial Recreation Uses</b>		
Bowling Alley	5 spaces per lane plus 1 space per employee	5% of vehicle spaces or 2 spaces whichever is greater Type 1
Dance Hall; Skating Rink	1 space per 100 sq. ft. of floor area.	5% of vehicle spaces or 2 spaces whichever is greater Type 1
<b>(5) Commercial Uses</b>		
Supermarkets; grocery stores, food stores •2,500 sq. ft. or less  •2,501 to 4,000 sq. ft.  •4,001 to 10,000 sq. ft.  •10,000 or more sq. ft.	1 space per 200 sq ft of floor area.  1 space per 150 sq. ft. of floor area.  28 spaces plus six spaces for each additional 1,000 sq ft of gross floor area in excess of 4,000 sq. ft.  64 spaces plus five spaces for each additional 1,000 sq. ft. of gross floor area in excess of 10,000 sq. ft.	5% of vehicle spaces or 2 spaces whichever is greater  5% of vehicle spaces or 2 spaces whichever is greater  5% of vehicle spaces or 2 spaces whichever is greater  5% of vehicle spaces All Type 1
Services or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space per 600 sq. ft. of gross floor area.	5% of vehicle spaces or 2 spaces whichever is greater Type 1
Other retail stores except as otherwise specified herein	1 space per 200 sq. ft. of gross floor area.	5% of vehicle spaces or 2 spaces whichever is greater Type 3
Clinics and health services	1 space per 300 sq. ft. of gross floor area plus 1 space per 2 employees	5% of vehicle spaces or 2 spaces whichever is greater Type 3

<u>Land Use</u>	<b>Number of Parking Spaces</b>	<b>Number of Bicycle Spaces</b>
<b>(5) Commercial Uses, continued</b>		
Other office buildings, business and professional offices	1 space for every 400 sq. ft. of gross floor area	5% of vehicle spaces or 2 spaces whichever is greater Type 3
Eating and Drinking Establishments	1 space per 100 sq. ft. of gross floor area	5% of vehicle spaces or 2 spaces whichever is greater Type 3
Drive-through coffee shops	No parking spaces required; minimum vehicle stacking distance 60' (3 cars) per window	None required
Mortuaries	1 space per 4 seats or 8 feet of bench length in chapels	5% of vehicle spaces or 2 spaces whichever is greater Type 3
Convenience store	1 space per 400 sq. ft. of gross floor area	5% of vehicle spaces or 2 spaces whichever is greater Type 3
<b>(6) Industrial Uses</b>		
Manufacturing establishment	1 space per employee on the largest shift plus 1 space for each company vehicle permanently stored on the site	5% of vehicle spaces or 2 spaces whichever is greater Type 4
Storage warehouse; wholesale establishment	1 space per employee on the largest shift plus 1 space per 800 sq. ft. of floor area.	5% of vehicle spaces or 2 spaces whichever is greater Type 4
<b>(7) Other Uses</b> Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses.		
<b>(8) Exceptions</b> Commercial uses in the Downtown Commercial District may apply for an exemption from the parking requirements. The Planning Commission may grant a partial or complete exemption when it is shown that the lot or parcel lacks sufficient space to accommodate the anticipated use and also to provide the required number of parking spaces.		

**17.5.0 Design, Size, and Access.**

**17.5.1 Surfacing.** All areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces composed of either asphalt or concrete. Parking lot surfacing shall not encroach upon the public right-of-way.

**17.5.2 Size of Space.**

- (a) Typical: 8.5 feet x 20 feet
- (b) Compact 8 feet x 16 feet

All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard, compact and disabled person parking spaces shall conform to the standards and dimensions in this Section.

**17.5.3 Compact Car Parking.** Not more than 35% of the total parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed and/or the space painted with the words "Compact Car Only".

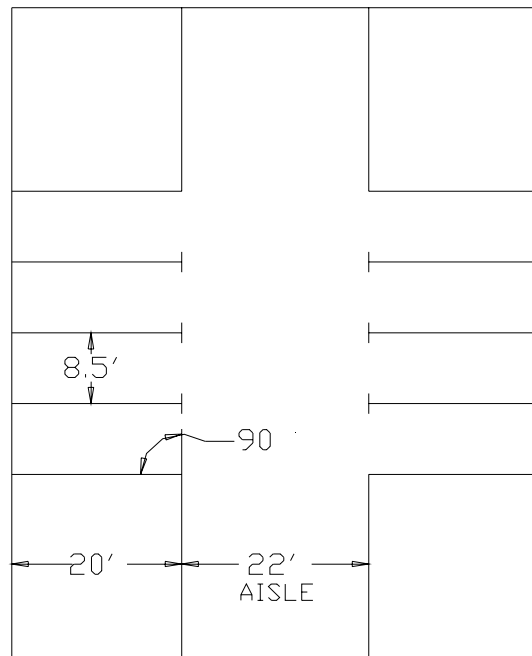
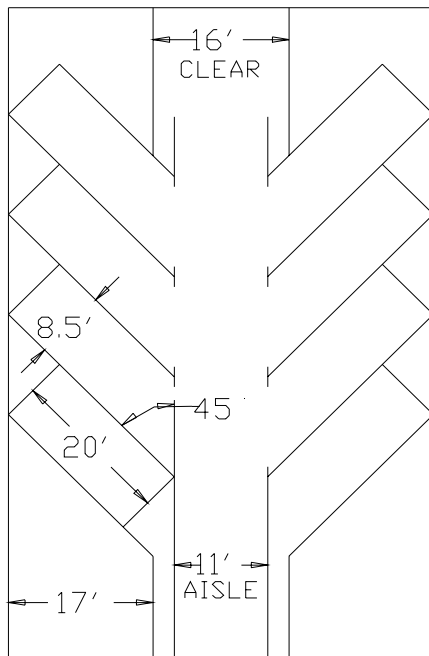
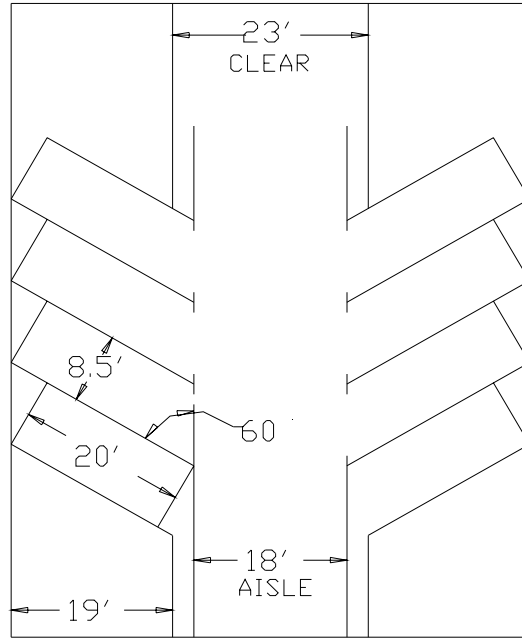
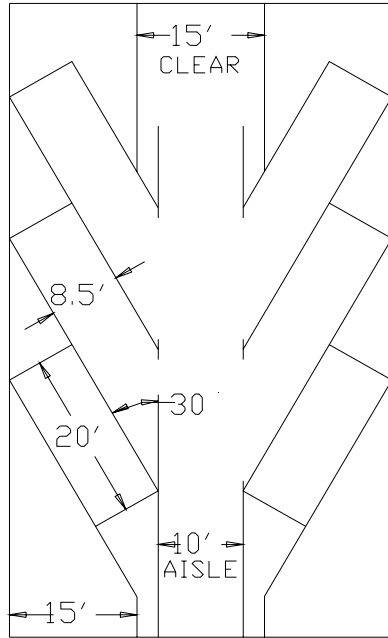
**17.5.4 Disabled Person Parking.** Disabled person parking spaces shall be provided for all structures required to provide such parking under Oregon Revised Statutes or other applicable regulations, according to Table 17.5.4. One in every eight disabled person parking spaces, but not less than one, shall be van accessible.

- A. Disabled Person - Regular: minimum nine (9)-foot parking space with an six (6)-foot wide aisle
- B. Disabled Person – Van Accessible: minimum nine (9)-feet wide with an eight (8)-foot wide adjacent access aisle.
- C. Two (2) adjacent accessible parking spaces may share a common access aisle.
- D. Universal: minimum 11-foot parking spaces with five-foot aisles. Provision of all required parking spaces in conformance with "Universal Parking Design" is permitted.

**TABLE 17.5.4  
DISABLED PERSON PARKING**

Minimum Required Number of Total Parking Spaces	Required Number of Accessible Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 and more	2% of total spaces up to 20 then plus 1 for every 100 spaces

**17.5.5 Minimum Aisle Dimensions.** Minimum aisle dimensions shall be as shall be as shown in the following diagrams.



- 17.5.6 Drainage.** Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface area of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. All drainage systems must be approved by the City Engineer and shall be constructed in conformance with the Master Storm Drainage Facilities and Management Plan.
- 17.5.7 Perimeter Curb.** All parking areas except those required in conjunction with a single- or two-family dwelling shall provide a curb of not less than six (6) inches in height along the perimeter of all parking areas.
- 17.5.8 Wheel Bumper.** All parking stalls fronting a sidewalk, alleyway, street or property line, except for those required in conjunction with a single-family or two-family dwelling, shall provide a secured wheel bumper not less than six inches in height nor less than six feet in length, to be set back from the front of the stall a minimum of 2 1/2 feet. A linear curb (continuous or in short sections) may be used to fulfill this requirement provided that if adjacent to a sidewalk or landscape area, 2 1/2 feet of additional sidewalk or landscape width is provided to allow for vehicle encroachment.
- 17.5.9 Turnaround.** Except for single-family and two-family (duplex) dwellings, groups of more than two parking spaces shall be so located and served by an aisle or turnaround that their use will require no backing movements or other maneuvering within a street right-of-way, other than an alley.
- 17.5.10 Striping.** Lots containing more than two (2) parking spaces shall have all spaces permanently and clearly marked.
- 17.5.11 Screening.** Off-street parking and loading spaces in groups of more than four (4) shall be screened and buffered in accordance with the requirements applicable to the use, as specified in the applicable section of this Development Code.
- 17.5.12 Landscaping.** Landscaping is required for all parking and maneuvering facilities once the minimum parking requirement has been met. Where possible, parking and maneuvering facilities shall include landscaping not less than seven (7) percent of the area devoted to outdoor parking facilities, including required buffering. Said landscaping shall be provided throughout the parking area, be provided with underground irrigation facilities, and protective curbs or raised wood headers. Landscaping may include walkways where necessary and other attractive features (see definition for Landscaping in Section 23). Landscaping must comply with the visual clearance standards of the district as well as Section 14.2.12. Said landscaping shall consist of the following:
- A. One shade tree per eight parking spaces. Trees shall be a minimum of six feet tall. The trees must be trimmed to provide at least 8 feet of clearance above sidewalks and 12 feet clearance above street and roadway surfaces.
  - B. All parking areas with more than 20 spaces shall include landscape islands with trees

to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.

- C. The remaining landscaping area shall be primarily covered by living plant materials and other landscaping features included in the definition for landscaping in Section 23.
- E. Entryways into parking lots shall be bordered by a minimum five (5) feet wide landscaped planter strip. No sight-obscuring plantings are allowed within vision clearance areas.
- D. Buffering and screening is required under the following conditions:
  - 1. Parking and maneuvering areas located adjacent to a road right-of-way or driveway shall be buffered by at least a five (5) foot landscaped strip between the parking area and road right-of-way. This buffer may include a decorative wall, arcade, trellis, evergreen hedge, or similar screen parallel to the street or driveway. The buffer must allow for visual surveillance of the site for security. Evergreen hedges used for these purposes must be a minimum of three (3) feet in height upon maturity, and include breaks approximately every 30 feet.
  - 2. A minimum of a five (5) foot buffer is required for parking and maneuvering areas adjacent to a building. The buffer should include a raised pathway, plaza, or landscaping. Raised curbs, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement. Evergreen hedges used for these purposes must be a minimum of three (3) feet in height upon maturity, and include breaks every 30 feet.

**17.5.13 Lighting.** Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties.

**17.5.14 Access.** Location and design of all access to and/or from arterials and collectors (as designated in the Transportation System Plan) is subject to review and approval by the Planning Commission or other responsible jurisdiction including but not limited to Lane County and ODOT. Where practical, access from a lower functional classification street shall be required instead of access from a higher functional classification street.

**17.5.15 Requirements for Drive-Through Uses.** In connection with drive-through establishments, (including but not limited to restaurants, pharmacies, menu boards, banks and automatic teller machines) there shall be a specially designed area clear of the public right-of-way for a single row of six (6) or a double row of three (3) vehicles between the

property entrance and the pick-up window or service area. This area shall not interfere with the safe and efficient circulation of other parking areas on the property.

**17.6.0 Parking Lot Plan.** Fifteen (15) copies of a Parking Lot Plan, drawn to scale, and one (1) 8-1/2" x 11" or 11" x 17" scaled reduction shall accompany development permit applications. The Plan shall show all those elements necessary to indicate that the requirements of this Ordinance are being fulfilled and shall include, but is not limited to:

- A. Delineation of individual parking spaces.
- B. Circulation area necessary to serve spaces.
- C. Access to streets, alleys and properties to be served.
- D. Curb cuts.
- E. Type of landscaping, fencing or other screening materials.
- F. Abutting land uses.
- G. Grading, drainage, surfacing and subgrading details.
- H. Location of lighting fixtures.
- I. Delineations of all structures and obstacles to circulation on the site.
- J. Specifications of signs and bumper guards.
- K. Location of planter bays where required.
- L. Amount of floor area space applicable to the parking requirement for the proposed use.

The number of required copies of the Parking Lot Plan may be adjusted by the Planning Director.

**17.7.0 Bicycle Parking Facilities**

- A. Covering requirements for bicycle parking facilities shall be as follows:
  - 1. Type 1: Parking need not be covered
  - 2. Type 2: Bicycle parking must be covered if vehicle parking is covered.
  - 3. Type 3: 50 percent of all spaces must be covered, exclusive of the first two.



4. Type 4: All spaces must be covered.
- B. Required bicycle parking facilities shall be located no further than 50 feet from a public entrance.
- C. Bicycle Parking Facilities Design Standards:
1. Bicycle parking facilities shall either be stationary racks that accommodate bicyclist's locks securing the frame and both wheels, or lockable rooms or enclosures in which the bicycle is stored.
  2. Bicycle parking spaces shall be at least six (6) feet long and two (2) feet wide. Upright bicycle storage structures are exempted from the parking space length standard.
  3. A five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
  4. Bicycle racks or lockers shall be anchored to the surface or to a structure.
  5. Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. The cover shall leave a minimum seven (7) foot overhead clearance and shall extend over the entire parking space. If a bicycle storage area is provided within a building, a sign shall be placed at the area indicating that it is for bicycle parking only.

## SECTION 18

### TEMPORARY USE PERMITS

#### Sections:

- 18.1.0 Purpose
- 18.2.0 Application
- 18.3.0 Criteria
- 18.4.0 Public Hearing and Notice Requirements
- 18.5.0 Compliance with Conditions of Approval
- 18.6.0 Vested Interest in Approved Temporary Use Permits
- 18.7.0 Time Limit on an Approved Temporary Use Permit
- 18.8.0 Short-Term Temporary Activities
- 18.9.0 Short-Term Temporary Activities General Standards
- 18.10.0 Short-Term Temporary Activities Duration

**18.1.0 Purpose.** The purpose of the temporary use permit procedure is to allow on an interim basis temporary uses in the City not otherwise allowable in a zoning district and not otherwise a nonconforming use. No temporary use permit can be granted that would have the effect of permanently rezoning or granting a privilege not shared by other property in the same zone.

**18.2.0 Application.** A Temporary Use Permit is considered under a Type II procedure. Applications shall be filed with the City Recorder on the form prescribed and shall include the following:

- A. Name and address of applicant.
- B. Statement of the applicant's legal interest in the property and a description of that interest.
- C. Address and legal description of the property.
- D. Statement explaining the intended request.
- E. The fee required to defray the cost of processing the application.
- F. Any other materials or information as may be deemed necessary by the applicant to assist in evaluation of the request.

**18.3.0 Criteria.** A Temporary Use Permit may be granted only if:

- A. The temporary use is not inconsistent with the nature of the zoning district in which it is placed.

B. The temporary use is not inconsistent with the Creswell Comprehensive Plan.

- 18.4.0 Public Hearing and Notice Requirements.** See Sections 3.2.3 and 3.2.5.
- 18.5.0 Compliance with Conditions of Approval.** Compliance with conditions imposed in the Temporary Use Permit and adherence to the plot plan submitted as approved are required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance.
- 18.6.0 Vested Interest in Approved Temporary Use Permits.** A valid Temporary Use Permit supersedes conflicting provisions of subsequent rezoning or amendments to this Ordinance unless specifically provided otherwise by the provisions of this Section or the conditions of the approval of the Temporary Use Permit.
- 18.7.0 Time Limit on an Approved Temporary Use Permit.** Authorization of a temporary use permit shall be void one (1) year after the date of approval of the permit application or such lesser time as the authorization may specify.
- 18.8.0 Short-Term Temporary Activities.** Short-term temporary activities are short-term or seasonal activities that do not require permanent site improvements or a permit. Example short-term temporary activities include:
- A. Garage sale.
  - B. Parking lot sale.
  - C. Seasonal sale such as a Christmas tree sale.
  - D. Firework sale.
  - E. Plant and produce stand.
- 18.9.0 Short-Term Temporary Activities General Standards.** All short-term temporary activities are subject to the applicable standards listed below:
- A. Permanent changes to the development site to specifically accommodate the temporary activity are prohibited.
  - B. All signs associated with the temporary activity must not be placed in the public right of way or vision clearance area and must be removed when the activity ends. See also Section 20, Signs.
  - C. Short-term temporary activities on development sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.
  - D. Notwithstanding any other provisions of this land use code, short-term temporary activities and structures needed as the result of a natural disaster or

other health and safety emergencies are allowed for the duration of the emergency.

- E. These regulations do not exempt the operator of any short-term temporary activity from any other required permits such as, but not limited to, sanitation facility permits or electrical permits. Violations shall be subject to provisions in the City of Creswell Nuisance Ordinances 254 and 256.

**18.10.0 Short-Term Temporary Activities Duration.**

- A. **Garage Sales.** Garage sales and other sales for items from the development site may occur for no more than three (3) consecutive days on three (3) different occasions during a calendar year.
- B. **Seasonal Outdoor Sales.** Seasonal outdoor sales of plants and produce grown on the development site are allowed up to two (2) consecutive weeks on three (3) different occasions during a calendar year.
- C. **Other Sales.** Other sales (such as parking lot sales, seasonal sales such as Christmas tree sales and firework sales) are allowed up to four (4) consecutive weeks on two (2) different occasions during a calendar year.



## SECTION 19

### LAND DIVISIONS

**Sections:**

- 19.1.0 Purpose
- 19.2.0 Applicability
- 19.3.0 Lot Line Adjustments
- 19.4.0 Procedure for Platting Property
- 19.5.0 Partitions
- 19.6.0 Expedited Land Divisions
- 19.7.0 Subdivisions
- 19.8.0 Modification of Provisions
- 19.9.0 Appeals

**19.1.0 Purpose.** It is the intent of the Land Division Section of this Code to accomplish the orderly development of land within the corporate limits of the City of Creswell; to promote the public general health, safety and welfare; to provide rules, regulations and standards to govern the approval of plats for subdivisions and partitions; to carry out the development pattern and plan of the City of Creswell; to lessen congestion of streets; to secure safety from fire, flood, pollution and other dangers; to provide adequate light and air; to prevent overcrowding of land; to facilitate adequate provision for transportation, water supplies, sewage, drainage, education, recreation and other needs of the people; and to provide the prescribed procedures to be followed in submitting plans and plats of subdivision for approval.

**19.2.0 Applicability.**

- A. No person shall divide land, except after approval of such division pursuant to this Ordinance.
- B. 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. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.
- C. No person shall sell any lot in any subdivision by reference to or exhibition of or other use of a plat of such subdivision before the plat for such subdivision has been so recorded. In negotiating to sell a lot in a subdivision a person may use the approved tentative plan for such subdivision.

- D. No person may sell any parcel 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.
- E. No person shall create a street or road for the purpose of partitioning or subdividing an area or tract of land without the appropriate approval of the Planning Commission.
- F. No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the City Council.
- G. No land division may be approved if any city liens exist on the subject lots.

**19.3.0 Lot Line Adjustments.** A lot line adjustment means the relocation of a common property line between two abutting properties. It occurs when the property lines separating two or three properties are moved to add and remove land from the properties. A lot line adjustment does not result in the creation of a new lot.

**19.3.1 Procedure.** Lot line adjustments are reviewed through the Type I procedure.

**19.3.2 Submittal Requirements.** A complete application for a lot line adjustment consists of a completed application form, signed by all property owners in the proposed adjustment, and fifteen (15) copies of a map showing the details below. Failure to provide any information required by this Code shall not constitute a waiver to any standards, criteria or requirements of this Code.

- A. The scale, north arrow, and date of the map.
- B. The tax map and lot number identifying each parcel involved in the adjustment.
- C. The location, width, and purpose of any easements and driveway access to public right-of-way, existing or proposed.
- D. The area, before and after the lot line adjustment, of each parcel.
- E. The proposed property lines and dimensions of each parcel.

The Planning Director may adjust the number of required copies of the map.

**19.3.3 Review Criteria.** The Planning Commission shall approve or deny the request based upon the criteria that follow. If any of the criteria are not met, the lot line adjustment is considered a land division and shall be in accordance with Section 19.5.0 or Section 19.6.0 of this Code.

- A. The lot line adjustment does not create a new lot or a land-locked parcel.

- B. The adjusted properties are not reduced below the minimum dimensions of the zoning district and do not otherwise violate standards of this Ordinance.
- C. The adjusted properties comply with any previous requirements or conditions imposed by a review body.
- D. Existing public utility easements shall not be effected.

**19.3.4 Recording Requirements.** Lot line adjustments must meet the recording requirements of ORS 92.190 and be executed by deed.

**19.4.0 Duplex Divisions (Tandem Duplex).** The division and sale of a parcel containing a duplex shall be treated in all respects as a partition.

**19.4.1 Procedure.** Duplex divisions are reviewed through the Type I procedure.

**19.4.2 Review Criteria.** The Planning Commission may authorize width, area, yard setback and frontage exceptions for the creation, with the intent to sell, one half of a duplex as a separate parcel provided it meets the following criteria:

- A. It is consistent with the purpose and intent of the Creswell Land Development Ordinance.
- B. The existing lot is occupied by a duplex that conforms to all applicable regulations.
- C. A single-family dwelling will not replace or be added to the lot.
- D. The resulting lots will be relatively equal in size, with the maximum differential equal to 10 percent or less of the total area of the original lot.
- E. Each resulting lot will, except for any exceptions specifically granted by the Planning Commission, comply with all requirements for a standard single-family residential lot, including minimum lot size.
- F. Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a city-attorney approved easement establishing the rights, responsibilities, and liabilities of the affected parties, to be recorded along with other documents related to the partition.
- G. Prior to approval the Planning Commission may require the applicant to enter into a written, city attorney-approved agreement suitable for recording in the Lane County Recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance of common areas, such as, but not limited to, roofing, water pipes, and wiring, and creates an easement for entry onto each parcel for the purpose of maintaining and repairing all common areas and the area immediately adjacent to the common property line.



**19.5.0 Expedited Land Divisions.**

**19.5.1 Procedure.** Although not defined as a limited land use decision under ORS 197.015, expedited land divisions are reviewed through the Type II procedure.

**19.5.2 Review Criteria.** All applications for Expedited Land Divisions shall comply with ORS 197.360 through 197.380, the Creswell Comprehensive Plan, and Section 3.12 of this Ordinance.

An application for an expedited land division shall describe the manner in which the proposed division complies with each of the following criteria:

- A. The land shall be zoned for residential use and be within the Urban Growth Boundary;
- B. The divided land shall be solely used for residential uses, including recreational or open space uses accessory to residential use;
- C. The division shall not provide for dwellings or accessory buildings to be located on land that is specifically mapped and/or designated in the Comprehensive Plan and land use regulations for full or partial protection of natural features under the statewide planning goals;
- D. The division shall satisfy minimum street or other right-of-way connectivity standards established by this Code;
- E. The division shall create enough lot or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; and
- F. The division shall create three (3) or fewer parcels under ORS 92.010.

**19.5.3 Appeals.** Appeal procedures are set forth in the Creswell Code, Section 3.12.6.

**19.6.0 Partitions.**

**19.6.1 Difference Between Partitions and Subdivisions.** A subdivision relates to the division of land into four (4) or more lots within a calendar year. A partition relates to the division of land into two (2) or three (3) parcels within a calendar year. A partition does not include the exclusions set forth in ORS 92.010 (7). A partition that creates lots that may later be further divided may, at the discretion of the Planning Commission, be treated as a subdivision.

**19.6.2 Process.** Partitions are reviewed in two stages. A preliminary plat is reviewed primarily for design aspect, such as connections to existing and future streets, preservation of natural areas, drainage and floodplain considerations, and compliance with requirements

of other portions of this Code. The final plat is reviewed for conformance to the preliminary plat as approved (with or without conditions) and applicable state or county laws.

**19.6.3 Procedure.** Partitions are reviewed through a Type II procedure.

**19.6.4 Preliminary Plat Submittal Requirements.** The property owner or an authorized agent may make application for a partition by filing an application, on a land use application form with appropriate fees to the City Recorder.

- A. The application must include fifteen (15) copies of the preliminary plat containing the following information:
1. Drawn or printed in ink, to scale, on paper in such a way as to be suitable for reproduction. The paper shall be no smaller than 11 inches by 17 inches.
  2. North arrow, scale (appropriate to the area involved and sufficient to show detail of the plan and related data) and date.
  3. Name, address and telephone number of each of the following: property owner(s), partitioner, preparer of the map, surveyor, and date of survey.
  4. Streets: Names, locations, pavement widths, rights-of-way, and access points, both existing and proposed.
  5. Easements: Locations, widths, and purpose of all existing and proposed easements.
  6. Utilities: Location and size of all existing and proposed storm drains, sewer mains, water mains, and utility poles.
  7. Natural features: Location and extent of streams, wetlands, and wooded areas. Locations of soil types, clearly identifying hydric and unstable soils.
  8. Flood areas: Location of 100-year flood plain and other areas subject to ponding.
  9. Slope: Average slope and degree and approximate direction of slope and drainage.
  10. Districts: Location of zoning district and boundary.
  11. Lot dimensions: Existing and proposed lot lines and their dimensions.
  12. Lot size. Existing and proposed lot size in square feet or acres.
  13. Existing uses. Location and outline of existing buildings to remain on the property with distances in feet to new lot lines created by the proposed partition.

14. Supplemental information: Deed restrictions, if any.
15. A signature by the property owner that guarantees to the city that all information shown on the map is accurate and correct, and the applicant accept responsibility for same.
16. If the proposed partitioning results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines how future divisions and streets can be created. The Planning Commission may require that such applications be treated as an application for subdivision approval.

The Planning Director may adjust the number of required copies of the preliminary plat.

- B. At the request of the Planning Commission, a utility plan and/or impact study may be required at the time of the preapplication conference or preliminary plat submittal.

**19.6.5 Preliminary Plat Review.** The Planning Director shall distribute copies of the plat for review to the Fire Marshal, Public Works Department, City Engineer, Oregon Department of Transportation, if the property is adjacent to a state highway, and Lane County Public Works Department, if the property is adjacent to a county road or drains to a county facility, and any other agencies affected by the proposal. The mailing, legal notice, and review period shall comply with Sections 3.2.3 and 3.2.5.

**19.6.6 Review Criteria.** The Planning Commission shall have the authority to approve, approve with conditions or deny the request, based on the following criteria:

- A. The development is in substantial conformance to the Comprehensive Plan.
- B. The plat meets the appropriate requirements of this Code, and state and federal laws.
- C. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- D. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- E. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.
- F. The location and design allows development to be conveniently served by various public utilities.

G. Any special features of the site (such as topography, floodplains, drainage, wetlands, soils, vegetation, historic sites) have been adequately considered and utilized.

H. Any conditions necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.

**19.6.7 Final Plat Approval.** Any changes or modifications resulting from preliminary review shall be incorporated and submitted to the Planning Commission as the partition final plat, along with additional supplementary information required.

**19.6.8 Filing Final Plat.** After obtaining all required approvals and signatures, the developer shall:

A. File the final plat survey map with the Lane County Surveyor within 90 days of approval and signature by the City of Creswell. Failure to file within the said time period shall render the approval null and void.

B. File the deeds and/or descriptions resulting from the partition approval creating the parcels with Lane County Assessor's Office within 10 working days of filing the survey map with the Lane County Surveyor.

C. Within 10 days after filing the final plat with the county surveyor, the owner/developer shall provide the City two (2) prints of the survey map.

**19.7.0 Subdivisions.**

**19.7.1 Difference Between Partitions and Subdivisions.** A subdivision relates to the division of land into four (4) or more lots within a calendar year. A partition relates to the division of land into two (2) or three (3) parcels within a calendar year. A partition does not include the exclusions set forth in ORS 92.010 (7).

**19.7.2 Process.** Subdivisions are reviewed in two stages. A preliminary plat is reviewed primarily for design aspect, such as connections to existing and future streets, preservation of natural areas, drainage and floodplain considerations, and compliance with requirements of other portions of this Code. The final plat is reviewed for conformance to the preliminary plat as approved (with or without conditions) and applicable state or county laws.

**19.7.3 Procedure.** Preliminary subdivision plats are reviewed as a Type III procedure. Final subdivision plats are reviewed as a Type I procedure.

**19.7.4 Preliminary Plat Submittal Requirements.** The property owner or an authorized agent may make application for a partition by filing an application, on a land use application form with appropriate fees to the City.

A. The application must include a list or set of mailing addresses of properties within the

required notification area. This list or set of labels must be prepared through a title company and must include the tax lot numbers as well as the owners' names and mailing addresses.

- B. The application must also include fifteen (15) copies of the preliminary plat to be drawn on a sheet not less than 18 inches by 24 inches and one (1) 8 ½" x 11" or 11" x 17" scaled reduction and containing the following information:
1. The preliminary plat shall be drawn to scale. The scale shall be the largest standard engineering scale possible to fit the sheet size.
  2. North arrow, date map prepared.
  3. The proposed subdivision name shall conform to the standards set forth in ORS 92.090 and cannot duplicate or resemble the name of any other subdivision or partition in Lane County.
  4. The names, addresses and telephone numbers of the property owner(s), preparer of the plat, surveyor, and engineer.
  5. Stamp of the registered engineer or licensed land surveyor who prepares the plat.
  6. Location of the subdivision by quarter section (if applicable), section, township, range and a legal description sufficient to define the location and boundaries of the proposed tract.
  7. A vicinity sketch shown on the plat map at a small scale (i.e., 1" = 400") showing all existing and adjacent subdivisions, streets, and tract lines of adjacent parcels.
  8. Zoning of the property.
  9. The location of existing and proposed right-of-way lines for existing and proposed streets as shown on the Transportation System Plan.
  10. The boundary lines (to scale) of the tract to be divided
  11. The locations, names, widths, and typical improvement cross sections of all streets, existing or proposed, to be created, and the grades of existing streets, and the estimated finished grades of streets proposed to be created.
  12. Topographic contour lines having the following minimum intervals:
    - a. One (1) foot contour intervals for ground slopes less than 5 percent.
    - b. Two (2) foot contour intervals for ground slopes between 5 percent and 10 percent.

- c. Five (5) foot contour intervals for ground slopes over 10 percent.
13. The elevation of all control points used to determine the contours.
14. The approximate dimensions in feet and area in square feet of all proposed lots.
15. The existing and proposed uses of all property. Existing use of the property including scaled location and present use of all existing structures. Clearly differentiate between structures that will remain after development and those that are slated for removal.
16. The approximate location of the 100-year flood plain and all other areas subject to seasonal ponding.
17. All improvements proposed to be made or installed, and the time within which such improvements are proposed to be completed.
18. The approximate width and location of all existing and proposed easements for public utilities.
19. The approximate width and location of all existing and proposed reserve strips that may be imposed by the Planning Commission pursuant to this Section.
20. The domestic and fire protection water system proposed to be installed, including the location of fire hydrants.
21. The location of proposed street lights to be installed.
22. Dedications: The location and purpose of all areas proposed to be dedicated to the city by the subdivider.
23. Utilities: The location and size of all existing and proposed sanitary sewer mains, storm drains, water lines, drainage ways, and public utility installations on and abutting the tract.
24. Easements: The location, width and purpose of all existing and proposed easements on and abutting the tract.
25. Pedestrian ways: location and widths of all proposed and existing sidewalks and pedestrian access ways.
26. Natural features: Location and direction of flow of all creeks, drainageways, wetlands, significant vegetation (trees over 8" diameter as measured three (3) feet from the base) and of soil types, clearly identifying hydric and unstable soils.

27. Proposed and existing deed restrictions (C, C & Rs).
28. The approximate radii of all curves.
29. Areas designated for phasing of the project development
30. A statement that says, “The City is not responsible for costs incurred to structures, shrubs, or other prohibited facilities within the public utility easement area during the repair or maintenance of City utilities”.
31. A statement that says, “All utilities are to be installed underground”.
32. A statement that says, “As a condition of approval of the proposed development and sale of this property, the owner of this property, and all subsequent owners, consent to pay the City of Creswell any charges reasonably related to Creswell’s construction of sidewalks done pursuant to the provisions of Creswell’s subdivision ordinance.”

The Planning Director may adjust the number of required copies.

- C. A narrative that addresses how the applicant has met the approval requirements listed in Section 19.7.6.

**19.7.5 Subdivision Preliminary Plat Review.** The Planning Director shall distribute copies of the plat for review to the Fire Marshal, Public Works Department, City Engineer, Oregon Department of Transportation, if the property is adjacent to a state highway, and Lane County Public Works Department, if the property is adjacent to a county road or drains to a county facility, and any other agencies that are affected by the proposal. The mailing, legal notice, and review period shall comply with state requirements and Sections 3.2.3 and 3.2.5 of this Code.

**19.7.6 Preliminary Plat Review Criteria.** The Planning Commission shall have the authority to approve, approve with conditions or deny the request, based on the following criteria:

- A. The development is in substantial conformance to the Comprehensive Plan.
- B. The plat meets the appropriate requirements of this Code, and state and federal laws.
- C. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- D. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- E. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

- F. The location and design allows development to be conveniently served by various public utilities.
- G. Any special features of the site (such as topography, floodplains, drainage, wetlands, soils, vegetation, historic sites) have been adequately considered and utilized.
- H. Any conditions necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.

**19.7.7 Effects of Approval.** After approval of the preliminary plat, the subdivider may proceed with final surveying and subdivision construction if conditions prior to beginning construction have been met, and preparation of the final plat. Approval of the preliminary plat shall be effective for a period of one (1) year. If the final plat is not submitted to the City Recorder within one (1) year, the subdivider may apply in writing to the Planning Commission for an extension based on compliance with the following criteria:

- A. A request for an extension is made in writing prior to expiration of the original approval.
- B. The applicant describes how reasonable progress has been made in completing the final plat prior to requesting the extension.
- C. The applicant describes special or unusual circumstances that exist (e.g., weather conditions, financial problems, etc.) that warrant an extension.
- D. Extensions to the preliminary approval may be granted for a period not to exceed one (1) year from the expiration date of the original approval.
- E. Prior to granting an extension, the Planning Commission may consider any changed circumstances and make modifications to conditions of approval as appropriate.

**19.7.8 Final Plat Submittal Requirements.** Fifteen (15) copies of the final plat and one (1) 8-1/2" x 11" or 11" x 17" scaled reduction shall be submitted to the Planning Commission no later than one (1) year after the date on which the preliminary plat for the subdivision area was approved, unless an extension has otherwise been granted as set forth in Section 19.7.7. The final plat shall be in conformity with ORS 92.080. It shall be drawn clearly and legibly to a standard engineer's scale. All ink shall be permanent and the paper shall be sufficient for reproduction. The County Surveyor may establish the format to use for plats. Final plat submittal shall include the following information:

- A. The date, north arrow, and scale.
- B. Legal description of the tract boundaries.
- C. Name and address of the owner or owners, subdivider, and engineer or surveyor.



- D. Reference points of existing survey identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division.
  - 2. Adjoining corners of adjoining subdivisions.
  - 3. Other monuments found or established in making the survey of the land division or required to be installed by provisions of this Code.
- E. National Geodetic Survey Control points as recorded in the County Surveyor's office; description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referenced.
- F. The location and width of streets and easements intercepting the boundaries of the tract.
- G. The 100-year flood plain for any body of water or natural drainageway together with the method or source of such determination.
- H. Tract, block, lot or parcel boundary lines and street right-of-way and centerlines, with dimension, bearings or deflection angles, radii, arcs, points or curvature, and tangent bearings. All distances shall be shown to the nearest one hundredth foot.
- I. Identification of land to be dedicated for any purposed, public or private, to distinguish it from lots or parcels intended for sale.
- J. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on a curvature that are being dedicated, curve data shall be based on the street center line and, in addition to center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated.
- K. The area of each lot or parcel to the nearest foot.
- L. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
- M. Where the plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
- N. The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required by the Planning Commission. If already recorded, their recorded reference shall also be included. If

the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication. The purposes of easements shall also be identified.

- O. A designation of all areas covered by water, and the location, width, and direction of flow of all water courses.
- P. A designation of all areas being dedicated by the subdivider, public or private, including its proposed use, and an effective written dedication thereof.
- Q. Copies of all proposed covenants, conditions, and restrictions (C, C, & R's) or a statement in writing signed by the developer/owner that no such restrictions will be established.
- R. Building setback lines, if any, are to be made a part of the subdivision's deed restrictions.
- S. The following certificates, which may be combined where appropriate:
  - 1. A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.
  - 2. A certificate signed and acknowledged as above, dedicating to the public all land shown on the final plat intended for public access, use, or benefit.
  - 3. A certificate signed by the surveyor or engineer responsible for the survey and final plat, the signature accompanied by seal, attesting that applicable city, state, and county requirements have been met.
  - 4. Other certifications as appropriate.
- T. Supplementary Information:
  - 1. A copy of any deed restrictions.
  - 2. A copy of any dedication requiring separate documents.
  - 3. Legal documents conveying property to the City.
  - 4. Assurance satisfactory to the Director of Public Works or City Engineer that improvements installed by the subdivider will be in conformity with the standards of the City and that streets and pedestrian ways will be improved.
  - 5. Financial assurances for all remaining improvements. See Section 14.19, Improvement Assurances.

6. Boundary and lot closure computations and total area of each lot, parcel, and open space dedication, in square feet or acres.
7. Title Report.

**19.7.9 Final Plat Review.** The Planning Director shall distribute copies of the plat for review to the Fire Marshal, Public Works Department, City Engineer, Oregon Department of Transportation, if the property is adjacent to a state highway, and Lane County Public Works Department, if the property is adjacent to a county road or drains to a county facility and any other agencies that are affected by the proposal.

The Planning Commission shall approve or deny the final plat and shall state Findings to approve or deny the request. A negative decision shall nullify preliminary plat approval. Review shall be based on the following criteria:

- A. The final plat is in substantial conformance with the preliminary plat and conforms in all respects to the platting laws of the State, and to the requirements of Section 19 and other pertinent sections of this Code.
- B. Conditions of approval attached to the preliminary plat have been satisfied, or a financial guarantee for completion of improvements has been provided.
- C. All taxes and assessments with respect to the subdivision area have been paid.

**19.7.10 Filing Final Plat.** Following review and approval of the final plat, the developer/owner shall take the following actions:

- A. Approval of the final plat shall be evidenced by the signatures of the Chair of the Planning Commission.
- B. Obtain the signature of the City Engineer.
- C. Obtain on the final plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid.
- D. Obtain on the final plat the signature of the County Surveyor, who signature shall certify that the platting laws of this state and the requirements of this Code have been complied with.
- E. Obtain the signature on the final plat of the member or members of the Board of County Commissioners whose signature shall certify that the plat is approved by the Commissioners.
- F. Deliver the final plat to the office of the County Clerk.

- G. Notify the City that the final plat has been delivered to the office of the County Clerk and may be offered for recordation.

**19.8.0 Modification of Provisions.**

**19.8.1 Application Process.**

- A. Time. Concurrently when submitting an initial plat to the Planning Commission for consideration and approval, a subdivider may submit an application for a modification of any provision of Section 14 of this Code.
- B. Contents. An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
1. Such provision if strictly applied would cause unique and unnecessary hardship.
  2. Modification of such provision would not be contrary to the purpose of this Code.
- C. Additional Modifications. If the applicant requests significant modifications after approval of the preliminary plat, the plat shall return to the Planning Commission for a public hearing regarding amendment of the plat.

**19.8.2 Consideration of Application.**

- A. At the Planning Commission meeting at which the plat accompanying the application for a modification is to be considered by the Planning Commission for approval, and prior to such consideration, the Planning Commission shall consider such application for a modification.
- B. Approval. If a majority of a quorum of the Planning Commission determines that the circumstances specified in Section 19.18.1 B of this Code have been shown to exist, it shall allow a modification of the provision referred to in the application to such extent and on such terms and conditions as it considers proper in accordance with the purpose of Section 14 and/or Section 19 of the Code.
- C. Effect of Approval. After the specified procedure has been duly complied with, the Planning Commission shall proceed to consider the plat that accompanied the application for such modification. Such consideration shall proceed under the requirements provided in this Code.
- D. Refusal. If a modification is not approved by the Planning Commission as provided in this Section, the application for modification shall be deemed to have been denied and the Planning Commission shall proceed to consider the plat original application under the requirements therefore provided in this Code.

**19.9.0 Appeals.** Procedures for appeals are set forth in Section 3.10.0 of this Code.

**19.9.1 Time Limits.** Appeals shall be in accordance with Section 3.2.4 and 3.10.0 of this Code.

**19.9.2 Process.** An appeal may be taken by filing with the Planning Director a copy of the plat involved and a written request for an appeal that shall include a concise statement of the grounds upon which the appellant claims the action is in error.

## SECTION 20

### SIGNS

#### Sections:

- 20.1.0 Purpose
- 20.2.0 General Prohibitions
- 20.3.0 Prohibited Signs
- 20.4.0 Exemptions
- 20.5.0 Special Purpose Signs
- 20.6.0 Sign Regulation by Zoning District
- 20.7.0 Permits
- 20.8.0 Administration, Enforcement and Inspection
- 20.9.0 Construction, Maintenance and Removal
- 20.10.0 Non-Conforming Signs
- 20.11.0 Penalties
- 20.12.0 Limitation of Liability

**20.1.0 Purpose.** This Section may hereafter be known and designated as the “Sign Ordinance of the City of Creswell,” as well as Section 20 of the Creswell Land Development Ordinance. It is adopted in recognition of the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the City of Creswell through the regulation of such factors as size, number, location, illumination, construction and maintenance of signs; and thereby safeguard the public health, safety and general welfare. Nothing in this Section shall permit the erection or maintenance of any sign or structure at any place or in any manner unlawful under any other Ordinance or State or Federal Law.

**20.2.0 General Prohibition.** Any sign not expressly permitted by this Section is prohibited in the City.

**20.3.0 Prohibited Signs.** The following types of signs are expressly prohibited in all districts, except as otherwise provided by this Section:

- A. Animated and Intensely Lighted Signs. No sign shall be permitted that is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination. Changing signs as defined in this Code are permitted.
- B. Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, benches, or trees, poles, posts, fences or other structures is prohibited unless specifically permitted by this Section.
- C. Moving Signs. Except as otherwise provided in this Section, no sign or any portion thereof shall be permitted that moves or assumes any motion constituting a non-stationary or non-fixed condition except for the rotation of barber poles, changing

signs or multi-prism units. Multi-prism signs shall be defined as signs made with a series of sections that turn and stop or flip to show several pictures or messages in the same area. Indexing multi-prism units must not exceed a speed of two (2) complete revolutions every 20 seconds. This Section is not meant to prohibit any form of vehicular sign such as a sign attached to a bus or lettered on a motor vehicle.

- D. Abandoned Signs. No person, firm or corporation shall abandon any sign anywhere in the city.
- E. Advertising Vehicles. No person shall operate or park any vehicle or trailer on a public right-of-way of public property or so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This Section is not intended to prohibit a sign attached to a bus or lettered on a motor vehicle unless the primary purpose of such vehicle is for such advertising.
- F. Public Areas. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except expressly be authorized by this Code.
- G. Banners.
1. Banners, flags, pennants, streamers, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons or other gas-filled figures shall not be used except as described in paragraph (2) and (3) below.
  2. Signs described in 20.3.0(G)(1) above will be permitted at the opening of a new business in a commercial or industrial district for a total period not to exceed 15 days and special promotion of a product or service not to exceed 45 days annually. Banners, flags and pennants will be allowed in the Residential district in conjunction with a demonstration of model homes in a new subdivision for two (2) days before the opening of such demonstration to two (2) days after and not to exceed a total period of 15 days in any calendar year.
  3. Signs described in 20.3.0(G)(1) above will be permitted at special events of a civic or philanthropic nature upon application to and approval by the Planning Director.
- H. Sidewalk Signs. Sidewalk or curb signs are prohibited. Some "A"-frame or sandwich board signs are permitted under Section 20.5.0.
- I. Portable Signs. Portable or wheeled signs are prohibited except for new business openings for not over 15 days. This shall not be interpreted to prohibit identification lettering on motor vehicles or advertising on buses.

- J. Obstructing Signs. Notwithstanding any of the provisions of this Section, no sign or sign structure shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window to such an extent that light or ventilation is reduced below minimums required by any applicable law or Ordinance.
- K. Bare-Bulb Illumination. No bare-bulb illumination (or so the source of light is visible), no exposed reflective type bulb, no strobe light, no festoon lights nor incandescent lamp greater than 40 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign, if not directed toward the view from any public street. All signs are to be designed and used in such a manner as to avoid undue glare or reflective light on private property in the surrounding area.
- L. Hazardous Signs. Any sign or sign structure that constitutes a hazard to public health or safety.
- M. Illuminated Signs. All illuminated signs unless designed and used in such a manner as to avoid undue glare or reflection of light on private property in the surrounding area.
- N. Other Signs. The following signs are also prohibited:
1. Signs that bear or contain statements, words, or pictures of an obscene, or pornographic character or promote gambling (signs advertising legal gambling, such as "Bingo," are exempt from this prohibition).
  2. Signs that are painted on or attached to any fence (except temporary fences around construction sites) or any wall or structure (other than structures for permitted signs) that is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address.
  3. Signs that operate or employ any stereopticon or motion picture projection of media in conjunction with any advertisements, or have visible moving parts or give the illusion of motion except as expressly permitted in this Code.
  4. Signs that emit audible sound, odor or visible matter.
  5. Signs that purport to be, or are an imitation of, or resemble an official traffic sign or signal.
  6. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or that hide from view any traffic or street sign or signal or device.



7. No signs, except for authorized traffic signs, shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision.
8. Roof signs.
9. Flame as a source of light.
10. Projecting signs beyond 60 inches of a building wall surface.
11. Billboards, posterboards, off-premise advertisements and other outdoor advertising structures.
12. Three-dimensional statue, caricature or representation of person, animals or merchandise used as a sign or incorporated into a sign structure.
13. Public address system or sound devices used in conjunction with any sign or advertising device.
14. Wind signs, devices, blimps or captive balloons.
15. Signs that use words like "STOP," "SLOW," "CAUTION," "LOOK," "DANGER," or any other word, phrase, symbol, or character that may mislead or confuse vehicle operators.
16. No sign, unless exempted or allowed pursuant to this Code, shall be permitted.

**20.4.0 Exemptions.** The provisions and regulations of this Section shall not apply to the following signs:

- A. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety that are erected by or on the order of, a public officer in the performance of public duty.
- B. Signs that provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed two (2) square feet in area; signs identifying restrooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those signs to serve public safety or convenience such as "office" signs and "parking" signs.
- C. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.

- D. “No Trespassing” signs or other such signs regulating the use of a property, such as no hunting, no fishing, etc., of no more than two (2) square feet in area.
- E. The flags, emblems, or insignia of any nation or political subdivision or corporate flags.
- F. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other non-combustible material.
- G. Notice bulletin boards not over 24 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.
- H. Official notices posted by public officers or employees in the performance of their duties.
- I. Other governmental regulatory requirements.
- J. Informational signs placed by the City of Creswell, or by the State of Oregon in the publicly owned right-of-way.
- K. Drive-up menu boards in conjunction with drive-up windows. Drive up menu boards shall not exceed industry standards.

**20.5.0 Special Purpose Signs.** Special Purpose signs shall be temporary signs in all zoning districts and shall not be illuminated:

- A. Garage Sale Signs. One (1) temporary sign advertising a garage sale posted on the premises from which the garage sale is to be held. Such signs shall be either a wall sign or a freestanding sign limited in size to 16 square feet in area and a height of six (6) feet. In addition, one (1) off-premise directional sign limited in size to four (4) square feet and a height of 30 inches. All such signs must be removed immediately at the close of the sale.
- B. Political Signs. Temporary political signs shall not exceed six (6) square feet in area for each candidate or ballot measure and not more than three (3) signs may be placed on any single parcel of property. Such signs may be placed on private property only. Such signs shall not be erected more than 60 days prior to the election date and shall be removed within 10 days after the election date for which they were erected.
- C. Construction Project Signs. After appropriate building permits have been obtained, signs may be erected in conjunction with construction projects and used for the purpose of publicizing the architects, engineers and construction organization participating in the project. No such signs shall exceed 32 square feet in area; no freestanding sign shall exceed eight (8) feet in height. All such signs shall be removed five (5) days after completion and prior to occupancy.

- D. Special Event Signs. The Planning Director may grant, on such terms as it may deem proper, temporary special permits for signs or the like advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the City. Such signs shall not be placed more than seven (7) days prior to the event and must be removed within two (2) days following the event. No more than two (2) such events may be advertised in this manner per lot per year.
- E. Real Estate Signs. One (1) real estate sign advertising the sale, rental or lease of the premises on which displayed is not to exceed the following area and height requirements:
1. Residential Zone: Four (4) square feet in surface area with a maximum height of four (4) feet above grade.
  2. Commercial Zone: 32 square feet and 10 feet above grade.
  3. Industrial Zone: 32 square feet and eight (8) feet above grade.
  4. PUD Subzone and for Real Estate Subdivision Signs (subdivision signs are defined as signs advertising land subdivisions involving more than three continuous lots): 32 square feet and eight (8) feet above grade.
- Real Estate signs may be single- or double-faced and may be flat-wall signs or pole mounted.
- Real Estate signs must be removed within five (5) days of completion of the sale.
- F. Sidewalk “A”-Frame or Sandwich Board Signs: These signs are permitted subject to the following criteria:
1. Shall be displayed during business hours only.
  2. Shall maintain a minimum of five (5) feet of unimpeded pedestrian sidewalk maneuvering space for accessibility.
  3. Shall not be placed in clear vision areas as defined in Section 14.2.12 nor in vehicular circulation areas.
  4. Shall not obstruct primary signs on adjacent premises.
  5. No more than one (1) per street level business is permitted.
  6. Shall be constructed of wood, chalkboard, and/or finished metal. Lettering may be handwritten or painted. Reader boards are not permitted.

7. Shall be located near the main building or business entryway.
8. Shall be freestanding and anchored as needed. Shall not be attached to other objects including fences, utility poles, and shrubbery.
9. Sign area is limited to 12 square feet per face.
10. The applicant provides a notarized statement acceptable to the City assuming liability for a sign on a public sidewalk.

#### **20.6.0 Sign Regulations by Zoning Districts.**

- A. General. The following general provisions shall govern all signs in addition to all other applicable provisions of this Section.
1. Obstruction by Signs. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
  2. Bulletin Board or Reader Board. Twenty percent (20%) of permitted sign area may be allowed as a bulletin board or reader board.
  3. Placement of Signs.
    - a. Near residential. No sign shall be located in a commercial or industrial district so that it is primarily visible only from a residential district.
    - b. Near street intersections. No signs in excess of two and one-half (2 ½) feet in height shall be placed in the vision clearance area. This provision shall apply to all zones.
    - c. Near driveways. No sign or portion thereof shall be erected within 10 feet of driveways unless the same is less than two and one-half (2 ½) feet in height.
- B. Residential Zone. Except as otherwise provided in this Section, no sign shall be permitted except the following:
1. One (1) indirectly or shadow lighted sign indicating the name and address may be located on a parcel of real property in the Residential zoning district. The sign shall not exceed one and one-half (1-1/2) square feet in area and shall not be out of character with the residential environment of which it is a part. The maximum height of the sign shall not exceed three (3) feet.

2. One (1) identification sign facing the street, not to exceed 20 square feet in area, for any permitted use except residences. Such sign shall be solely for the purpose of displaying the name of the institution and non-residential uses and its activities or services. It may be shadow lighted or unlighted. Such signs are for farms, churches, lodges and the like.
  3. One (1) non-illuminated wall-mounted home occupation sign for each dwelling unit not to exceed one and one-half (1½) square feet in area indicating the name of the occupant or identification of a home occupation office.
  4. For a subdivision, manufactured home park and multi-family dwelling units, one (1) permanent sign shall be permitted not exceeding 32 square feet in area and limited in height to five (5) feet, denoting only the name of the subdivision or manufactured home park or for a multi-family dwelling unit, the name and the address.
- C. Parks, Recreation and Open Space Zone (PRO-S). All signing in the Parks, Recreation and Open Space zoning district shall be subject to the site review process by the Planning Commission.
- D. Commercial and Industrial Districts. Except as otherwise provided in this Section, each parcel of property in the commercial and Industrial zoning district shall be limited to one (1) wall-mounted and one (1) freestanding sign providing they can meet the following criteria:
1. Wall Sign. An identification wall sign shall not exceed an area of 10 percent of the wall to which the sign is attached but in no case shall it exceed 100 square feet. In the event there is more than one (1) business sharing occupancy of a single common space or suite, the total allowable area shall be divided among the tenants. Wall signs shall not be located higher than the wall to which it is attached and in no case shall it be higher than 15 feet.
  2. Freestanding Sign. The maximum allowable area shall be 100 square feet. The maximum height of the sign shall be 35 feet. The freestanding sign shall not be located within five (5) feet of any driveway intersecting a public street. The sign shall be set back from the property line so that no portion of the sign shall extend over a public right-of-way.
  3. Shopping Center and Business Development. In shopping centers and developments that include five (5) or more businesses, one (1) identification freestanding sign shall be allowed in addition to the one (1) wall sign permitted for each business. Alternatively, an Integrated Sign Plan may be submitted at the time of the development application (see Subsection (7) of this Section).

4. Content. Graphic information on all identification signs shall be limited to the business name as registered with the State of Oregon with the exception of other applicable provisions of this Section. Business logos of regional and national significance that pertain to the primary business and street addresses shall also be permitted.
5. Reader Boards. In conjunction with the permitted sign area, one (1) reader board shall be allowed. The following criteria shall hold:
  - a. No permit shall be issued, nor shall any person erect a reader board, until its design and location are approved.
  - b. The maximum allowable size for a reader board shall be 25 square feet if facing on the street and 15 square feet on each side if the faces are at right angles to the street. A reader board may be incorporated as part of a larger permitted sign provided that the reader board portion does not exceed the size limits stated here.
6. Industrial Subdivision. In the event that an industrial subdivision is established in any industrial zone:
  - a. One (1) freestanding sign shall be allowed for each industrial subdivision. The sign area shall not exceed 100 square feet. An industrial subdivision located on a corner of two (2) intersecting streets or that has frontage on two (2) streets in excess of 400 lineal feet per street shall be allowed two (2) freestanding signs whose total combined area does not exceed 150 square feet. In an industrial subdivision where there are less than six (6) businesses, each business shall be allowed only to display their trade name and location number on the freestanding sign(s); otherwise, no businesses shall be allowed to display their name on the sign. The location of the freestanding sign shall be subject to the review and approval of the Planning Director with appeal to the Planning Commission. It shall be limited to 35 feet in height from grade and shall have the same setbacks as commercial signing.
  - b. One (1) wall sign shall be allowed for each business. The maximum combined area for all signs on one wall shall be five percent (5%) of the wall area to which the signs are attached. The top of the signs shall not be higher than the wall upon which they are placed, and in no case shall the height exceed 15 feet.
  - c. An Integrated Sign Plan shall be adopted for each industrial subdivision and shall be subject to the review and approval of the Planning Director. Each subdivision having no sign program shall establish one prior to the issuance of future sign permits. See Section 20.6.0-A-7 that follows.
7. Integrated Sign Plan. An integrated sign plan is required for Industrial subdivisions and is optional for other industrial or commercial developments

containing five (5) or more non-residential occupants. The applicant must submit the Integrated Sign Plan at the time of the development application. The Plan must include location, dimensions, material, and illumination information of all proposed signage for the development, including any off-site signs. More detail including lettering type and size is recommended but not required. Some flexibility from the provisions of this Code may be allowed for applicants whose overall design is found by the Planning Commission to assure attractive and functional signage in consideration to the size and scale of the proposed development, as well as the number of separate entrances.

#### **20.7.0 Permits.**

- A. General. No person shall erect, construct, place, alter, change, relocate, maintain (other than a sign legally existing prior to the effective date of this Section), suspend or attach any sign without first obtaining from the Planning Director a written permit to do so, paying the fees prescribed therefore, and otherwise complying with all of the applicable provisions of this Section.
- B. Approval of Permits.
1. Unless otherwise authorized by this Section, no permit shall be issued for any new sign within the City until such sign is reviewed and approved by the Planning Director.
  2. Review and approval by the City shall be required for the design and location of all principal signs. The review, approval and denial process shall be as provided:
    - a. Review, Approval Process. The Planning Director shall review the application for a sign permit that has been properly made on a form prescribed by the City and filed with the Planning Director. The Planning Director shall issue a permit for the erection, alteration or relocation of a sign within the City when an application therefore has been reviewed and the sign complies with all appropriate laws and Ordinances.
    - b. The Planning Director may, in writing, suspend or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a misstatement of material fact of fraud.
    - c. Denial Process. When a sign permit is denied by the Planning Director, the Planning Director shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
- C. Application. An application for a sign permit shall be made on a form prescribed by the City and shall be filed with the Planning Director. The application shall include, but not be limited to, five (5) copies of a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, colors, graphic

design, structural and mechanical design and engineering data that insures its structural stability. The number of required copies of the sketch may be adjusted by the Planning Director. The application shall also contain the names and addresses of the sign company or person erecting the sign and the owner of the subject property. The City may require other pertinent information where, in its opinion, such information is necessary to insure compliance with this Section. Before any permit for any such sign is issued, the applicant shall furnish the City written authority granting the City or any of its agents or employees permission to enter upon the premises for the inspection of the sign and the enforcement of this Section. The authorization shall be signed by the owners of record of the subject property and by the person proposing to erect the sign.

D. Fees.

1. In order to defray expenses incurred in connection with the processing of applications, preparation of reports, issuance of permits and other matters and collection of permit and other fees as established by City of Creswell Building Department, the required fees shall be paid to the City of Creswell upon filing of an application or at such other times as specified in this Section. The failure to submit a required fee with an application or a notice of appeal, including return of check unpaid or other failure of consideration, shall make the application or appeal incomplete and not subject to further processing.
2. All fees are non-refundable. Municipal corporations are exempt from the payment of permit fees.

E. Permit Records. Maintained by the City of Creswell Building Department, at the discretion of the City.

**20.8.0 Administration, Enforcement and Inspection.**

- A. Enforcement. It shall be the duty of the City to enforce this Section. The Chief of Police and his authorized representatives shall have the power, upon request of the City, to assist in the enforcement of this Section. The City Attorney, upon request of the Planning Director, shall institute any necessary legal proceedings to enforce this Section.
- B. Sign Inspection. Signs for which a permit is required shall be inspected by the Building Department. All signs may be inspected or re-inspected at the discretion of the officials responsible for enforcement or administration of this Section or their duly authorized representatives. Authorized officials may enter at a reasonable time and in a reasonable manner any building, structure or premises in the City for the purpose of inspection of signs. No secured building or private dwelling shall be entered without the consent of the owner or occupant. If such entry is refused, the responsible official shall have recourse to every remedy provided by law to secure entry.



**20.9.0 Construction, Maintenance and Removal.****A. Construction.**

1. Residential Districts. All signs and their supports may be constructed of any material subject to the provisions of this Section.
2. Commercial and Industrial Districts. All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood that maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the Uniform Building Code (U.B.C.) Standards No. 32-37, unless otherwise provided in this Section.
3. Non-Treated Signs. All wall, ground, marquee and projecting signs of 20 square feet or less may be constructed on non-treated wood.
4. Real Estate and Construction Signs. All signs may be constructed of compressed wood particle board or other material of similar fire resistance.
5. Directly Illuminated Signs. All signs illuminated from within may be faced with plastics approved by the Building Code.
6. Glass. All glass used in signs shall be shatter-resistant, or covered by a shatter-resistant material.
7. Wood. Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all heartwood cypress, or any species of wood that has been pressure-treated with an approved preservative. Trim and backing strips may be constructed of wood.

**B. Construction Methods.**

1. All signs shall be constructed of such materials or treated in such manner that normal weathering will not harm, deface or otherwise affect the sign.
2. All letters, figures, and similar message elements shall be safely and securely attached to the sign structure.
3. All signs shall be designed and constructed to resist the applicable wind loads set forth in the Building Code.

**C. Maintenance.** All signs, together with all of their support, braces, guy-anchors and electrical equipment shall be kept fully operable, in good repair and maintained in safe condition and in a neat, clean and attractive condition.**D. Removal of Signs.**

1. **Removal and Appeal Process.** Upon recommendation from the Planning Director, the Building Inspector shall order the removal of any sign erected or maintained in violation of this Section. The Director shall give 10 days notice in writing to the owner of the sign or to the owner of the building, structure or premise on which the sign is located; if the owner of the sign cannot be notified, to remove the sign or bring it into compliance with this Section. An appeal of a decision by the Director shall follow the Appeal Process outlined in Section 3.10.0. If the owner of the building, structure or premises upon which such sign is located fails to remove the sign or bring it into compliance within 10 days after receipt of written notice from the Director, and fails to appeal the notice within the allotted time period, the City may remove such sign at cost to the owner of the building, structure or premises. If after the appeal process, the owner of the building, structure or premises upon which the sign is located fails to remove the sign or bring it into compliance within 10 days after the decision of the City Council on the appeal, the City may remove such sign at cost to the owner of the building, structure or premises.
2. **Unsafe Signs.** If the Building Inspector finds that any sign or sign structure by reason of its condition presents an immediate and serious danger to the public, the Planning Director shall order its immediate removal or repair in accordance with the Uniform Building Code. Appeals may follow the procedure described in Section 3.10.0.
3. **Abandoned Signs.** Any person who owns or leases a sign shall remove such sign when either the business it advertises has discontinued business in the City; or the business it advertises is no longer conducted in or upon the premises upon which such sign is located. If the person who owns or leases such sign fails to remove it the City shall follow the Removal and Appeal Process described in Section 20.9.0 (D)(1). Signs that the successor to a person's business location or business agrees to maintain, as provided in this Section, need not be removed in accordance with this Section.
4. **Existing Illegal Signs.** All signs heretofore constructed or erected in violation of any Ordinance of the City, in effect at the time such sign was constructed or erected, are hereby made subject to the provisions of this Section. All signs and advertising structures that are not made to so conform and comply are hereby declared to be public nuisances and may be abated or removed by the City as described in Section 20.9.0 (D)(1) above.

**20.10.0 Non-conforming Signs.** Signs that do not conform to provisions of this Section, but that were constructed in compliance with previous regulations, shall be regarded as non-conforming signs that may be continued; provided, however, that any non-conforming sign that is structurally altered, relocated or replaced shall immediately comply with all provisions of this Section.

**20.11.0 Penalties.** A violation of the provisions of this Section shall be addressed in accordance with Section 3.11.0.

**20.12.0 Limitation of Liability.** The City shall not be held responsible for any damage to persons or property by reason of approval, disapproval, or the issuance of a sign permit authorized herein, or inspection, re-inspection, or removal of a sign as authorized by this Section.

## SECTION 21

### **PUBLIC FACILITIES/GOVERNMENT ZONE (PFG)**

#### **Sections:**

- 21.1.0 Purpose
- 21.2.0 Permitted Uses
- 21.3.0 Conditional Uses
- 21.4.0 Development Standards and Requirements
- 21.5.0 Vision Clearance
- 21.6.0 Parking
- 21.7.0 Solar Access
- 21.8.0 Signs
- 21.9.0 Other Requirements

**21.1.0 Purpose.** It is the purpose of this zone to provide for the public and quasi-public structures and services necessary for the operation, minimum health and safety, and desired present and future quality of life for the City of Creswell.

**21.2.0 Permitted Uses.** The following uses are permitted in this zone. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a permitted use and not listed as a separate use, shall also be allowed as part of a permitted use.

- A. Educational institutions.
- B. Government buildings.
- C. Fire stations or substations.

**21.3.0 Conditional Uses.** The following conditional uses may be permitted subject to a conditional use permit as set forth in Section 3.7. Accessory uses and accessory buildings, which shall be buildings and structures customarily appurtenant to a listed use and not listed as a separate use, shall also be allowed as part of a conditional use when identified at the time of approval. An amendment to an initially approved conditional use permit shall be subject to conditional use approval.

- A. Community centers.
- B. Museums and interpretive centers.
- C. Libraries.
- D. High impact recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, and swimming pools.

- E. High impact transportation facilities such as heliports, helistops and bus or train terminals.
- F. Public structures or uses of land for public utilities such as:
  1. Electric substations or transformers.
  2. Public or community sewage disposal plant or pumping station.
  3. Telephone exchange.
  4. School bus garage.
  5. Shop or storage yard associated with public structures, uses, or utilities.
  6. Low impact recreation and transportation facilities such as playgrounds, sports fields, bicycle and pedestrian ways.

**21.4.0 Development Standards and Requirements.** Except as otherwise provided in this Section, the following standards apply to all uses in this zone. Heights of conditional use structures that are not buildings shall be reviewed through the conditional use permit process. See Section 14 for additional development standards.

<b>Minimum Lot Size</b>	None
<b>Minimum Lot Width</b>	None
<b>Setbacks</b>	
Front yard	Front yards abutting a Residential zone shall be a minimum of 20 feet.
Rear yard	Rear yards abutting a Residential zone shall be a minimum of five (5) feet.
Side yard	Side yards abutting a Residential zone shall be a minimum of five (5) feet.
<b>Maximum Building Height</b>	Buildings--three stories or 36 feet, whichever is less.
<b>Maximum Lot Coverage</b>	100 percent when minimum loading space, parking, and setbacks are provided.

**21.5.0 Vision Clearance.** Vision clearance shall be provided in accordance with Section 14.2.12.

**21.6.0 Parking.** Off-street parking shall be provided in accordance with Section 17 of this Ordinance.

**21.7.0 Solar Access.** For the purpose of protecting solar access, the north side setback shall be sufficient to insure that the proposed structure shall not shade the south facing walls

and/or the rooftops of permitted buildings in the Residential zone, nor the rooftops of permitted buildings in Commercial zones, nor the protected area of adjacent vacant north lots in the Residential zone, between the hours of 9:30 a.m. and 2:30 p.m. on December 21<sup>st</sup>.

The Planning Commission during site review may grant exceptions to this setback requirement allowing the shading of all or a portion of the south facing walls, rooftops, or protected areas, after finding that substantial difficulties exist with respect to topography, north facing slopes, unusual lot configurations and orientation and practical building design.

**21.8.0 Signs.** Signs shall be provided in accordance with Section 20 of this Ordinance.

**21.9.0 Other Requirements.**

**21.9.1 Landscaping.** When no yard or landscaping space is available, landscaping will not be required (e.g., no yard or parking or other standards that require a portion of the parcel remain unoccupied by structures). Landscaping must comply with vision clearance standards set forth in Section 14.2.12. All yards adjacent to a street exclusive of accessways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one (1) year may be issued if the developer posts a bond with the city. Plants native to the southern Willamette Valley are encouraged. Landscaping shall be maintained and irrigated or shall be replaced at the owner's expense. If vegetation fails to survive or is otherwise not maintained, it shall be replaced with an equivalent species and size within 90 days.

A. Public facilities are required to be landscaped according to the following plan. Minimum landscaping acceptable per 1,000 square feet of required yard area is as follows:

1. One (1) tree at least six feet in height with an expected maturation height of at least 25 feet.
2. Four (4) one-gallon shrubs or accent plants.
3. The remaining area treated with suitable living ground cover or other attractive treatment that minimizes impervious surface area. See Section 23, Definitions under Landscaping, for more detail.

B. Parking lots must be landscaped in accordance with the standards set forth in Section 17 of this Ordinance.

**21.9.2 Buffering and Screening.** In order to reduce the impacts on adjacent uses that are of a different type, buffering and screening is required that shall be at least a sight-obscuring fence or sight-obscuring landscaping. See Section 21.9.5 for "sight-obscuring" requirements.

**21.9.3 Outside Storage.** Outside storage or display of materials; junk, parts or merchandise shall not be permitted within required front yards or parking lots.

**21.9.4 Screening of Refuse Containers.** Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring gate, fence, wall, or hedge a minimum of six (6) feet in height. See Section 21.9.5 for “sight-obscuring” requirements. All refuse materials shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window or within a vision clearance area as defined in Section 14.2.12.

**21.9.5 Fences.**

A. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except that barbed wire is permitted atop a six (6) foot chain link fence. The total height of the fence and barbed wire is limited to eight (8) feet.

B. Fences are limited to the height and location standards listed below:

1. Fences may be up to eight (8) feet in height provided that the fence is located behind any required front yard setback area and outside of any vision clearance area as defined in Section 14.2.12.
2. Fences more than six (6) feet in height require Building Permits.

C. Wherever a sight-obscuring fence, wall, or hedge is required under the provisions of this Code, it must meet the following provisions:

1. In order to be “sight-obscuring”, fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species that will meet and maintain year-round the same standard within three (3) years of planting.
2. Fences and wall will be a minimum of six (6) feet in height. Hedges will be of a species capable of attaining a height of at least six (6) feet within three (3) years of planting, given their age, height, and health when planted.
3. Fences and walls must be maintained in safe condition and opacity must be maintained as required in subsection “1” above. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six (6) months after dying or becoming diseased to the point that the opacity required in subsection “1” of this Section is not met.

**21.9.6 Loading Standards.** All necessary loading spaces for public facilities and government buildings and uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:

- A. The minimum area required for loading is as follows:
  - 1. 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.
  - 2. 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.
  - 3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- B. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- C. The required loading area shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.
- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- E. Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.





**SECTION 22****AMENDMENTS****Section:**

- 22.1.0 Procedure
- 22.2.0 Initiation of Amendments
- 22.3.0 Application
- 22.4.0 Comprehensive Plan Amendment Criteria
- 22.5.0 Action by the Planning Commission
- 22.6.0 Action by the City Council
- 22.7.0 Burden of Proof
- 22.8.0 Limitation of New Applications

**22.1.0 Procedure.** This Code or the Comprehensive Plan map or text may be amended by changing the boundaries of districts or designations or by changing any other provisions thereof whenever the public necessity and convenience and the general welfare requires such an amendment by following the procedure of this Code.

**22.2.0 Initiation of Amendments.** An amendment to the text of this Code or to the zoning map and/or to the Comprehensive Plan map or text may be initiated by:

- A. Motion of the Planning Commission.
- B. Motion of the City Council.
- C. Application filed by an owner of record, a purchaser under a record land sale contract, or the holder of an option to purchase property that is the subject of the application for rezoning or Comprehensive Plan map redesignation.
- D. The Planning Director.
- E. A private citizen.
- F. Lane County, if the requested change relates to the Creswell Comprehensive Plan.

**22.3.0 Application.** The property owner or his authorized agent may make application for an amendment by filing an application, on a land use Application form, with the Planning Director. Applications submitted by the Planning Director or private citizens that are not part of a rezoning or Comprehensive Plan map redesignation shall include all applicable portions of Section 22.3.0 A-F. The application will be scheduled for the next available Planning Commission hearing once the required information has been submitted and the application has been deemed complete. The application shall be accompanied by the following information:

- A. Name and address of the applicant.

- B. Title report and/or other documentation to provide evidence that the applicant is the owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property that is the subject of the application.
- C. Address, legal description and Lane County Assessor's tax lot and map number of the subject property.
- D. A map (Lane County Assessor's plat) showing the subject property, and surrounding properties and a listing of current property owners and addresses within 100 feet of the property subject to this application. See also Section 3.2.5, Public Notice.
- E. Statement and supportive evidence indicating the precise manner in which the proposed amendment is in conformance with the Comprehensive Plan for the City of Creswell and the applicable provisions of this Code. See also Section 22.5.0.
- F. The application shall be accompanied by a filing fee in the amount established by general resolution of the City Council. No part of the filing fee is refundable.

**22.4.0 Action by the Planning Commission.** Upon filing application for an amendment as described in Section 22.3.0, or upon motion of the City Council or Planning Commission for the initiation of an amendment, the matter shall automatically be referred to the Planning Commission and a public hearing shall be held on the matter for which notice shall be given as provided in Section 3.2.5. In open meeting, the Planning Commission shall recommend the approval or disapproval of the amendment. The recommendation shall be reported to the City Council by filing the recommendation with the City Recorder.

**22.5.0 Action by the City Council.**

- A. Hearing before City Council. Upon receipt of the report of recommendation from the Planning Commission, a public hearing is automatically set for the next regular City Council meeting following the receipt of the report; provided, however, that the Council may, by motion, set the date of such public hearing at such other time or at such other place it desires, or may decline to proceed further with the proposed zone change or amendment. Notice of the public hearing shall be given as provided in Section 3.2.5.
- B. At the conclusion of the public hearing, the Council may enact an ordinance granting the zone change or amendment, or may make any changes the Council deems appropriate to the proposed zone change or amendment, or may decline to adopt the zone change or amendment.
- C. If the Council proposes to adopt an amendment that is substantially altered from the recommendation of the Planning Commission, the Council may refer the amendment back to the Commission for report and recommendation.

- D. Except as set forth herein, in order for the City Council to adopt an ordinance for an amendment to this Code, Comprehensive Plan document and/or map, findings must be made and adopted as a part of the ordinance that are adequate to support the amendment proposal. Consideration must include:
1. Conformance with goals, policies and generalized land use map of the Creswell Comprehensive Plan or demonstration of change in circumstances that would necessitate a change in the goals and/or policies.
  2. Conformance with applicable statewide planning goals and policies.
  3. Input from affected governmental units and other agencies.
  4. A demonstration of public need for the change.
  5. A demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.
  6. Citizen review and comment.
  7. Any additional information requested by the Planning Commission or City Council.
  8. In lieu of the above, demonstration that the Plan was adopted in error. In the event of conflict between the Plan and implementing ordinances, statewide planning goals and policies shall supersede local goals, policies and ordinances.

**22.6.0 Burden of Proof.** The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the amendment. If no evidence is produced supporting the findings, the application may be denied.

**22.7.0 Limitations on New Applications.** If the application for an amendment is denied by the City Council, the application shall not be eligible for re-submittal for one (1) year from the date of denial. A new application affecting the same property must be significantly different from the application denied unless the Planning Commission finds that conditions have changed to an extent that further consideration is warranted.



**SECTION 23****DEFINITIONS**

**23.1.0 Definitions.** For purposes of this Ordinance, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this Ordinance" shall be deemed to include the text of this Ordinance, and unless the context requires otherwise, words and phrases shall be interpreted in accordance with the remainder of this Section. As used in this Ordinance, the following words and phrases shall have the following meanings:

1. "100-Year Flood." See "Base Flood."
2. Abut. Contiguous to; for example, two (2) lots with a common property line are considered to be abutting.
3. Access. The place, means or way by which pedestrians or vehicles shall have safe, adequate and usable entrance and exit to a property, use or parking space.
4. Accessible. Approachable and useable by people with disabilities. Complies with the federal Americans with Disabilities Act. See also Disabled Persons Parking Space.
5. Accessway. An unobstructed way of specified width containing a drive or roadway that provides vehicular access within a mobile home park and connects to a public street.
6. Accessory Building, Structure or Use. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use, including any required off-street parking within 200 feet of the building or use it is intended to serve.
7. Adjacent. Abutting or located directly across a street right of way.
8. Administrative. A discretionary action or permit decision made without a public hearing, but requiring notification and an opportunity for appeal. See also Section 3.2.3.
9. Adverse impact. Negative effect of development that can be measured (e.g. noise, air pollution, vibration, dust, etc.).
10. Advertising Structure. Any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or advertisement, for the purpose of making anything known about goods, services, or activities not on the same lot as the said advertising structure.

11. Alley. A minor way for vehicular traffic that is used primarily for service access to the back or side of property abutting a street.
12. Alter. Any change, addition, modification or construction or occupancy of a building or structure.
13. Amendment. A change in the wording, context or substance of this Ordinance or a change in the zone boundaries or area district boundaries upon the Zoning Map or Comprehensive Plan.
14. Approach Safety Zone. The ground area under the Approach Surface that extends outward from the end of the Clear Zone.
15. Approach Surface. A surface longitudinally centered on the runway center line, extending outward and upward from the ends of the runway at a slope of 20 horizontal to 1 vertical for a horizontal distance of 5,000 feet and widening from the width of 250 feet for Runway 16-34 of Hobby Field to 1,250 feet at its outer edge.
16. Arcade. An arched or covered passageway, often along building fronts or between streets.
17. Area of Sign. The area of a sign shall include the entire area within any type of perimeter of border that may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram or triangles. Where a sign has two or more faces, the larger face of the sign shall determine the area of the sign. Conforming and/or non-conforming signs in existence at the time of the enactment of this Ordinance shall be counted in establishing the permitted area of size of all new signs to be allowed on the property.
18. Area of Special Flood Hazard. The land in the flood plain within a community subject to one (1) percent chance of flooding in any given year. Designation on maps always includes the letters A or V. Area of Special Flood Hazard is also synonymous with the phrase Special Flood Hazard Area (SFHA).
19. Area of Shallow Flooding. An area designated AO or AH on the Flood Insurance Rate Map (FIRM). 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.
20. Architect. Any individual qualified and licensed to practice architecture under ORS 671.010 to 671.220.
21. Attraction Board. A sign so constructed that all letters and/or other advertising material can be readily interchanged.

22. Awning. Any stationary structure, permanent or demountable, used in conjunction with a mobile home, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall. Awning may also mean a rooflike cover, as of canvas, for protection from sun or rain, on a non-residential building.
23. Automobile Wrecking Yard. Any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in operating conditions are standing more than 30 days, or on which used motor vehicles, or parts thereof, are dismantled or stored.
24. Banner. A long, narrow flag hung over a street or entrance.
25. Base Flood. A flood that has a one (1) percent chance of being equaled or exceeded in any given year.
26. Basement. Any area of the building having its floor below ground level on all sides. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.
27. Bed and Breakfast. A use of an owner-occupied residence involving the rental of two or more rooms where one breakfast meal is served during the morning hours only.
28. Berm. A small rise or hill in a landscape that is intended to buffer or visually screen certain developments, such as parking areas.
29. Bikeway. Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycle or are shared with another transportation mode. The five types of bikeways are:
- Multi-use Path. A paved way (typically 10 to 12-feet wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters and other non-motorized traffic.
  - Bike Lane. A portion of the roadway (typically 10 to 12 feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
  - Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
  - Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
  - Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.
30. Block. A parcel of land or group of lots bounded by intersecting streets.
31. Block Length. The distance along a street between the centerline of two (2) intersecting through public streets from lot line to lot line.



32. Boarding, Lodging or Rooming House. A facility designed or modified according to applicable building and safety codes, used to provide living facilities without individual kitchen facilities to adult persons not of the same family. May, but need not include provisions for meals served on the premises.
33. Buildable Area. That portion of the lot or parcel of land upon which the building and appurtenances are to be placed or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements and, if applicable, other items required by City ordinances.
34. Building. Any temporary or permanent structure built and maintained for the support, shelter or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The terms "building" and "structure" shall be synonymous, and shall mean that which is framed, erected, constructed or placed to stand temporarily or permanently on a tract of land. This definition shall specifically include a mobile home, manufactured home and accessories thereto, and gas or liquid storage tanks principally above ground. Driveways or walks no more than six (6) inches higher than the ground on which they rest shall not be considered buildings. In addition to its common meaning, a building shall include any structure requiring a building permit.
35. Building Coverage. That percentage of the total lot area covered by buildings, including covered parking areas.
36. Building Footprint. The outline of a building, as measured around its foundation.
37. Building Height. The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
38. Building-Main. A building within which is conducted the principal use permitted on the lot, as provided by this Ordinance.
39. Building Wall. For purposes of computing wall area, all windows and wall area of a building in one plane shall be used.
40. Business Establishment. An institutional, business, commercial or industrial activity that is the sole occupant of one (1) or more buildings having at least one (1) frontage on a public street or roadway. The term also includes an institutional, business, commercial or industrial activity that occupies a portion of a building such that:
  - A. the activity is a logical and separate entity from the other activities within the building and not a department of the whole;
  - B. the portion of the building that is occupied by the activity has clearly defined frontage on a public street or roadway or to the common parking area of a commercial center;

- C. the activity has either:
- (1) a separate entrance from the exterior of the building, or
  - (2) a separate entrance from a common and clearly defined entryway that has direct access from the exterior of the building.
  - (3) the activity is located on the first or second floor of the building.
41. Carport. A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for sheltering a motor vehicle.
  42. Child. A person under 13 years of age.
  43. City. The City of Creswell, a municipal corporation of the State of Oregon.
  44. City Administrator. Planning Director.
  45. City Council. The Common Council of the City of Creswell, Oregon, which is the governing body of the said city.
  46. Clear Zone. The ground area under the Approach Surface which extends from the end of the runway to a point where the Approach Surface is 50 feet above the runway and elevation.
  47. Clinic. Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists, veterinarians and other members of the healing arts, including a dispensary in each building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practice.
  48. Comprehensive Plan. A Plan adopted by the City as guidelines of growth and improvement of the City. It may be revised from time to time to meet changing conditions or unanticipated problems, situations or developments. The Plan includes maps and written findings, goals and policies related to land use transportation, parks and recreation, housing, urbanization, public facilities and services, natural resources, air and water quality, educational facilities, and accompanying and/or supporting data. The City's Plan should include the needs of all levels of government, semi-public and private agencies, and citizens within the geographic area covered. See also ORS 197.015(5).
  49. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 horizontal to 1 vertical for a horizontal distance of 4,000 feet. This surface rises from 150 feet above Hobby Field and extends to a height of 350 feet above Hobby Field.

50. Conservation Easement. An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, flood plains, wildlife habitat, and similar resources.
51. Cornice. The projecting horizontal element that tops a wall or flat roof.
52. Court. An open unoccupied space, other than a yard, on the same lot with a building.
53. Cul-de-sac. A short dead-end street with a circular turnaround at the end. The street is not designed to be extended at a future date as part of a phased subdivision development or designated future street plan.
54. Curb Cut. A driveway opening where a curb is provided along a street.
55. Day Care, Nursery, or Child Care Center. The care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hour day, in a place other than the child's home, with or without compensation. See ORS 657A for certification requirements. See also Family Day Care Facility.
56. Day Care Facility. Day Care that is provided to more than 12 children.
57. Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.
58. Density, Net. The number of dwelling units per unit of land is expressed as the number of square feet of land per dwelling unit. The net density for any lot is computed by dividing the net square footage of the parcel by the number of dwelling units. The net square footage is determined by subtracting from the total square footage of the parcel that area deemed necessary for street dedication, private streets, and common driveways.
59. Development. Any human change to improve unimproved real estate, including but not limited to construction, installation or change of a building or other structure, establishment or termination of a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, filling, excavation, clearing, or storage of equipment or materials.
60. Development Site. A development site shall mean one of the following:
  - a. A lot of record existing on the effective date of this Code.
  - b. A tract of land either unsubdivided or consisting of two or more contiguous lots of record, located within a single block which, on the effective date on this code, was in a single ownership.

- c. A tract of land, located within a single block, which at the time of filing for a building permit (or if no building permit is required at the time of filing, for a certificate of occupancy), is designated by the owner or developer as a tract, all of which is to be used, developed or built upon as a unit under single ownership.
  - d. "Development site", therefore, may or may not coincide with a lot shown on the official tax maps of the County or any recorded subdivision plat or deed.
  - e. For the purpose of this definition, ownership of a "development site" is deemed to include a lease of not less than 50 years duration, with an option to renew such lease so as to provide a total lease of not less than 75 years duration.
61. Disabled Person Parking Space. A space designed to provide standing or parking area for a motor vehicle, owned by a person who has a condition of physical or mental disability that substantially limits one or more major life activities as specified in Section 504 of the Federal Rehabilitation Act of 1973 and state law, and whose vehicle displays a current state-issued disabled person license plate or disabled person parking permit.
62. Discretionary. Describes a permit action or decision that involves substantial judgment or discretion.
63. Drive-Through Use. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses.
64. Dwelling. A building or portion thereof that is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families but excluding hotels, motels and tourist courts.
65. Dwelling, Multiple (Multi-family). A residential use where three or more complete dwelling units are located on the same lot or parcel in one or more buildings.
66. Dwelling, Single-Family. A building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.
67. Dwelling, Two-Family (Duplex). A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family. Each unit of a duplex may be sold separately from the remaining unit.
68. Easement. A right of usage of real property granted by an owner to the public or to a specific person, firm, or corporation.
69. Elderly Housing. Housing for individuals 55 years old or older, or for married couples where at least one of the spouses is 55 years old or older, or for disabled persons. Elderly housing shall qualify as housing exempt from the prohibition against discrimination based

on familial status as set forth in the federal Fair Housing Act and the rules and regulations of the United States Department of Housing and Urban Development, as set forth in 24 C.F.R. Chapter 1, Part 100, Sections 302-304. The term “elderly housing” does not include a residential facility or residential home as defined in the Oregon Revised Statutes. Elderly housing may consist of any one or any combination of the following:

- A. **Retirement Housing.** Retirement housing is designed for independent living and each unit has a full kitchen and bath. A few services such as group trips or recreation or other services may be offered.
- B. **Congregate Housing.** Congregate housing is a specially planned, designed, and managed multi-unit rental housing with self-contained apartments. It is designed to provide supportive environments, but also to accommodate a relatively independent lifestyle. Typically, a limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities, are provided.
- C. **Assisted Living Housing.** Assisted living housing contains separate living units and is designed to support residential independence in a residential setting and to promote the concept of ‘aging in place.’ Assisted living housing offers a range of services, available on a 24-hour basis, for support of resident choice, dignity, privacy, individuality, independence and homelike surroundings.
- D. **Immediate Care Facility.** An immediate care facility is designed for persons who do not require round-the-clock nursing, but who do need “preventive care” with less than continuous licensed nursing care or observation. It provides 24-hour service with physicians and nurses in supervisory roles. Such facilities emphasize personal and social care.
- E. **Skilled Nursing Facility (Nursing Home).** A skilled nursing facility provides a full range of 24-hour direct medical care, nursing, and other health services. Nurses provide services prescribed by a resident’s physician. It is for persons who need health supervision but not hospitalization. The emphasis is on nursing care, but restorative physical, occupational, speech and respiratory services are also provided. Common eating and cooking facilities are provided.
- F. **Continuing Care Retirement Community.** A continuing care retirement community (“CCRC”) is a housing development that is planned, designed, and operated to provide a full range of accommodations and services, including independent living, congregate housing, and medical care. Residents may move from one level to another as their needs change. Such facilities may offer a guarantee of lifetime care, including health care, secured by contracts that require payment of an entrance fee, as well as regular monthly maintenance fees. Other CCRCs include a limited amount of health care as part of the standard fee or they may charge on a pay for service basis. CCRCs may offer rentals as well as ownership options.

70. Elevation. Refers to a building face, or scaled drawing of the same, from grade to roof ridge line.
71. Engineer. Any person, as defined by ORS 672.002(2), who is registered in this state and holds a valid certificate to practice his branch of engineering in this state as provided by ORS 672.002 to 672.325.
72. Existing Construction. Means, for the purposes of determining development standards or insurance rates, structures for which the "start of construction" commenced before the effective date of the Federal Insurance Rate Map.
73. Existing Manufactured Home Park or Sub-division. Any lot where more than one permanent manufactured home is located or proposed to be located for the primary purpose of being rented or leased for residential purposes, for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum the installation of utilities either final site grading or the pouring of concrete pads and the construction of streets) is completed before the effective date of the floodplain management regulations contained in Section 11 of the Creswell Development Code.
74. FAA. Federal Aviation Administration.
75. Facility, Business, Technical and Instructional. A private institution of learning providing education or training to persons in a branch of learning and study not required to be taught to persons enrolled in grades K-12. The instruction may include such areas as business, vocational, artistic and athletic training.
76. Family Day Care Facility. Day care that is provided for periods of less than 24 hours in the home of the provider to fewer than 12 children, including children of the provider, regardless of full-time or part-time status. See also ORS 657A for certification requirements.
77. Fence. An accessory structure, including landscape planting, 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.
78. Fence, Sight-Obscuring. A fence, consisting of wood, metal or masonry or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.
79. Festoon Light. A group of two (2) or more incandescent light bulbs hung or strung overhead, not on a building or structure that is exposed to persons on a public right-of-way, or that are not shaded or hooded to prevent the direct rays of the light from being visible from the property line.
80. Flag. A piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one edge to a staff or cord and used as the symbol of a nation, state or

- organization. May also be imprinted with an advertising message or design or be of bright colors to attract attention.
81. Flag Lot. A “panhandle” shaped lot or parcel with its widest area set back some distance from a road and having a thin strip of land connecting to a road to provide access. The thin strip shall not be included in the minimum lot size calculations unless it is of sufficient size to be buildable. The front yard of the flag lot shall be calculated from the point closest to the public street or way upon which development might occur.
82. Flood or Flooding. As designated by the National Flood Insurance Act of 1968, the general and temporary condition of partial or complete inundation of normally dry land areas from:
- a. The overflow of streams, rivers or other inland water.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e., mudflows) caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas.
  - d. Flooding also means the collapse or subsidence of land along a water body as a result of erosion or undermining exceeding anticipated levels or suddenly caused by an unusually high water level accompanied by a severe storm.
83. Flood Elevation Determination. A determination by the Federal Insurance Administrator of the water surface elevations of the base flood from the best available data source.
84. Flood Hazard Map. The official map of the community is the Flood Insurance Rate Map (FIRM) for Lane County and Incorporated Communities dated June 2, 1999. The FIRM delineates a Special Flood Hazard Area or floodplain where regulations apply.
85. Flood Plain. A physical geographic term describing any land area susceptible to being inundated by water from any source.
86. Flood Plain Management. Means the operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.
87. Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
88. Floodway, Regulatory. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

89. 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 of walls separating two buildings but not including:
- A. Attic space providing head room of less than seven feet.
  - B. Basement, if the floor above is less than six feet above grade.
  - C. Uncovered steps or fire escapes.
  - D. Private garages, carports or porches.
  - E. Accessory off-street parking or loading spaces.
90. Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.
91. Frontage. The length of a property line abutting a public or private street.
92. Functional Classification. The classification given to streets (e.g., “local/collector/arterial”) by the City’s Transportation System Plan, by adopted County plans and the Oregon Department of Transportation.
93. Garage, Private Parking. A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Code and are not open for use by the general public.
94. Garage, Public Parking. A publicly or privately owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients as required by this Code, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces.
95. Garage, Repair. A building used for the storage, parking care and repair of motor vehicles or such vehicles are kept for remuneration, hire or sale, provided the selling of motor fuel and oil for motor vehicles shall not be conducted.
96. Glare. Disturbing or disabling brightness projected by a luminaire into normal viewing angles from the street or residence.
97. Grade (Adjoining Ground Level) - Building. The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.



98. Grade - Sign. The lowest point of elevation of the finished surface of the ground directly below or at the sign location and any point five (5) feet distant from the sign location, or the lowest point of elevation of the finished surface of the ground between a point directly below or at the sign location and the property line, if the sign, or any projection thereof, is less than five (5) feet distant from the property line. In case the sign, or any projection thereof, is within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.
99. Gross Area. The total usable 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.
100. Guest House. A detached building, designed, constructed and used for the purpose of providing temporary lodging accommodations for guests or members of the same family as occupying the primary single-family dwelling structure, containing no kitchen facilities and not used to let or rent for compensation.
101. Height – Building. See “Building Height.”
102. Height – Sign. The vertical distance from the "Grade" to the highest point of a sign or any vertical projection thereof.
103. Highest Adjacent Grade. Highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
104. Highway Ready Recreational Vehicle. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.
105. Hobby Field. Creswell Municipal Airport. The airport is 535 feet above mean sea level.
106. Home Occupation. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and that does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part.
107. Horizontal Surface. A horizontal plane 150 feet above the airport runway, the perimeter of which is established by swinging arcs of 5,000 feet radii from the center of each end of the runway and connecting the arcs with tangent lines. This is 685 feet above mean sea level for the Hobby Field Airport. The Horizontal Surface does not include the Transitional or Approach Surfaces.
108. Hospital. Any building or institution devoted primarily to the rendering of healing, curing and nursing care and that maintains and operates facilities for the diagnoses, treatment and care of two or more non-related individuals suffering from illness, injury or deformity or

- where obstetrical or other healing, curing and nursing care is rendered over a period exceeding 24 hours.
109. Hotel (Motel, Motor Hotel). Any building or group of buildings used for transient residential purposes containing four or more guest rooms without housekeeping facilities and that are intended or designed to be used or that are used, rented or hired out to be occupied for sleeping purposes by guests.
  110. Impervious Surface. Development that does not allow for water infiltration (e.g. pavement, roofs, etc.).
  111. Land Use. The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, industrial, open space, recreation, street rights-of-way, vacant, etc.)
  112. Landscape and Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of existing trees. All parking area landscaping must include underground irrigation except parking lots with fewer than seven (7) parking spaces.
  113. Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, the Comprehensive Plan or development regulations.)
  114. Level of Service (LOS). LOS is a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow), describes operational conditions within a traffic stream and their perception by motorists/passengers. LOS is normally measured for the peak traffic hour, at intersections or street segments.
  115. Loading Space. An off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and that abuts upon a street, alley or other appropriate means of access.
  116. Local Improvement District (LID). A small public district formed for the purpose of carrying out local public improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.
  117. Lot. See Development Site.

118. Lot Area. The total area within the lot lines of a lot as measured on a horizontal plane.
119. Lot, Corner. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be consider a corner lot if straight lines down from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
120. Lot Coverage. That portion of a lot which, when viewed directly from above, would be covered by a building or any part of a building.
121. Lot, Through. A lot with street frontage along two opposite boundaries.
122. Lot Line:
  - A. Front. The lot line abutting a street; for corner lots, the front line shall be that with the narrowest street frontage and for double frontage lots, the lot front line shall be that lot line having frontage on a street that is so designated by the subdivider and approved by the Planning Commission.
  - B. Rear. A property line that is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot lien for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.
  - C. Side. Any property line that is not a front or rear lot line.
123. Lot Line Adjustment. The adjustment of a property line by the relocation of a common line where no additional lots are created. This may also be defined as consolidation of lots.

124. Lot Measurements

- A. Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- B. Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

125. 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 area, is not considered a building's lowest floor, providing that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

126. Manufactured Home. Any portable structure built on a permanent chassis designed for use with or without a permanent foundation, which is constructed and designed to permit, or used for the purposes of, human occupancy and that is being used for residential purposes. For flood plain management purposes the term "manufactured home" does not include a "recreational vehicle." For purposes of this Code, the definitions of terms relating to manufactured homes used and not defined in this Code are as defined in ORS Chapter 446 or Oregon Administrative Rules Chapter 918 in effect at the time of the adoption.

127. Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into four types, "A," "B," "C," and "D." These classes are segregated by the size and construction standards under which the home was manufactured. All manufactured homes placed within the City after the effective date of this Code must comply with the placement standards provided here and in related Sections of this Code.

- A. CLASS "A" A Class "A" manufactured home is one that meets the following standards:
- (1) It is multi-sectional and encloses a space of not less than 1,000 square feet (outside dimensions).
  - (2) It will be placed on a permanent foundation.
  - (3) Wheels, axles, and hitch mechanisms will be removed prior to occupancy.
  - (4) Utilities will be connected in accordance with state requirements and the manufacturer's specifications.
  - (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and, at the time of placement, meets applicable building codes.

Class "A" Placement. Class "A" manufactured homes are permitted on individual lots in all Residential Districts, provided they meet the approval criteria listed in Section 5.9.0-C. Class "A" homes are permitted outright in manufactured home parks. Class "A" homes can also serve as replacements to existing non-conforming manufactured homes.

B. CLASS "B" A Class "B" manufactured home is one that meets the following standards:

- (1) It does not meet the criteria for a Class A manufactured home and contains more than 750 square feet of occupied space (outside dimensions) in a single, double, expando, or multi-section unit (including those with add-a-room units);
- (2) It will be placed on a permanent foundation.
- (3) Wheels, axles, and hitch mechanisms will be removed.
- (4) Utilities will be connected in accordance with manufacturer's specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.

Class "B" Placement. Class B manufactured homes are permitted on individual lots if they meet the approval criteria for such lots. Class "B" homes are permitted outright in all manufactured home parks. In addition, they are permitted as replacements to existing non-conforming manufactured homes classified as Class B, C, or D.

C. CLASS "C" A Class "C" manufactured home is one that meets the following standards:

- (1) It does not meet the criteria for a Class B or Class A manufactured home and has more than 320 square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units).
- (2) It will be placed on a support system in accordance with approved installation standards.
- (3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards.
- (4) Utilities will be connected in accordance with a manufacturer's specifications and state requirements.
- (5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.

Class "C" Placement Class "C" manufactured homes are permitted in all manufactured home parks. These units are also allowed as replacements to existing non-conforming manufactured homes on an individual lot for units classified as Class C or D.

D. CLASS "D" A Class "D" manufactured home is any residential trailer or mobile home built prior to June 15, 1976, and under ORS Chapter 446, is not defined as a recreational vehicle. It meets the following standards:

- (1) It has more than 320 square feet of occupied space.
- (2) It will be placed on a support system in accordance with approved installation standards.

- (3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards.
- (4) Utilities will be connected in accordance with a manufacturer's specifications and Oregon Department of Commerce requirements.
- (5) The home, at the time of placement, meets applicable building codes.

Class "D" Placement. Class "D" manufactured homes are permitted only in manufactured home parks as replacements to exiting Class D units.

128. Manufactured Home on Individual Lot. A residential use containing a Manufactured Home that complies with all applicable design and placement standards, located on a lot created through defined legal process such as standard subdivision or partition, but not to include a lot or space in a Manufactured Home Park.
129. Manufactured Home Park. A parcel (or contiguous parcels) of land where four or more manufactured homes are located within 500 feet of one another on the same lot, tract or parcel or contiguous parcels under the same ownership, the purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid in connection with securing the trade or patronage of such person.
130. Manufactured Home Subdivision. A residential subdivision created in accordance with the City's Subdivision Ordinance and for the exclusive use and placement of manufactured homes complying with all City standards and provisions. Manufactured Home Subdivisions may include Planned Unit Developments that may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities.
131. Mean Sea Level. For purposes of the National Flood Insurance Program the National Geodetic Vertical Datum of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps are referenced.
132. Mini-Storage Facilities. Structures containing separate storage spaces of varying sizes rented on an individual basis. The spaces shall only be used for dead storage of customer's goods and materials.
133. Mobile Home. See "Manufactured Home."
134. Moderate Noise Zone. An area in which human activity can occur with some expected interference from aircraft noise due to the level or frequency of interruption. Most uses are permitted, although noise sensitive facilities may require sound insulation.
135. Natural Hazard. Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas may include steep slopes, unstable soils, landslides, and flood areas.

136. Nonconforming Structure or Use. A structure or use lawfully existing at the time this ordinance became applicable to the development by being in compliance with the standards applicable to it at the time it came into existence but that would not be lawful except for its pre-existence.
137. Notice Bulletin Board. A sign of a permanent nature, but that accommodates changeable copy, indicating the names of persons associated with, events conducted upon, or products or services offered upon, the premises upon which the sign is located.
138. Nursing, Rest or Convalescent Home. An establishment providing living and care facilities for the elderly or invalids in a group situation.
139. OAR. Oregon Administrative Rules.
140. Obstruction Zone. An area in which tall structures or objects such as transmission towers or smokestacks may create a hazard to aircraft.
141. Off-Premise Advertisement. A sign that contains a message unrelated to a business or profession conducted upon the premises where such sign is located.
142. Off-Street Parking. All off-street parking areas designed, used, required or intended to be used for the parking of motor vehicles.
143. On-Street Parking. Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way.
144. Open Space (Common/Private/Active/Passive). Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation, or other open space uses.
145. ORS. Oregon Revised Statutes.
146. Owner. The owner of record of real property as shown in the County deed records, or the registered agent of such owner.
147. Parcel. A parcel is a unit of land that is created by a partitioning of land. (ORS 92.010(6))
148. Parking Area, Private. Private or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required and not open for use by the general public.
149. Parking Area, Public. Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the

- general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this code for retail customers, patrons and clients.
150. Parking Lot Perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.
151. Parking Space. A clearly defined, off-street area for the temporary parking or storage of one automobile in dimensions as set forth by this Ordinance, with surfacing as required by this Ordinance, together with maneuvering and access space and facilities as required by the Ordinance.
152. Parking vs. Storage. Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.
153. 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. See ORS 92.010(8).
154. Pedestrian Amenities. Pedestrian areas and objects that serve as places for socializing and enjoyment of the City's downtown. Examples include benches or public art.
155. Pennant. A tapering flag.
156. Person. An individual, firm partnership, corporation, company, association, syndicate or any legal entity, whether he, she or it is acting for himself, herself or itself or as the servant, employee, agent or representative of another.
157. Planning Commission. The Planning Commission of the City of Creswell, Oregon.
158. Plat. A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Lane County Assessor's Office.
159. Plaza. A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.
160. Preexisting Towers and Preexisting Antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
161. Proper Solar Orientation. The orientation of a building to the sun's path across the sky such that the long axis of the building is oriented to within 45 degrees of the true east/west axis.



162. Protected Area of an Undeveloped Lot. The area of a buildable lot which is left unshaded by a 6-1/2 foot hypothetical wall located along the southern property line.
163. Public Improvements. Development of public facilities.
164. Public Use. A structure or use intended or used for a public purpose by a city, school district, county, state or by any other public agency or by a public utility. See also Semi-public use.
165. Quasi-Judicial. Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. See Section 3.2.3.
166. Recreational Vehicle. A self-propelled vehicle or structure equipped with wheels for highway or off-road use that is intended for human occupancy, is not being used for residential purposes and is being used for vacation, travel or recreation purposes. This definition includes but is not limited to; camping trailers, motor homes, park trailers, truck campers, snowmobiles, dune buggies, trail bikes, race cars and other forms of on- and off-road self-propelled recreational vehicles. For National Flood Insurance Program purposes, a recreational vehicle is:
- Built on a single chassis;
  - 400 square feet or less when measured at the largest horizontal projection;
  - Designed to be self propelled or permanently towable by a light duty truck; and
  - Designed primarily not for use as a permanent dwelling.
167. Recreational Vehicle Park - A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as a temporary living quarters for vacation occupancy or other similar temporary stays.
168. Regulatory 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 a designated height.
169. Residence. Same as “dwelling.”
170. Residential Home and Residential Facility.
- A. Residential Home. A residential care, residential training or residential treatment facility licensed or registered by or under the authority of the Department of Land Conservation and Development, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and Families under ORS 418.205 to 418.327 that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet licensing

requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

- B. Residential Facility. A residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.
171. Right-of-Way. Land that is owned in fee simple by the public, usually for transportation facilities.
172. Roof Line or Ridge Line. Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
173. Roof Pitch. The slope of a roof, usually described as a ratio (e.g., 1' of rise per 2' of horizontal distance).
174. School. An institution of learning (public or private) that offers instruction in the several branches of learning and study required to be taught in public schools to persons enrolled in grades K-12, or which is operated by a public entity for the purpose of providing education or training to persons over the age of 18. Does not include business, technical and instructional facilities.
175. Semi-Public Building or Use. A building or use owned or operated by a religious, charitable or other non-profit organization; or any social agency such as a church, auditorium, meeting hall, hospital, club, nursing or care home, stadium, art gallery, museum, or cemetery.
176. Sensitive Lands. Wetlands, significant trees, steep slopes, flood plains, and other natural resource areas designated for protection or conservation by the Comprehensive Plan.
177. Service Station. A place or station selling petroleum products, motor fuel and oil for motor vehicles, servicing batteries, furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing and at which accessory sales or incidental services are conducted.
178. Setback. The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required

dedication, future street widening or a special or reservation line (easement) if it is required pursuant to this Ordinance.

179. Shade. A southern wall or rooftop is deemed shaded if structures block the direct solar radiation that would otherwise reach its surface during the protected period. Such insubstantial shadows as those caused by utility poles, wires, flagpoles and slender antennas are not deemed to shade for the purposes of this ordinance.
180. Sidewalk. A linear paved space designed and designated for movement of pedestrians and meeting the requirements of the federal Americans with Disabilities Act.
181. Sign. Anything of visual appearance primarily used for or having the effect of, attracting attention from the streets, sidewalks or other outside public area for advertising purposes including billboards, bus benches, telephone booths, trash receptacles stored out-of-doors, and all other forms of outdoor advertising. A sign shall not mean displays of merchandise of products for sale on the premises or ornamentation design, statuary, architecture, or landscaping, unless, in the case of any exceptions listed in this section, the attraction, because of location, size, use or the nature thereof, has the substantial effect of attracting attention for advertising purposes when viewed from an outside public area. Sign includes, but is not limited to:
- A. Changing Sign (Automatic). An electronically or electrically controlled time, temperature and date sign, message center or reader board where different copy changes are shown on the same location.
  - B. Freestanding Sign. A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure erected primarily for the display and support of the sign.
  - C. Identification Sign. A sign that is limited to the name, address and number of a building, institution or person and to the activity carried on in the building, or institution, or the occupancy. Logos of regional and national significance are also permitted.
  - D. Indirectly Lighted or Shadow Sign. An illuminated sign constructed so that the immediate source of the illumination is not visible when the sign is lighted.
  - E. Non-conforming Sign. Any advertising structure or sign that was lawfully erected and maintained prior to such time as it came within the purview of this Ordinance, and which fails to conform to all the applicable regulations and restrictions of this Ordinance.
  - F. Political Sign. Any sign advocating for the election of a candidate or the passage or defeat of a ballot measure. Political signs shall be considered temporary in nature.

- G. Portable Sign. Any sign not designated to be permanently affixed to a building, structure, or the ground; a sign designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles.
- H. Principal Sign. Principal or main signs are those signs that by message, symbol or other eye-attracting devices, convey to the viewer the basic use of or enterprise conducted on the property.
- I. Projecting Sign. Any sign, other than a wall sign, which is suspended from or supported by a building or wall, and which projects.
- J. Roof Sign. Any sign erected, maintained and displayed above the eaves and under the roof line of a building or structure.
- K. Subdivision Sign. Signs advertising land subdivisions involving more than three continuous lots.
- L. Temporary Sign. A sign that is not permanently affixed.
- M. Wall Sign. Any sign attached to, erected against or painted on a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of said wall and not projecting more than 12 inches. Ornamental murals that do not include any advertisements are not considered Wall Signs by definition but must still comply with 20.1.0 Purpose and 20.3.0 Prohibited Signs, Subsections A and N, of the Creswell Code.
163. Site. A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.
164. Solar Access. An unobstructed exposure to available solar radiation during daytime hours for the purpose of allowing solar radiation to be used to meet a portion of a building's energy requirements.
165. Start of Construction. Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, 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 state of excavation; or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include the installation of streets and/or walkways; 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.

166. Standards and Criteria. Standards are code requirements. Criteria are the elements required to comply with a particular standard.
167. Steep Slopes. Slopes of greater than 25 percent.
168. Street. The entire width between the boundary lines of every way that provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "lane," "avenue," "alley" or similar designations.
169. Street Stub. A temporary street ending (i.e., where the street will be extended through adjacent property in the future, as those properties develop). Not a permanent street end or dead-end street.
170. Stormwater Facility. A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.
171. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or for the topmost story the ceiling above.
172. Structure. See "Building."
173. Subdivision. Land divided into four or more lots within a single calendar year. (ORS 92.010(13))
174. 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.
175. Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. 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 any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications or any alteration of a structure listed on the national register of historic places or a state inventory of historic places.
176. Substantial Noise Zone. An area in which human activity can be performed but only with difficulty in the aircraft noise environment due to level or frequency of interruption.
177. Swale. A type of stormwater facility. Usually a broader, shallow depression with plants that filter and process contaminants.

178. **Tax Lot.** A lot, parcel, lots or parcels under the same ownership as mapped and referenced by the Lane County Assessor's office for purposes of real property taxation. Not necessarily the same boundaries and legal description as a legal lot or lot of record.
179. **Topographic Constraint.** Where existing slopes prevent conformance with a Code standard.
180. **Tract: Public/Private.** A piece of land set aside in a separate area for dedication to the public, a homeowners association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.)
181. **Transitional Surfaces.** These surfaces extend outward at 90 degree angles from the sides of the runway and Approach Surface at a slope of one horizontal to seven vertical to their intersection with the Horizontal Surface. This surface extends to a height of 150 feet above Hobby Field, or 685 feet above mean sea level.
182. **Transom Window.** A small window placed above a door or window.
183. **Transportation Facilities.** The physical improvements used to move people and goods from one place to another; (i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations, and bus stops, etc.).
184. **Urban Growth Boundary.** That Urban Growth Boundary contained in the City of Creswell Comprehensive Plan, which defines those lands necessary to accommodate the urban growth land needs of that City, as provided for under LCDC Goal No. 14.
182. **Use.** The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.
183. **Variance.** A modification of the requirements as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setback, parking spaces, height of buildings or other zoning provision affecting the size or shape of a structure or the placement of the structure upon lots. A variance is not considered a right or special privilege but may be granted to an applicant upon a showing of undue hardship. Hardships shall not be self-imposed but shall result from special site characteristics relating to size, location, configuration or dimensions of the site.
184. **Vehicle.** Any means of transporting some one or something from one place to another, as on wheels, tracks or runners.
185. **Vision Clearance Area.** A triangular area at the street corner of a corner lot or a driveway- or alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street lines or alley lines, a specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from three feet in height above the curb level to 8 feet above the curb level. The distance from the

corner shall be determined by the width of the street or alley adjacent to the side of the triangular area. See Section 14.2.12.

186. Wetland. Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plants and animal communities. Wetlands generally include swamps, marshes, bogs, and similar areas. They are defined more specifically by the Federal Clean Water Act (Section 404) and OAR 141-85-010. For more information, contact the Oregon Division of State Lands.
187. Wireless Communication Equipment. Cellular telephone towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.
188. Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- A. Yard, Front. An area lying between side lot lines, the depth of which is a specified horizontal distance between the front property line and a line parallel thereto on the lot.
- B. Yard, Rear. An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.
- C. Yard, Side. An area adjacent to any side lot line, the depth of which is a specified horizontal distance measured at right angles to the side lot lines and being parallel with said lot line.
- D. Yard, Street Side Yard. An area adjacent to any side lot line and street where vehicular access to the street abutting the side yard is available. If no access is available due to a permanently placed wall, the side yard need not be considered a street side yard. The permanently placed wall must traverse more than one lot, consist of masonry or similar quality material and meet all applicable sections of this Code. All walls shall be maintained in good condition or otherwise replaced by the owner or association responsible for maintenance.
189. Zoning Districts. The zoning districts established under the City's Zoning Ordinance as now or hereafter constituted.