City of Echo Zoning Administrative Regulations

Amended 8-19-2010

City ordinance 350-07 & 358-10

Amended 3-21-2013

Amended Ordinance # 361-12 Parking

City Ordinance 364-13 Zoning Map

Amended 2-20-2014

City Ordinance # 367-14

City Ordinance 372-15 Marijuana Facilities Nov. 2015

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ZONING ADMINISTRATION

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9-1-1 *ZONING TITLE PROVISIONS:*

A. Title: This Title together with the zoning map, which map is hereby adopted by reference and on file in the office of the City Recorder, shall be known as the Zoning Ordinance of the City of Echo, Oregon.

B. Purposes: This Title is enacted for the purpose of promoting the public health, safety and welfare; to encourage the most appropriate use of the property within the City; to stabilize and protect the value of property; to provide adequate light and air; to prevent overcrowding; to lessen traffic congestion; to facilitate adequate and economical provisions for public improvements, all to implement the Comprehensive Plan of the City; to provide a method of administration and to provide penalties for violations of the provisions herein. (Ord. 231-78, 10-18-78)

C. Scope: From this day forward, all structural development, use of structures, use of land and alteration of the land shall conform with the provisions of this Title and the Echo Comprehensive Plan. (Ord. 255-84,5-8-84)

D. Interpretation: Where a provision of this Title is less restrictive than a provision of another title or requirement of the City, the provision which is more restrictive shall govern.

E. Severability: The provisions of this Title are severable. If a paragraph, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Title.

9-1-2 *PETITIONS AND APPLICATIONS FORM:*

Petitions and applications provided for in this Title shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing actual shape and dimensions of the lot to be built upon; the size and locations of existing and proposed structures; the intended use of such structures; the number of families, if any, to be accommodated thereon; the relationship of the lot to the surrounding property; the legal description of the lot; the location of any off-street parking; the names and addresses of owners of property within two hundred fifty feet (250') of the exterior boundaries of the lot; and such other information as is needed to determine conformance with this Title. Applications shall be accompanied by a filing fee in an amount established by the City Council.

9-1-3 *PUBLIC HEARING NOTICE:*

A. Published and Posted Public Notice: Notice of public hearing on an application, petition or an amendment to this Title shall be published in a newspaper of general circulation in the City at least

ten (10) days prior to the date of the hearing. In the alternative, if there is no newspaper of general circulation, each notice of hearing authorized by this Title shall be posted in at least two (2) conspicuous places within the City continuously beginning at least ten (10) days prior to the date of the hearing. (Ord. 231-78, 10-18-78)

B. Personal Written Notice: In addition, a notice of a hearing on a conditional use, a variance or an amendment to the Zoning map which would change boundaries, classification or uses shall be sent to owners of property within two hundred fifty feet (250') of the property for which the conditional use, variance or amendment has been requested. Such notice shall be mailed at least ten (10) days prior to the date of the hearing. In accordance with Oregon Revised Statutes 227.178 (Oregon Laws 1987, chapter 729, section 18), if an application would change the zone of property which includes all or part of a mobile park as defined in Oregon Revised Statutes 446.003 (Oregon Laws 1989, chapter 414, section 21), written notice shall be mailed to each existing mailing address for tenants of the mobile home park at least twenty (20) days, but not more than forty (40) days before the date of the first hearing on the application. (Ord. 274-89, 5-19-89)

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

D. Purpose of Public Hearing: The hearing shall allow interested persons the opportunity to be heard and to present and rebut evidence.

E. Recess of Hearing: The City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing the time and date when the hearing is to be resumed shall be announced.

F. Notice to Applicant of Action: Within ten (10) days following the close of a hearing the City Recorder shall provide the applicant with a written notice of the City Council's action on the application, the findings of fact on which the action is based, and any conditions imposed, signed by the Mayor and the City Recorder. (Ord. 231-78, 10-18-78)

9-1-4 *DEVELOPMENT AND BUILDING PERMITS:*

A. Permits Required:

1. Development Permits: A development permit shall be obtained from the City pursuant to subsection E of this Section prior to the following: Construction of a new structure, Reconstruction, alteration or addition to a structure, Development of a deck or paved area, including patios, driveways, and parking lots and sidewalks, Installation, replacement, or addition to a mobile home, Change of use of a structure, Including changes of business occupancy. Change of use of a parcel. Alteration of or within, a watercourse or drainage ditch, Land filling within the floodplain, Construction of fences, significant grading, or excavation, demolition of a structure. Planting of trees or shrubs in the floodway

2. Building Permits: As required by State law, any necessary building, mobile home siting, mechanical, electrical, and plumbing permits shall be obtained from the Building Codes Division of the Oregon Department of Commerce or other applicable building inspection agency, prior to the following: Construction of a new structure. Reconstruction, alteration or addition to a structure. Installation or alteration of wiring, plumbing, heating or water or sewer connections. Installation or alteration of a wood stove. Construction of a fence over six feet (6') high. Demolition of a structure. Any other structural development not otherwise listed.

B. Comply With All Regulations: All structural development shall be accomplished in compliance with the Oregon Uniform Building Code, this Title, and other applicable City ordinances.

C. Development Permit Prerequisite to Building or Mobile Home Siting Permits: A City development permit constitutes required City approval of proposed structural development and must be obtained prior to applying for a building permit or mobile home siting permit.

D. Issuance of Building and Mobile Home Siting Permits: Building and mobile home siting permits will be issued by Oregon Department of Commerce or other authorized agency only upon receipt of an approved City development permit.

E. Development Permit Provisions: Development permits, per subsection A of this Section, constitute City approval of a development request, and are necessary prior to commencement of a development.

1. Application Form: Requests for a development permit shall be made on forms provided by the City and shall include a site plan illustrating the following:

   a) Dimensions of the lot access.

   b) Size and location of existing and proposed structures.

   c) Location and access to any off-street parking

   d) Intended use of each structure.

   e) Proposed general landscaping and any other improvements.

2. Approval Process; Outright Permitted Uses and Structures, Including Accessory Uses and Structures: The City Administrator/Recorder and City Zoning Administrator are both authorized to approve development permits for such uses "over-the-counter" at the time the request is made. A development request may be referred to the City Council for review and decision-making.

3. Approval Process; Conditional Uses, Variances, Temporary Uses, and Permitted and Accessory Uses Subject to Public Development Review: The City Administrator Recorder or City Zoning Administrator may approve development permits for such uses only following their approval by the City Council. (Ord. 255-84, 5-8-84)

9-1-5 *FINAL ACTION:*

A. In accordance with Oregon Revised Statutes 227.178 (Oregon Laws 1983, chapter 827, section 27), except as provided in subsection C of this Section, the City shall take final action upon an application for a permit or zone change, including all appeals to the Council as provided by this Chapter, within one hundred twenty (120) days after the application is deemed complete.

B. In accordance with Oregon Revised Statutes 227.178 (Oregon Laws 1983, chapter 827, section 27), if an application for a permit or a zone change is incomplete, the City Zoning Officer, or committee appointed by the Council, shall notify the applicant exactly what information is missing within thirty (30) days of the receipt of the application and shall allow the applicant a reasonable opportunity to submit the missing information.

C. In accordance with Oregon Revised Statutes 227.178 (Oregon Laws 1983, chapter 827, section 27), the one hundred twenty (120) day period specified in subsection A hereof may be extended for a reasonable period at the request of the applicant. Subsection A shall not apply to decisions not wholly within the authority and control of the Council, nor to an amendment to the Comprehensive Plan or a land use regulation which has been acknowledged, or to the adoption of a new land use regulation that was forwarded to the Director of the Department of the Land Conservation and

Development under Oregon Revised Statutes 197.610 (1) (Oregon Laws 1983, chapter 827, section 45).

9-1-6 *AMENDMENTS:*

A. Authorization to Initiate Amendments: An amendment to the text of this Title or to a zone boundary may be initiated by the City Council, an affected governmental unit, or by application of a property owner or resident of the City or urban growth area. The request for an amendment shall be accomplished by filing an application with the City Recorder.

B. Public Hearings on the Proposed Amendment: The City Council shall hold a public hearing as provided in Section 9-1-3 of this Chapter on the proposed amendment before making a decision. Findings of fact upon which the decision was made shall be made a part of the record.

C. Record of Amendments: The City shall maintain a record of amendments to the text and map of this Title in a form convenient for use by the public.

D. Limitation on Reapplication: No application for an amendment to the text of this Title or to a zone boundary shall be considered within a one year period immediately following a previous denial of such request, except the City Council may permit a new application if, in the opinion of the City Council, new evidence or a change of circumstances warrants it.

9-1-7 *CONDITIONS FOR GRANTING AMENDMENTS:*

All development proposals plan amendments or zone changes shall conform with the adopted Transportation System Plan. In addition, the applicant must show that the proposed change conforms to the Comprehensive Plan.

A. Amendments to the comprehensive plan and land use regulations, which significantly affect a transportation facility, shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

    1. Limiting allowed land uses to be consistent with the planned function of the transportation facility

    2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

    3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

B. A plan or land use regulation amendment significantly affects a transportation facility if it:

    1. Changes the functional classification of an existing or planned transportation facility;

    2. Changes standards implementing a functional classification system;

    3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

9-1-8 *PENALTIES:*

A person violating a provision of this Title shall upon conviction, be punished by a fine of not more than two hundred fifty dollars ($250.00). A violation of this Title shall be considered a separate offense for each day that the violation continues. In the alternative, where a use exists or is proposed to be located,

constructed, repaired, altered, or used in violation of this Title, the City may institute injunction, abatement or other appropriate proceedings to prevent, abate or remove such use. (Ord. 274-89, 5-19-89)

CHAPTER 2

DEFINITIONS

SECTION:
9-2-1: Interpretation
9-2-2: Definitions

9-2-1 *INTERPRETATION:*

Words used in the present tense include the future, the singular form includes the plural, the plural includes the singular.

9-2-2 *DEFINITIONS:*

Access — The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Access Connection — Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

Access Classification — A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

Access Management — The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

Accessway — A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross-driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

Accessory Use or Structure — A use or structure incidental and subordinate to the main use of the property, located on the same lot with the main use. Example - home occupation. (Ord. 231-78, 10-18-78)

Addition — A structure added to the original structure at some time after completion of the original. (Ord. 255-84, 5-8-84)

Alley — A street through a block primarily for vehicular access to the back or side of property otherwise abutting on another street. (Ord. 231-78, 10-18-78)

Alterations To Watercourses — Any physical change in the course, configuration, channel, or banks of a flowing or intermittent river, stream, draw, gully, or wash, including, but not limited to, rip-rapping, brushing out, filling, excavating, aggregate mining, damming, bridging, construction of retaining walls or structures, fencing, diking, levying, and tree-planting.

Area of Shallow Flooding A designated AO, or AH Zone 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.

Area of Special Flood Hazard The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, as identified by the Federal Insurance Administration for major rivers or streams. (Ord. 244B-81, 2-18-81)

Base Flood See Flood, 100-Year (Ord. 256-84, 5-8-84).

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

Below-grade crawl space An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Bed and breakfast Inn Accommodations plus breakfast on a daily or weekly basis in an operator or owner occupied home that is primarily used for residential purposes. This use operates as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This shall be considered a Home Occupancy business in residential zones.

Building Any structure having a roof supported by columns, posts, or walls and intended for the shelter, housing or enclosure of any persons, animals, process, equipment, or business activity, goods or materials of any kind or nature. (Ord. 231-78, 10-18-78; amd. Ord. 255-84, 5-8-84)

Bicycle A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

Bicycle Facilities A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

A. Multi-use Path. A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

B. Bike Lane. A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

C. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

D. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.

E. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Carport A building (roofed structure) providing primarily for the parking or storage of motor vehicles, either being without walls and/or enclosed on not more than three (3) sides by walls, structural screens, or doors. (Ord. 255-84, 5-8-84)

City The City of Echo, Oregon.

City Council	The City Council of the City of Echo, Oregon.
Comprehensive Plan	The comprehensive plan of the City of Echo, Oregon. (Ord. 231-78, 10-18-78)
Corner Clearance	The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
Cross Access	A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
Deck	An accessory wooden or metal structure forming a platform raised partially or entirely above ground level, commonly intended for outdoor living activities adjoining or near a dwelling. If roofed, it must be open on at least one side; otherwise it would be classified as a porch, i.e. a building addition.
Development	The construction, reconstruction, conversion, structural alteration, relocation, enlargement or change of use of any structure; any mining, excavation, grading, dredging, landfill, land disturbance, or waterway alteration; any use, extension of use, or man-made change to improved or unimproved real estate. Within the area of special flood hazard area, the storage of equipment or materials is considered development
Driveway	A private roadway providing access for vehicles to a parking space, garage, carport, yard area, dwelling, or other structure; classified as a "structure" and therefore also as a "development". (Ord. 255-84, 5-8-84)
Dwelling Unit	One or more rooms designated for occupancy by one family, containing complete housekeeping facilities. For the purposes of this Title, dwelling unit does not include mobile homes or recreational vehicles.
Dwelling, Single-Family	A detached building containing one dwelling unit
Dwelling, Two-Family	A detached building containing two (2) dwelling units.
Dwelling, Multi-Family	A building containing three (3) or more dwelling units.
Easement	A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.
Family	An individual or two (2) or more persons related by marriage, blood, legal adoption Or guardianship, and not more than two (2) unrelated persons living together in one dwelling unit; or not more than five (5) unrelated persons living together in one dwelling unit.
Farming, Farm Use	The use of land for raising and harvesting crops, or for the feeding, breeding and management of livestock or for dairying, or for any other agricultural or horticultural use or any combination thereof, including disposal Of Such products by marketing or otherwise. Farming also includes the use arid construction of buildings customarily used in the above activities. (Ord. 231-78, 10, 18-78)
Fence	A structure, and therefore a "development", constructed of any material or combination of materials constituting a barrier erected to enclose or screen areas of land, e.g. yards, patios, parking lots, or fields. (Ord. 255-84, 5-8-84) See 9-3-2.
Flag Lots	See Lots, Flag
Flood Elevation, 100-Year	The water surface elevation of a 100-year flood. (Ord. 256-84, 5-8-84)

Flood Hazard Area, Tentative An area along a minor watercourse, including intermittent streams or gullies, that would likely be flooded or within which development might serve to worsen flooding of the watercourse. These areas are not scientifically defined and have not been included within flood hazard boundary maps because the floodplains are less than two hundred feet (200') wide Because of their hazard potential, they have been tentatively identified by the City, and should be addressed in the Flood Insurance Study. (Ord.244B-81, 2-18-81)

Flood Insurance Rate Map The official map on which the Federal Insurance Administration has delineated the areas of special flood hazards and risk premium zones applicable to the community.

Flood Insurance Study The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the 100-year flood.

Flood, 100-Year Also referred to as the "base flood", this is the flood having a one percent (1%) chance of being equaled or exceeded in any given year; in other words, the largest flood expected during an average 100-year period. Designations on maps always include the letter A. (Ord. 267-87, 3-18-87)

Flood or Flooding A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff or surface waters from any source. (Ord. 244B-81, 2-18-81)

Floodplain, 100-year That area which would be flooded by a 100-year flood same as an "area of special flood hazard" as idenfied by the “Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010 except that a 100-year floodplain can exist along minor streams as well, not just those major flood areas identified by the Federal Insurance Administration. (Ord. 256-84, 5-8-84)

Floodplain, 500-year The area that has a 0.2% chance of flooding in any given year as idenfied by the “Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010.

Floodway The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot(1’).

Floodway Fringe The area between the edge of the floodway and the outer perimeter of the 100-year floodplain. (Ord.244B-81, 2-18-81)

Floor Area The total area of all floors of a wilding as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached porches, and balconies, excluding open court yards and vent shafts.

Frontage Road A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.

Functional Area That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

Functional Classification A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Garage, Private Residential A building enclosed on all four (4) sides by walls, structural screens, and doors, which is used for the parking and storage of vehicles as an accessory structure to a dwelling or groups of dwellings, either attached to the dwelling or constituting a separate building. (Ord. 255-84, 5-8-84)

Grade The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet (5') of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation. (Ord. 231-78, 10-18-78)

Greenhouse, Private Residential A separate accessory building or addition onto a dwelling or other accessory structure, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of non-hardy, out-of-season, or seedling plants, for the personal use, enjoyment, and occupation of the occupants of a dwelling. (Ord. 255-84, 5-8-84)

Habitable Floor Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor". (Ord. 244B-811, 2-18-81)

Height of Building The vertical distance from the grade to the highest point of the coping of a flat roof, to the desk line on a mansard roof, to the mean point between the eaves and highest gable of a pitched or hipped roof.

Home Occupation Accessory use of a dwelling, employing only the inhabitants of the dwelling, wherein the residential character of the dwelling is maintained. The occupation must be lawful and must be conducted in such manner that storage or display of merchandise, equipment, or machinery is not visible from off the property on which the occupation is located, and the occupation may not infringe upon the right of neighboring residents to enjoy the peaceful occupation of their dwelling.

Joint Access/Shared Access A driveway connecting two or more contiguous sites to the public street system.

Lot A unit of land that is created by a subdivision of land. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, and complies with the dimensional requirements of this code

Lot Area The total area within the boundary lines of the lot.

Lot, Corner A lot abutting on two (2) or more intersecting streets, other than alleys, where the angle of intersection of the streets does not exceed one hundred thirty five degrees (135).

Lot, Flag A lot not meeting minimum frontage requirements and where access to the public , road is by a narrow, private right-of-way line.

Lot, Reverse Frontage See Lot, Through

Lot, Through A lot having frontage on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

Lot depth The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Line The boundary line of a lot.

Lot Line, Front — The line separating the lot from the street other than an alley or the nearest line to the public street. In the case of a corner lot, the shortest lot line along a street other than an alley.

Lot Line, Reat — The boundary line opposite and most distant from a front lot line. In the case of an irregular, triangular, or other nonrectangular lot, a line ten feet (10') in length within the lot parallel to and at a maximum distance from the front lot line.

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

Lot Width — The mean horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (Ord. 321-78, 10-18-78)

Lot Depth — The average distance measured from the front lot line to the rear lot line.

Lot Frontage — That portion of a lot extending along a street right-of-way line.

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 provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood hazard regulations of this Chapter.

Manufactured Home — A structure designed or used for residential occupancy dependent upon external utility connections and built upon a frame or chassis, transportable in one or more sections, to which wheels may be attached by which it may be moved upon a highway, irrespective of whether or not such structure has, at any given time, such wheels attached, or is supported upon posts, footings or a foundation. For flood plain management purposes a "manufactured home" also includes parked trailers, travel trailers, and other similar vehicles placed on the site for greater than one hundred eighty (1180) consecutive days. For insurance purposes, the term "manufactured home" does not include parked trailers, travel trailers and other similar vehicles

Manufactured Home Park — A place where four (4) or more manufactured homes are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership, the primary 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 for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Medical Marijuana Facility (MMF): A facility registered with the Oregon Health Authority pursuant to ORS 475.314.

Medical Marijuana Grow Site (MMG): A location registered with the Oregon Health Authority pursuant to ORS 475.304 where marijuana is produced for use by a registry identification cardholder.

Mobile Home — See Manufactured Home. (Ord. 267-87, 3-18-87)

Modular Home — A sectional or factory-built house built to meet the housing standards of the Oregon Department of Commerce, designated to be affixed to real property on a permanent foundation.

Neighborhood Activity Center — An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, and employment areas.

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

Nonconforming Access Features — Features of the property access that existed prior to the date of ordinance adopting and do not conform to the requirements of this ordinance.

Owner — The owner of record of real property as shown in the records of the County Assessor, or the registered agent of such owner.

Parcel — A division of land comprised of one or more lots in contiguous ownership.

Parking Space — An area adequately sized, having access to a public street, used or intended to be used for the parking of a vehicle. (Ord. 231-78, 10-18-78)

Patio — An accessory structure, and therefore a "development", consisting of a surfaced area adjoining or near the principal structure, intended for use as an outdoor living area. If roofed, it must be open on at least one side, otherwise it would be classified as a porch, i.e. a building addition.

Pedestrian Facilities — A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails

Plat — An exact and detailed map of the subdivision of land

Porch — A roofed open area, which may be glassed or screened, attached to, with direct access to, and considered an addition to a building. If the porch is enclosed and is heated or air-conditioned or if the windows comprise less than fifty percent (50%) of the wall surface, the porch becomes a "room" in the building. (Ord. 255-84, 5-8-84)

Private Road — Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public Road — A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

Public Use — Building or use such as a city hall, fire station, city shop, school, community center, park, cemetery and similar uses. (Ord. 231-78, 10-18-78; amd. Ord. 237-79)

Reasonable Access — The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the city.

Reasonable Direct — A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

Recreational Vehicle — is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicles may only be sited in a Recreational Vehicle Park

Recreational Vehicle Park — A lot, which is operated on a fee or other basis as a place for the parking of occupied recreation vehicles.

Right-of-way — Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

Safe & Convenient — Bicycle and pedestrian routes that are:

A. Reasonably free from hazards, and

B. Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.

Semi-Public Use — Building or use such as a church, hospital, sanitarium, rest home, nursing or convalescent home, utility structure and similar uses. (Ord. 231-78, 10-18-78)

Setback — The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure as defined herein. Note: Where a public access easement abuts the street in lieu of right-of-way, the interior easement line shall become an assumed property boundary for the purposes of setbacks

Shed, Storage — A building, open or enclosed, designed for the storage of goods, equipment or animals but not for human habitation.

Sidewalk — A paved, surfaced or leveled area, the primary purpose of which is to provide pedestrian access between buildings, and between buildings and streets, patios, decks, yards, parking lots, other sidewalks, or other structures classified as a "development". (Ord. 255-84, 5-8-84)

Sight Obscuring Fence — A solid fence or a slat fence at least six feet (6') in height that completely obscures vision.

Sight Obscuring Planting — A dense perennial evergreen planting with sufficient foliage to obscure vision and which will reach an average height of at least six feet (6') within thirty (30) months after planting.

Sign — Identification, description or device which directs attention to a product, place, activity, person, institution, or business, and which is affixed to or represented upon a building, structure, or land. Each display surface of a sign structure shall be considered a separate sign. (Ord. 231-78, 10-18-78)

Significant Change in Trip Generation — A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: local-10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State-exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

Start of Construction — Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within one hundred eighty (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 footing, the installation of pipes, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement,

footing, 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 the main structure. (Ord. 267-87, 3-18-87)

Street — A public right of way for the use of pedestrian or vehicular traffic. (Ord. 231-78, 10-18-78)

Structure — A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water. NOTE: By this definition, all buildings are structures, but not all structures are buildings. Structures include the following: swimming pools, paved areas, decks, tennis courts, retaining walls, fences, levels, etc. (Ord. 255-84, 5-8-84) For the purposes of Section 9-3-5 Flood Hazard Overlay Zone, structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Stub Out/Stub Street — A portion of a street or cross access drive used as an extension to abutting property that may be developed in the future.

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

Substantial Improvement — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

A. Before the improvement or repair is started, or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 256-84, 5-8-84)

Urban Growth Area — That land between the incorporated limits of the City and the Urban Growth Boundary.

Urban Growth Boudary — The boundary designated in the City's Comprehensive Plan which identifies and separates urbanizable land from rural land. (Ord. 231-78, 10-18-78)

Walkway — A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

Workshop, Private Residential — An enclosed, lockable, separate building provided as an accessory structure to a dwelling for the sole personal use, enjoyment, and occupation of the dwelling occupants, for such quasiindustrial activities as woodworking, vehicle repair, machining, home repair, and fabrication.

Yard — An open space between a lot line and the buildable area for a dwelling, accessory structure, or other building or structure. Landscaping is permitted, but no structure shall be located within this area, excepting driveways, sidewalks, and in some cases, fences (refer to subsection 9-3-2A of this Title, Clear Vision Areas, and individual

	zone requirements). These areas are also commonly referred to as "setbacks". (Ord. 255-84, 5-8-84)
Yard, Front	That yard lying between the front lot line and the front of the building.
Yard, Rear	That yard lying between the rear lot line and the rear of the building.
Yard, Side	That yard lying between the front and rear yards, between the building and the side lot line. (Ord. 231-78, 10-18-78)

CHAPTER 3

ZONES, GENERAL REQUIREMENTS

SECTION:

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ZONES, GENERAL REQUIREMENTS

SECTION:

9-3-1: Establishment of Zones
9-3-2: General Zoning Requirements
9-3-3: Exceptions to Restrictions
9-3-4: Accessory Uses and Facilities
9-3-5: Flood Hazard Overlay Zone
9-3-6: Grading and Drainage
9-3-7 Access Management and Street Connectivity

9-3-1 *ESTABLISHMENT OF ZONES:*

A. Classification of Zones: For the purpose of this Title, the following zone are hereby established:

Table 1 – Zone Classification

Zone	Designation
General Residential	R-1
Limited Residential	R-2
Multiple-Family Residential	R-3
Farm Residential	R-4
Residential-Commercial	R-C
Central Commercial	C-1
Tourist Commercial	C-2
Light Industrial	M-1
Permanent Open Space	POS
Flood Hazard Overlay Zone	FH
(Ord. 231-78, 10-18-78; amd. Ord. 237-79, 7-25-79; Ord. 244B-812-18-81; Ord. 249-82, 3-17-82)	

B. Zone Boundaries: Unless otherwise provided in this Title, zone boundaries are section lines, subdivision lines, lot lines, centerlines of streets or railroad rights of way, or such lines extended.

C. Location of Zones: A zoning map showing boundaries of the zones as hereby established shall be adopted and made part of this Title and contained in Section 9-3-1. Said map and all notations, references or amendments thereto shall be and remain on file with the City Recorder.

D. Zones of Areas to be annexed: Prior to the annexation of any land to the City, the City Council shall determine, by reference to the Comprehensive Plan, the appropriate zoning for the property to be annexed. The zoning of the property to be annexed shall be in accordance with the Comprehensive Plan.

9-3-2 *GENERAL ZONING REQUIREMENTS:*

A. Clear Vision Areas: A clear vision area shall be maintained on the corners; of all property at the intersection of two (2) streets or a street and a railroad.

1. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the comer intersection of the street lot lines for a distance specified in this regulation, or where the lot lines extend in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two (2) sides.
2. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding two and one-half feet (2 1/2') in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet (8') above the grade.
3. The following measurements shall establish clear vision areas:
   a) In a residential zone, the minimum distance shall be thirty feet (30') or, at intersections including an alley, ten feet (10').
   b) In all other zones where yards are required, the minimum distance shall be fifteen feet (15'), or at intersections including an alley, ten feet (10'), except that when the angle of intersection between streets other than an alley is less than thirty degrees (300), the distance shall be twenty five feet (25').
   c) Where no yards are required, the minimum distance shall be as in subsection b above and buildings may be constructed within the clear vision area, providing that any portion of the structure within the clear vision area is more than eight feet (8') above the top of the curb or street centerline grade and is supported by not more than two (2) columns not more than eight inches (8") in diameter.

B. Landscaping

1. Applicability. This Section shall apply to all new developments requiring Site Design Review.

2. Landscaping Plan Required. A landscape plan is required as part of Site Design Review.

3. Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically 3 or more years after planting.

   a. <u>Existing Vegetation.</u> Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one 1 inch caliper of new tree(s) for every 1 inch caliper of existing tree(s) protected.

   b. <u>Plant Selection.</u> A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

   c. <u>Non-native, invasive plants</u> (as defined by the US Agricultural Service) shall be removed during site development. The planting of invasive species is prohibited.

d. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 10 percent of the required landscape area; except in the C-1 Zone where hardscape features may cover up to 100 percent of the landscape area. .

e. Ground Cover Standard. All landscaped area that is not planted with trees and shrubs, or covered with non-plant material, shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 50 percent coverage of the area not covered by shrubs and tree canopy.

f. Tree Size. Trees shall have a minimum diameter or caliper 4 feet above grade of 2 inches or greater at time of planting.

g. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger. h. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

i. Existing Vegetation. Existing trees and shrubs may be credited toward meeting the minimum landscape area standards. .

j. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), shall be counted as part of the required landscaping if planted with water tolerant, non-invasive plants or non-plant ground cover (i.e., gravel).

4. Parking areas. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of shade trees with shrubs and/or ground cover. A minimum of one tree per eight (8) parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. A minimum of a 5 foot wide landscape strip shall be established between parking areas and sidewalks. The required landscaping shall have breaks, where necessary, to allow pedestrian access to the site. Plants other than shade trees planted in the buffer shall not exceed 36 inches in height at maturity to allow security for the parking area.

5. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

6. Street Trees. Street trees shall be planted for all developments that are subject to Subdivision or Site Design Review. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

a. Growth Characteristics. Trees shall be selected from the City's approved tree species list based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Street trees shall:

i. Provide a broad canopy where shade is desired

ii. Consist of low-growing trees for spaces under low utility wires.

iii. Consist of narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.

iv. Consist of species with similar growth characteristics on the same block for design continuity.

v. Not include trees that are susceptible to insect damage or that produce excessive seeds or fruit.

vi. Meet the recommendations of the State Forester.

b Caliper Size. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.

c. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements.

d. Installation. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for a minimum of two years after planting.

7. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City Planning Official or a qualified landscape architect is filed with the City Planning Official assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

C. Hazard Areas: If a structure is proposed for any area subject to flooding or of greater than twelve percent (12%) slope, the developer shall show that he is aware of the flood hazard or steep slope condition and has incorporated necessary safeguards into his site and building plans before the City signs the building permit.

D. Irrigation Facilities: If a feed canal or furnish ditch lies adjacent to or runs through a lot, approval of a building permit, conditional use, variance or zone change for such lot shall be conditioned upon:

1. Agreement by the property owner to build a six foot (6') high fence of a type to be approved by the City Council on one or both sides of the canal or ditch as appropriate, and

2. Minimum setback of twenty feet (20') from the canal or ditch to any new structure. (Ord. 231-78, 10-18-78)

E. Access: Before the City approves a building permit, zone change, conditional use, or variance it shall be demonstrated that the property has adequate access to a City street, County road, or State highway. If a County or State permit is required, the permit shall be obtained by the property owner prior to the final City approval. If dedication of a street is necessary to provide adequate access, the street shall be designed and constructed to the requirements established by the City Subdivision Ordinance. A building shall not be situated so that an existing street cannot be extended. (Ord. 231-78, 10-18-78; amd. Ord. 237-79)

F. Corner Clearance: Corner clearance is the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
2. New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
3. Where no other alternatives exist, the City of Echo may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

G. Fences and Walls. The height of fences and walls within a front yard setback in all zones except Light Industrial shall not exceed four (4) feet as measured from the grade closest to the street right-of-way. Fences and walls in the Light Industrial zone may exceed four (4) feet provided a 10-foot landscaped buffer is provided between the fence and the front property line. Fences and walls greater than six (6) feet in height require a building permit. Walls, fences, and hedges shall comply with vision clearance requirements, height limitations and provide for pedestrian circulation.

9-3-3 *EXCEPTIONS TO RESTRICTIONS:*

A. Projections from Buildings: Cornices, eaves, canopies, sunshades, gutters, chimneys, flues and other architectural features may project not more than two feet (2') into a required yard of open space as established by this Title.

B. Height Exceptions: The following types of structures or structural parts are not subject to the building height limitations of this Title: chimneys, church spires, belfries, radio and television antennae, flagpoles, smokestacks, and other similar projections.

C. Lot Size Requirements: If a property ownership, whether it be a lot or more than one contiguous lot held in a single ownership at the time of passage of this Title, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in. the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential us e shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. The record of ownership as recorded in the office of the County Clerk at the time of passage of this Title shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provisions of this Title became applicable to the land concerned.

9-3-4 *ACCESSORY USES AND FACILITIES:*

Accessory uses and facilities shall be permitted in any district when incidental to and associated with a permitted use or facility, or when incidental to and associated with an allowable and authorized conditional use therein, subject to the provisions of this Section.

A. Requirements: Accessory uses and facilities shall meet the following requirements:

1. Shall be subordinate to the primary activity of the principal use or the principal facility, respectively.
2. Shall contribute to the comfort, convenience, efficiency or necessity of the occupants or the activities of a principal use, or the function of a principal structure.
3. Shall be located on the same site as the principal use or structure served.
4. Shall not violate setback requirements or maximum lot coverage standards provided for in Use Zone Requirements as set out in this Title.

B. Examples of accessory uses include, but are not limited to, the following examples:

1. A home occupation is an accessory use in a residence.
2. A residence is an accessory use in a business.

C. Continuation of Allowable Accessory Use: No use or facility permitted as an accessory use or facility pursuant to this Section shall be construed to be permitted as a principal use or facility unless specifically authorized as a permitted or conditional use in the district in which it shall be located. Operation, occupancy, and continuance of allowable accessory uses and facilities shall be conditional upon the continued occupancy or use of the principal use or facility being served. (Ord. 231-78, 10-18-78)

9-3-5 ***FLOOD HAZARD OVERLAY* ZONE:**

A. Intent: The Flood Hazard Overlay Zone is designed to minimize public and private losses due to flooding and to fulfill the requirements of the National Flood Insurance Program.

B. Warning and Disclaimer of Liability: The degree of flood protection required by this Section 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 Section 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 Section shall not create liability on the part of the City, any officer, employee, or contractee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.

C. Flood Hazard Area: The flood hazard area includes three (3) distinct sub-area which are hereby adopted as Flood Insurance Study and Flood Insurance Rate Maps (FIRM) for Umatilla County, Oregon and Incorporated Areas", dated September 3, 2010.

1. The Umatilla River Floodway and 100-year floodplain within the city of Echo, as shown in the Flood Insurance Study and FIRM in C above is Sub-area A is designated and zoned "permanent open space" and is not available for new development with the exception of the placement of recreational vehicles pursuant to Section 9-3-5.F or the replacement of structures that pre-existed prior to the adoption of the ".

2. The Umatilla River 500-year floodplain as shown as Flood Insurance Study and FIRM in C above is Sub-area B. This sub-area is small in extent, but has been included due to being threatened by flooding in past years. It is designated and zoned for urban development.

3. Tentative flood hazard areas of the various draws, gullies, and streams, which pass through the City, or the Echo urban growth area from the higher land north and east of the City is Sub-area C. These tentative flood hazard areas extend for fifty feet (50') on either side of the centerline of each watercourse, draw, or gully, or to the perimeter of the generally level area along each such feature, whichever is greater. Tentative flood hazard area D between Furnish Ditch and Union Pacific Railroad, as included in the 1981 amendments, is hereby deleted.

D. Permitted Development:

1. A development permit from the City is needed for development within flood hazard areas. A conditional use permit is required for a watercourse alteration.

2. Types of uses permitted within the flood hazard areas shall be determined by the underlying land use zones.

3. No development or alteration of the land will be allowed within the designated floodway without certification by the Soil Conservation Service, Corps of Engineers, or a registered engineer that the flood hazard upstream or downstream from the site will not be worsened by development of the project.

4. All proposed developments shall be analyzed to determine effects on the flood carrying capacity and area of flooding.

E. Construction and Siting: The construction and siting of all new structures and additions to existing ones shall comply with the following basic standards:

1. Materials and Methods:

   a) Construction using materials and utility equipment resistant to flood damage.

   b) Construction using methods and practices that minimize flood damage. (Ord. 256-84, 5-8-84)

   c) Mechanical and electrical equipment including electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating with the component during conditions of flooding. In any case all electrical outlets shall be installed at least one and one-half feet (1 ½') above the base flood elevation. (Ord. 267-87, 3-18-87)

   d) Structures may be elevated on extended foundations, stem walls, pilings, columns, or saturation stable compacted fill.

2. Location of Structures: All buildings, fences, walls, hedges, and the like shall be sited so as not to obstruct the flow of floodwaters, utilizing the following principles:

   a) Locate buildings as far back from the floodway or watercourse channel as possible.

   b) Locate buildings on the highest part of the site, if possible.

   c) Locate buildings parallel to watercourse channels or the direction of historical flood flows.

d) Fences across the watercourse channels shall be designed to float up or easily break away during times of high water. Fences shall be designed to not obstruct floodwaters or to break away or be easily dismountable during times of flood.

e) Do not plant hedges across the direction of flood flows and when planting groups of trees or shrubs, leave plenty of open space between clumps, taking into account the size and spread of shrubs at maturity.

f) Mobile home parks and subdivisions shall be designed to insure that individual mobile homes can be easily elevated one and one half feet (1 ½') above the base flood elevation and that the complex can be easily evacuated during floods. (Ord. 256-84, 5-8-84)

3. First Floor Elevations and Basements Located in Sub-Areas A, B and C:

a) New Residential Structures and Substantially Improved Structures: Lowest floor, including the basement, shall be elevated to at least one and one-half feet (1 ½') above the base flood elevation for substantially improved structures in Sub-Area A and new structures in flood hazard Sub-area B. New structures shall be elevated at least one-foot (1') above relevant historical flood levels in Sub-area C. Within flood hazard Sub-area C, the following siting location principles noted above should insure most homes are out of the flood hazard area altogether. 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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:

(1) A minimum of two (2) 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 (1') above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b) Non-residential Structures: New construction in Sub-areas B and C and substantial improvement of any commercial, industrial or other nonresidential structure in all Sub-areas shall either have the lowest floor, including basement, elevated to at least one and one-half feet (1 ½') above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

(1) Be flood proofed 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 practices 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 City.

(4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 9-3-5E3b(l) above.

(5) Applicants flood proofing nonresident buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot (1') below that level). (Ord. 267-87, 3-18-87)

c) Non-habitable Storage and Accessory Buildings: Buildings intended for use primarily for storage of vehicles, equipment, animals or material need not be elevated above the 100-year flood elevation, but must meet the following:

(1) Mechanical and electrical equipment and outlets must be elevated one and one-half feet (1 ½') above the base flood elevation.

(2) Vents must be provided that meet the requirements in Subsection 3.A.(1) and (2); and

(3) Be anchored consistent with the requirements in Subsection 4, below.

4. Anchoring:

a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. (Ord. 256-84, 5-8-84)

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

c) All manufactured homes to be placed in Sub-areas B or C or to be replaced in Sub-area A or substantially improved in all three Sub-areas within the City's flood zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one and one-half feet (1 ½') above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 9-3-5E3a. (Ord. 267-87, 3-18-87)

F. Recreational Vehicles

1. Recreational vehicles may be permitted in any of the three sub-areas in an approved Recreational Vehicle Park and subject to the requirements in F.2 below.

2. Recreational vehicles placed on sites are required to 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 have no permanently attached additions.

G. Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters in the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the administrative rules of the Oregon Department of Environmental Quality (DEQ).
4. Backflow valves shall be installed on all water and sewer/septic lines,

H. Streets, Driveways and Bridges: All new streets and all driveways shall be elevated so that they are not more than one foot (1') below the base flood elevation or relevant historical flood elevation, to insure ease of emergency access during times of flooding. New and replacement bridges must be designed to not increase the height of the base flood elevation and to accommodate at least a 20-year flood flow.

I. Alteration or Relocation of Watercourses:

The City shall notify the F.E.M.A., Oregon Department of Land Conservation and Development, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Corps of Engineers, Umatilla County Planning Department, and adjacent communities and immediate downstream jurisdictions and property owners of any proposed alterations to or relocations of watercourses, and submit evidence of such notification to the Federal Insurance Administration.

No permit for a watercourse alteration or relocation may be approved without certification by the Soil Conservation Service, Corps of Engineers or registered engineer that the flood hazard upstream or downstream will not be worsened by the alteration or relocation.

1. Altered or relocated portions of a watercourse shall be maintained in such a manner that flood carrying capacity is not diminished.

J. Enforcement and Interpretation:

Base Flood Elevation: The “Flood Insurance Study for Umatilla County, Oregon and Incorporated Areas, dated September 3, 2010, identifies the flood elevations that constitute the legal base flood elevations for the purposes of this Zone. For flood hazard Sub-area C, the City shall obtain, review, and reasonably utilize flood elevation data, records of high water marks, photographs, etc., to determine the elevation necessary to assure that new construction will be reasonably safe from flooding.

1. Flood Hazard Area Boundaries: The City may make interpretations as to the exact location of the boundaries of the flood hazard area when mapped boundaries do not reflect actual field conditions. (Ord. 256-84, 5-8-84)
2. Development Permits: All development permits shall be reviewed to determine that the requirements of this Title have been satisfied. Where elevation data is not available through flood insurance study or by a study as required in subsection 9-3-5111 of this Section, the application for development permit shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates. (Ord. 267-87, 3-18-87)
3. State and Federal Permits: The City shall review all development permits to determine that all necessary permits have been obtained from those Federal, State, or

local governmental agencies from which prior approval is required. (Ord. 256-84, 5-8-84)

4. Certification of Flood Elevation and Flood proofing:

   a) Where base flood elevation data is provided through the flood insurance study or required as subsection 9-3-5111 of this Section, the applicant shall obtain and the City shall record the actual elevation (in relation to mean sea level) of the average ground level and the lower floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

   b) For all new or substantially improved flood-proofed structures, the applicant shall verify and the City shall record the actual elevation (in relation to mean sea level).

   c) The City shall maintain for public inspection all records pertaining to the provisions of this Section.

5. Variances: Variances to the requirements of this Overlay Zone shall be processed in accordance with section 60.6 of the National Flood Insurance Program, if the requirements at issue are those found in the NFIP. If the requirements exceed those of the NFIP, the variance shall be processed in accordance with Chapter 11 of this Title. (Ord. 267-87, 3-18-87)

6. Structures on the National Register of Historic Places: Automatic waivers may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the variance procedures set forth in the remainder of this Section. (Ord. 256-84, 5-8-84)

7. Appeals to Federal Floodplain Mapping and 100-Year Elevation Determination: Persons disputing the mapping of the 100-year flood elevations of the Umatilla River floodplain shall file an appeal with the Federal Emergency Management Agency via section 70 of the National Flood Insurance Program. (Ord. 267-87, 3-18-87)

8. Development Density: Within the flood hazard area when portions of a development site are required to be dedicated to the City as floodway rights of way or are otherwise prohibited from being developed, the City may use an overall density calculation rather than the minimum lot area requirements to determine the number of dwelling units allowed in the site. Setback and lot area standards may be varied by the City on the remainder of the site to accommodate the number of units allowed as if the entire project was outside the flood hazard area. All proposed variances must be presented on an overlay development plan, subject to modification and approval by the City. (Ord. 256-84, 5-8-84)

9. Evacuation Plans: Manufactured home park or subdivision developers shall file evacuation plans with the City and Umatilla County Emergency Service Department. (Ord. 267-87, 3-18-87)

10. Additional Information and Special Cases: The City may require a registered engineer's evaluation and development, plan or more detailed floodplain information for a proposed project. In addition, uses not otherwise addressed in the standards of this Zone may be determined by the City on a case-by-case basis. Action may be delayed while the City obtains expert information or advice or if the City requires information that is more detailed and planning from the applicant.

11. Conditions of Approval: The City may place conditions of approval on any development permit issued in this Zone if said conditions are deemed necessary to mitigate hazards to the applicant's project or to neighboring or other impacted properties. (Ord. 256-84, 5-8-84)

9-3-6 *GRADING AND DRAINAGE:*

The following standards and guidelines have been developed to encourage a compatibility between future development and the natural landscape, thereby avoiding serious drainage, erosion and runoff problems and promoting a more attractive community:

A. General Requirements:

1. The design and construction of all developments shall make provision for the:

   a) Maintenance of natural drainage courses and features of a site.

   b) Protection of the soil surface from undue water and wind erosion.

   c) Minimizing of additional runoff due to surfacing of the land for roads, houses and accessory facilities.

   d) Accommodation of runoff from the development in such a way that erosion or siltation is not induced on adjoining or downstream properties.

2. Upon reviewing the natural characteristics of a particular site, the City may require that the applicant develop a conservation plan approved by the Umatilla County Soil and Water Conservation District, such plan to be adopted and implemented as part of an approved development plan. Larger developments, such as mobile home parks, industrial facilities, and apartments that are located on hillsides or along watercourses, would usually be required to develop a conservation plan.

B. Grading and Excavation: All grading and excavation projects shall be designed and carried out according to the following standards:

1. All grading and excavation work shall be related directly to and necessary for the construction and maintenance of a project approved by a building permit, conditional use permit, variance, temporary use permit, partition or subdivision.

2. A grading plan shall be submitted as part of a proposed development plan.

3. The smallest practical area of land shall be disturbed and exposed at any one time.

4. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

5. The development shall be fitted to the topography and soils to create the least erosion possible and blend in with the natural contours of the land.

6. Wherever feasible, natural vegetation shall be retained and protected.

7. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during construction.

8. The permanent final vegetation and structures shall be installed as soon as practical.

9. No topsoil shall be removed from the site except for those areas intended for structures or to be covered by other man-made improvements. The topsoil from areas intended for such improvements shall be redistributed within the boundaries of the lands in question to provide a suitable base for seeding and planting vegetation.

10. Excavation shall be limited to that required for the construction of basements, foundations, and other below surface-level improvements.

11. Grading or excavation work within the flood hazard area requires a conditional use permit from the City before any ground may be disturbed.

12. Use of land for home gardening is exempted from the requirements of this Section.

C. Drainage: All development plans shall provide for adequate drainage of the site, accommodation of storm or flood water runoff, and the preservation of existing drainage courses, according to the following standards:

1. Increased runoff from project sites shall be reduced by minimizing the surface area covered by impervious paving and buildings, by encouraging the use of semi-pervious paving for patios, driveways, and walkways, and use of grass, shrubs, other vegetation, and pervious landscaping materials over the bulk of the site.

2. Runoff should either drain away from structures or be channeled around them so as to prevent flooding of basements, garages, and living or working areas.

3. In an effort to prevent runoff flowing full-force into downhill yards or ditches and thereby causing flooding, the drainage system of a site shall include grassed swales or diversion ponds to capture runoff and hold it for a slower release. These impoundments can be easily and attractively incorporated in landscaping plans.

4. Low areas that could collect standing water should be limited to specific locations on the site designed for this purpose.

5. Where possible, drainage from the site shall be directly connected to an adequate drainage channel or watercourse.

6. Any watercourse, drainage way, channel, or stream crossing a site shall not be obstructed and shall be protected by a drainage easement or right of way. These drainage channels may be incorporated into landscaping plans, but should be kept adequately wide and clear of brush and trees to accommodate runoff from uphill areas. Impoundments may be created along the channel, and trees may be planted along its banks. The bed of the channel should be grassed and large rocks may be incorporated into the design to slow the water down on steep stretches. The location of the channel may be altered somewhat, but in no way that would make the channel ineffective.

7. When drainage channels are modified, bridged, or put into culverts under streets, the improvements shall be designed to accommodate the potential runoff from the upstream drainage area as developed according to the Comprehensive Plan.

8. Where topography or other conditions indicate a new drainage channel needs to be provided to adequately accommodate runoff from a project, the applicant shall obtain drainage easements across affected properties and construct the appropriate facilities from the project site to a connection with an existing adequate channel.

9. Drainage easements and rights of way shall be dedicated to the City. Such dedications shall be conditions attached to the development permits for the project involved.

10. Drainage easements or rights of way must be of sufficient width to accommodate the potential runoff from the upstream drainage area as developed according to the Comprehensive Plan.

11. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained as drainage ways.

12. The City may require that any proposed drainage system easement dedication, or drainage channel modification and improvement be reviewed by the Umatilla County Soil and Water Conservation District or the City Engineer. The recommendations of these agencies may be attached as conditions to the granting of a development permit or may result in the Planning Commission denying a permit application. Any additional expenses created by such agency reviews will be assessed to the applicant as a supplemental fee. (Ord. 244B-81, 2-18-81)

9-3-7 *Access Management and Street Connectivity*

The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. To achieve this policy intent, state and local roadways have been categorized the Transportation System Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

A. This ordinance shall apply to all arterials and collectors within the city and to all properties that abut these roadways.

B. This ordinance is adopted to implement the access management policies of the city as set forth in the Transportation System Plan.

C. Joint Use Driveways and Cross Access.

1. Adjacent commercial or office properties identified as major traffic generators (generating more than 400 daily trips as defined by the Institute of Transportation Engineers Trip Generation Manual), shall provide a cross access drive and pedestrian access to allow circulation between sites.

2. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

a) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

b) A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles

c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.

d) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

4. Pursuant to this section, property owners shall:

a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

b) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City of Echo and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

5. The city may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

a) Joint access driveways and cross access easements are provided in accordance with this section.

b) The site plan incorporates a unified access and circulation system in accordance with this section.

c) The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway

6. The City of Echo may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.

D. Access Connection and Driveway Design.

1. Driveways shall meet the following standards:

a) If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one-way connection.

b) For two-way access, each lane shall have a minimum width of 10 feet.

2. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

3. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

4. Driveways shall be constructed in accordance with City driveway construction standards adopted by resolution.

E. Nonconforming Access Features.

1. Legal access connections in place as of the date of adoption that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

a) When new access permits are requested;

b) Change in use, enlargements, or improvements that will increase trip generation.

F. Requirements for Phased Development Plans

1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

2. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

Table 9-3-7(1): Access Management on State Highways in Echo [1,2,3,4] (Measurement in Feet) [5]

Posted Speed[6]	*Urban[7]*	**Special Transportation Area [8,9]**
55 or higher	700 ft	N/A
50	550 ft	N/A
40 & 45	500 ft	N/A
30 & 35	350 ft	Existing city block spacing and mid-block
25 or lower	350 ft	Existing city block spacing and mid-block

Footnotes:

(1) These access management spacing standards are for unsignalized approaches only. Signal spacing standards supersedes access management spacing standards for approaches.
(2) These access management spacing standards do not apply to approaches in existence prior to April 1, 2000 except as provided in OAR 734-051-0115(1)(c) and 734-051-0125(1)(c).
(3) For infill and redevelopment, see OAR 734-051-0135(4).
(4) For deviations to the designated access management spacing standards see OAR 734-051-0135.
(5) Measurement of the approach road spacing is from center to center on the same side of the roadway.
(6) Posted Speed: Posted speed can only be adjusted after a speed study is conducted and that study determines the correct posted speed to be different than the current posted speed. In cases where actual speeds are suspected to be much higher than posted speeds, the Department reserves the right to adjust the access management spacing accordingly. A determination can be made to go to longer access management spacing standards as appropriate for a higher speed.
(7) Lexington-Echo Highway No. 320 inside Echo City Limits, outside of STA
(8) Minimum access management spacing for public road approaches is the existing city block spacing or the city block spacing as identified in the local comprehensive plan. Public road connections are preferred over private driveways and in STAs driveways are discouraged. However, where driveways are allowed and where land use patterns permit, the minimum access management spacing for driveways is 175 feet (55 meters) or mid-block if the current city block is less than 350 feet (110 meters).
(9) Lexington-Echo Highway No. 320 Between MP 35.38 @ Umatilla River Bridge) and MP 35.70 at Thielsen Street

R-1 – GENERAL RESIDENTIAL ZONE

SECTION:

9-4-A-1: Permitted Uses
9-4-A-2: Conditional Uses
9-4-A-3: Dimensional Standards
9-4-A-4: Yard/Setback Standards

9-4-A-1 *PERMITTED USES:*

In an R-1 Zone, the following uses and their accessory uses are permitted outright:

A. Single-family dwelling

B. Mobile home

C. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

D. Installation of culverts, Pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.

E. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

F. Landscaping as part of a transportation facility.

G. Emergency measures necessary for the safety and protection of property.

H. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

I. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

9-4-A-2 *CONDITIONAL USES:*

In an R-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 10 of this Title:

A. Two-family dwelling.

B. Multi-family dwelling.

C. Mobile home park subject to the requirements of the City of Echo Mobile Home Park Ordinance.[1]

D. Public or semi-public use. (Ord. 231-78, 10-18-78)

E. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:

1. Designated in the Transportation System Plan for which no site-specific decisions have been made; or

2. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.

[1] See Title 6, Chapter 1 of this Code.

9-4-A-3 *DIMENSIONAL STANDARDS:*

In an R-1 Zone, the following dimensional standards apply:

A. The lot area shall be a minimum of seven thousand five hundred (7,500) square feet and shall exceed the minimum to two thousand (2,000) square feet for each dwelling unit over one. Lots platted prior to the adoption of this Title shall have a minimum area of five thousand (5,000) square feet.

B. The lot width at the front building line shall be a minimum of fifty feet (50')

C. The lot depth shall be a minimum of one hundred feet (100')

D. Building height shall be a maximum of thirty feet (30')

E. The minimum street frontage shall be seventy five feet (75') except on a cul-de-sac where the minimum shall be fifty feet (50'). (Ord. 231-78. 10-18-78; amd. Ord. 255-84, 5-8-84)

F. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all development in the R-1 Zone.

G. Single Family Detached Houses and Manufactured Homes-50 percent

H. Multi-Family Housing: Duplexes, Triplexes, Apartment Buildings & Single Family Attached Townhouses – 60 percent

I. Public Uses – 80 %

J. This section does not override the need to comply with building set backs.

K. Lot Coverage Defined. Lot Coverage means all areas of a lot or parcel covered by buildings as defined by foundation perimeters, but does not include driveways and patios, but does include sheds garages, carports, shops and other buildings.

9-4-A-4 *YARD/SETBACK STANDARDS:*

A. These setbacks are measured from the foundation. Eaves and awnings may extend into yard areas, provided a six foot (6') distance is maintained between similar projections on neighboring structures.

B. No structure may be developed within a utility or access easement, and road easements are to be treated the same as street rights of way for the purposes of this Section.

C. Runoff from buildings and roofed structures must be contained on the site, unless a neighbor approves of diverting runoff into his/her property.

D. Standards Established:

1. Dwellings (single-family and multi-family), public and semi public uses.

   a. Front: 15' minimum

   b. Side, interior: 10' minimum except as follows:

   i. A 4' minimum will be allowed on one side if there are no windows on that side of the dwelling within 10' of the property line, or if a 6' sight-obscuring fence and/or hedge is provided on the property line opposite any windows and extending at least 10' beyond any windows in both directions along the property line.

   ii. A 4' minimum will be allowed on one side and 6' minimum will be allowed on the other if a joint, 10' driveway easement is agreed to by the neighbor and recorded in the deed

records of Umatilla County, subject to the sight-obscuring requirement of subsection (1) above.

iii. A 4' minimum will be allowed on the interior side of a corner lot, subject to the sight-obscuring requirement of subsection (1) above.

iv. If the longer side of a dwelling is parallel to an interior property line, a 15' minimum will be required; an 8' minimum will be allowed if a continuous sight obscuring fence and/or hedge at least 6' high is provided on the property line opposite the dwelling and extending at least 10' beyond either end of the building.

c. Side, corner: 15' minimum, except that a 4' minimum will be allowed if a continuous sight-obscuring fence and/or hedge at least 6' high is provided on the property line opposite the building; provided, that neither the dwelling, fence or hedge intrude into the clear vision area (subsection 9-3-2A of this Title).

d. Rear: 15' minimum

2. Mobile Homes:

a. Front: 15' minimum for double-wides; 10' minimum for single-wides.

b. Side, interior, if sited parallel to the street in front of the parcel: 10' minimum, except as follows:

i. A 4' minimum will be allowed on one side if there are no windows on that side of the dwelling within 10' of the property line, or if a 6' sight-obscuring fence and/or hedge is provided on the property line, opposite any windows and extending at least 10' beyond any windows in both directions along the property line.

ii. A 4' minimum will be allowed on one side and 6' minimum will be allowed on the other if a joint, 10' driveway easement is agreed to by the neighbor and recorded in the deed records of Umatilla County, subject to the sight-obscuring requirement of subsection (1) above.

iii. A 4' minimum will be allowed on the interior side of a corner lot, subject to the sight-obscuring requirement of subsection (1) above.

c, Side, interior, if sited perpendicular to the street in front, i.e., with the long side of the mobile home facing the interior side property line: 15' minimum, except that an 8' minimum will be allowed if a continuous sight-obscuring fence and/or hedge at least 6' high is provided on the property line opposite the home and extending at least 10' beyond either end of the unit.

d. Rear: 15' minimum for double-wides; 10' minimum for single-wides.

3. Garages, storage sheds, private residential workshops and greenhouses, and other enclosed accessory structures:

a) Front: 15' minimum.

b) Side, interior:

i. If placed on a permanent foundation: 4' minimum from property line and 6' minimum from neighboring structure, except that, if provided with a one-hour fire wall built to UBC specifications, these minimums may be reduced to 0'.

ii. If portable: 0' minimum from property line and 6' minimum from neighboring structure.

c. Side, corner: 0’ allowed.

Rear: Same as for side, interior (subsections b[1] and [2] above), except that 0’ is allowed if rear property line adjoins platted alley, irrigation ditch right of way, or other right of way.

4. Accessory buildings larger than 600 square feet or more than 14’ high must be located at least 10’ from interior side and rear property lines adjoining private property.

5. Carports:

   a) Front: 5’ minimum from sidewalk; up to 0’ from property line; provided, that no side screen walls or structural infill is placed within 15’ of the front property line, i.e. the carport is an open structure supported by posts, poles or columns and is not located within a clear vision area.

   b) Side, interior: 0’ is allowed, except that a one-hour fire wall is required if the carport is to be closer than 6’ to an existing building, carport, or roofed deck or patio.

   c) Side, corner: 0’ is allowed except that the carport may not intrude into a clear vision area.

   d) Rear: Same as for side, interior (subsection 4b above), except that 0’ is allowed if the rear property line adjoins a platted alley, irrigation ditch right of way, or other right of way.

6. Decks, Patios and Other Such Structures:

   a) Front: 10’ minimum, provided clear vision area is not obstructed.

   b) Side, interior: 10’ minimum, except that up to 0’ is allowed if a continuous sight-obscuring fence and/or hedge at least 6’ high is provided along the adjoining property line and extending at least 10’ outward beyond the edge of the deck, patio, etc. Also, a roof over a deck, patio, or other such structure may not extend closer than 6’ from a neighboring building or structure of similar height.

   c) Side, corner: same as side, interior (subsection 5b above).

   d) Rear: same as side interior (subsection 5b above), except that up to 0’ is allowed if the rear property line adjoins a platted alley, irrigation ditch right of way or other right of way.

7. Fences (Including Free-Standing Walls and Hedges):

   a) Front: 10', except if less than four (4) feet in height may be 0' or if located in a clear vision such fence may not exceed three feet (3’) so as not to obstruct vision

   b) Side, interior: 0’.

   c) Side, corner: 0’, except that within the clear vision area, only maximum height of 3’ is permitted.

   d) Rear: 0’.

   e) Fence Height: Except as restricted above and in clear vision area, maximum of 8’, except that any fence over 6’ in height within 4’ of property line requires written approval of adjoining neighbor, and a building permit. No height limit on hedges, except in clear vision areas.

8. Driveways and Sidewalks: No setbacks from property lines are required. (Ord. 255-84, 5-8-84).

CHAPTER 4 – ARTICLE B. R-2

LIMITED RESIDENTIAL ZONE

SECTION:
9-4-B-1: Permitted Uses
9-4-B-2: Conditional Uses
9-4-B-3: Dimensional Standards
9-4-B-4: Yard/Setback Standards

9-4-B-1 *PERMITTED USES:*

In an R-2 Zone the following uses and their accessory uses are permitted outright:

A. Single-family dwelling.

B. Double or wider mobile homes subject to 9-12-1 to 9-12-2.

   1. This requirement shall not be construed as abrogating a recorded restrictive covenant.

C. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

D. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.

E. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

F. Landscaping as part of a transportation facility.

G. Emergency measures necessary for the safety and protection of property.

H. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System.

I. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

9-4-B-2 *CONDITIONAL USES:*

A. In an R-2 Zone the following uses and their accessory uses are permitted when authorized in accordance with Chapter 10 of this Title:

   1. Two-family dwelling.

   2. Multi-family dwelling.

   3. Public or semi-public use.

   4. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

B. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

9-4-B-3 *DIMENSIONAL STANDARDS:*

A. In an R-2 Zone, the dimensional standards of an R-1 Zone shall apply.

1. The minimum street frontage shall be seventy five (75) feet except on a cul-de-sac where the minimum shall be fifty (50) feet.

2. Any residence constructed in this zone including manufactured housing shall have a minimum of one thousand two hundred (1,200) square feet.

3. The lot shall be a minimum of seven thousand five hundred (7,500) square feet and shall exceed the minimum to two thousand (2,000) square feet for each additional dwelling unit over one.

4. The lot depth shall be a minimum of one hundred (100) feet.

5. Building Height shall be a maximum of thirty (30) feet.

6. The minimum street frontage shall be seventy-five feet except on a cul-de-sac where the minimum shall be fifty (50) feet.

7. Any residence constructed in this zone including manufactured housing shall have a minimum of one thousand two hundred (1,200) square feet.

8. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all development in the R-2 Zone:

a) Single Family Detached Houses and Manufactured Homes – 50 percent

b) Multi-Family Housing: Duplexes, Triplexes, Apartment Buildings & Single Family Attached Townhouses – 60 percent

c) Public Uses – 80 %

B. This section does not override the need to comply with building set backs.

C. Lot Coverage Defined. Lot Coverage Means all areas of a lot or parcel covered by buildings as defined by foundation perimeters, but does not include driveways and patios, but does include sheds, garages, carports, shops and other buildings.

9-4-B-4 *YARD/SETBACK STANDARDS:*

A. These setbacks are measured from the foundation. Eaves and awnings may extend into yard areas, provided 6’ distance is maintained between similar projections on neighboring structures.

B. No structure may be developed within a utility or access easement, and road easements are to be treated the same as street rights of way for the purposes of this Section.

C. Runoff from buildings and roofed structures must be contained on the site, unless a neighbor approves of diverting runoff into his/her property.

D. Standards Established:

1. Dwellings, Public and Semi-Public Uses:

   Front: 20’ minimum.

   Side, interior: 10’ minimum, except as follows:

   a) A 4’ minimum will be allowed on one side if there are no windows on that side of the dwelling within 10’ of the property line, or if a 6’ sight-obscuring fence and/or hedge is provided on the property line, opposite any windows and extending at least 10’ beyond any windows in both directions along the property line.

   b) A 4’ minimum will be allowed on one side and 6’ minimum will be allowed on the other if a joint, 10’ driveway easement is agreed to by the neighbor and recorded in the deed records of Umatilla County, subject to the sight-obscuring requirement of subsection (1) above.

   c) A 4’ minimum will be allowed on the interior side of a corner lot, subject to the sight-obscuring requirements of subsection (1) above.

   If the longer side of a dwelling is parallel to an interior property line, a 15’ minimum will be required; except that an 8’ minimum will be allowed if a continuous sight-obscuring fence and/or hedge at least 6’ high is provided on the property line opposite the dwelling and extending at least 10’ beyond either end of the building.

   Side, corner: 15’ minimum.

   Rear: 20’ minimum.

2. Carports, Storage Sheds, and Private-Use Garages, Greenhouses and Workshops:

   Front: 20’ minimum.

   Side, interior: 4’ minimum.

   Side, corner: 0’ is allowed.

   Rear: 4’, except that 0’ is allowed if rear property line adjoins a platted alley, irrigation ditch right of way or other right of way.

3. Large accessory buildings and those more than twelve feet (12’) must be located at least 10’ from interior side and rear property lines adjoining private property.

4. Decks and Patios:

   a) Front:10’.

   b) Side, interior: 10’ minimum, except that up to 0’ is allowed if a continuous sight-obscuring fence and/or hedge at least 6’ high is provided along the adjoining property line and extending at least 10’ outward beyond the edge of the deck, patio, etc. In addition, a roof over a deck, patio, or other such structure may not extend closer then 6’ from a neighboring building or structure of similar height.

   c) Side, Corner: Same as side, interior (subsection 3b above).

d) Rear: Same as side, interior (subsection 3b above).

5. Fences (Including Free-Standing Walls and Hedges):

   a) Front: 10', except if less than four (4) feet in height may be 0' or if located in a clear vision such fence may not exceed three feet (3’) so as not to obstruct vision.

   b) Side, interior: 0’.

   c) Side, corner: 0’, except that within the clear vision area, only maximum height of 3’ is permitted.

   d) Rear: 0’.

   e) Fence Height: Except as restricted above and in clear vision areas, maximum of 8’, except that any fence over 6’ in height within 4’ of property line requires written approval of adjoining neighbor, and a building permit. No height limit on hedges, except in clear vision area.

6. Driveways and Sidewalks: No setbacks from property lines are required. (Ord. 255, 5-8-84)

CHAPTER 4 - ARTICLE C

R-3 – MULTIPLE FAMILY RESIDENTIAL ZONE

SECTION:
9-4-C-1: Permitted Uses
9-4-C-2: Conditional Uses
9-4-C-3: Dimensional Standards

9-4-C-1 *PERMITTED USES:*

In an R-3 Zone, the following uses and their accessory uses are permitted outright:

A. Multiple-family dwelling.

B. Two-family dwelling.

C. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

D. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.

E. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

F. Landscaping as part of a transportation facility.

G. Emergency measures necessary for the safety and protection of property.

H. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

I. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

9-4-C-2 *CONDITIONAL USES:*

A. In an R-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 10 of this Title:

1. Public or semi-public use.

2. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

B. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

9-4-C-1 *DIMENSIONAL STANDARD/SETBACKS:*

A. In an R-3 Zone the following dimensional standards shall apply:

1. Front, side and rear yards shall be a minimum of ten feet (10') except that:
2. On a corner lot a clear vision area shall be established as provided in Section 9-3-2A of this Title, and
3. A yard abutting an arterial street shall be a minimum of thirty feet (30').
4. The lot area shall be a minimum of fifteen thousand (15,000) square feet and shall exceed the minimum by two thousand (2,000) square feet for each dwelling unit over five (5).
5. The minimum street frontage shall be one hundred feet (100').
6. The lot depth shall be a minimum of one hundred fifty feet (150').
7. Building height shall be a maximum of thirty feet (30').
8. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all development in the R-3 zone.
9. Single Family Detached Houses and Manufactured Homes-50 percent
10. Multi-Family Housing: Duplexes, Triplexes, Apartment Buildings & Single Family Attached Townhouses—60 percent
11. Public Uses—80 %

B. This section does not override the need to comply with building set backs.

C. Lot Coverage Defined. Lot Coverage means all areas of a lot or parcel covered by buildings as defined by foundation perimeters, but does not include driveways or patios, but does include sheds, garages, carports, shops, and other buildings.

CHAPTER 4 – ARTICLE D

R-4 – FARM RESIDENTIAL ZONE

SECTION:
9-4-D-1: Permitted Uses
9-4-D-2: Conditional Uses
9-4-D-3: Dimensional and Yard/Setback Standards

9-4-D-1 *PERMITTED USES:*

In an R-4 Zone, the following uses and their accessory uses are permitted outright:

A. Single-family dwelling.

B. Mobile home.

C. Farming, not including intensive livestock or poultry operations such as commercial feet lot or poultry plant.

D. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

E. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.

F. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

G. Landscaping as part of a transportation facility.

H. Emergency measures necessary for the safety and protection of property.

I. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System.

J. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

9-4-D-2 *CONDITIONAL USES:*

Farm Residential Zone (R-4)

A. In an R-4 Zone the following uses and their accessory uses are permitted when authorized in accordance with Chapter 10 of this Title:

1. Public or semi-public use. (Ord. 231-78, 10-18-78).

2. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA

3. (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

4. Medical Marijuana Grow Site (MMG).
   a) Secure Enclosed Structure. The cultivation of medical marijuana shall at all times occur in a secure, locked, and fully enclosed structure that includes solid walls, a ceiling and roof.
   b) Setbacks & other controls so that odors do not leave the MMG will be considered as part of the Conditional Use terms.

B. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit

9-4-D-3 *DIMENSIONAL STANDARDS:*

A. In an R-4 Zone the following dimensional standards shall apply:
   1. The lot area shall be a minimum of one acre.
   2. The lot width at the front of the building line shall be a minimum of fifty (50) feet.
   3. The lot depth shall be a minimum of one hundred (100) feet.
   4. The Building height shall be a maximum of thirty (30) feet.
   5. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all development in the R-4 Zone.
   6. Single Family Detached Houses and Manufactured Homes – 50%.
   7. Multi-Family Housing: Duplexes, Triplexes, Apartment Buildings and Single Family Attached Townhouses – 60 percent.
   8. Public Uses – 80 percent

B. This does not override the need to comply with building setbacks.

C. Lot Coverage Defined. Lot Coverage means all areas of a lot or parcel covered by buildings as defined by foundation perimeters, but does not include driveways and patios, but does include sheds, garages, carports, shops, and other buildings.

D. The minimum street frontage shall be seventy-five (75) feet except on a cul-de-sac where the minimum shall be fifty (50) feet.

9-4-D-4 *YARD/SETBACK STANDARDS:*

In an R-4 Zone the yard/setback standards of the R-2 Zone, as contained in Section 9-4-B-4 of the Title, shall be applied, except that the lot area shall be a minimum of one acre. (Ord. 255-84, 5-8-84/341-04 Oct. 2004).

CHAPTER 5

RESIDENTIAL – COMMERCIAL ZONE

SECTION:

9-5-1: Purpose
9-5-2: Permitted Uses
9-5-3: Conditional Uses
9-5-4: Dimensional and Yard/Setback Standards
9-5-5: Development Review

9-5-1 *PURPOSE:*

This multi-use zone is designed to allow for a mix of residential and commercial activities in that portion of the downtown area back away from the main shopping street and adjoining residential neighborhoods.

9-5-2 *PERMITTED USES:*

These uses will be permitted outright within the R-C Zone following public development review, which may establish certain design changes or additional improvements needed to minimize conflicts with neighboring uses (see Section 9-1-4 for process):

1. Amusement establishment, theater;
2. Bed and breakfast inn;
3. Brewery, winery, or distillery as part of a retail use, restaurant, café, pub, tasting room, or similar use;
4. Community services;
5. Daycare, adult or child;
6. Eating or drinking establishment, except for drive-up or drive-through uses;
7. Financial institutions, except for drive-up or drive-through uses;
8. Laundromat;
9. Media: radio, television, newspaper facilities;
10. Museums and art galleries;
11. Office uses;
12. Parks and open space;
13. Personal Service: day spa, beauty salon, barbershop, tanning salon, nail salons and any combination and sales of such products;
14. Print Shops;
15. Religious institutions and places of worship
16. Repair or maintenance establishment for any item sold or in use by a commercial operation allowed as an outright use in an C-1 zone;

17. Residential use as provided for in General Residential Zone 9-4A

18. Retail sales and services, except for drive-up or drive-through uses;

19. Schools and educational services, (e.g., tutoring or similar services);

20. Transportation facilities (operation, maintenance, preservation, and construction, in accordance with the city's transportation system plan);

21. Utilities;

22. Veterinary, without boarding or outside housing of animals.

23. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.

24. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

25. Landscaping as part of a transportation facility.

26. Emergency measures necessary for the safety and protection of property.

27. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System.

28. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

9-5-3 *CONDITIONAL USES:*

A. These uses may or may not be allowed within the RC Zone subject to conditions established following a public hearing, in compliance with Chapter 10 of this Title: Buildings and structures exceeding 45 feet in height;

B. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar facilities) conforming to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

1. Drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street;

2. No drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) shall be located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);

3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way; and

4. No more than one drive-up, drive-in, or drive-through facility shall be permitted for a distance of 400 linear feet along the same block face (same side of street).]

C. Dry cleaners

D. Expansion of a use allowed prior to the adoption of this Title;

E. Gas Station;

F. Hospital;

G. Industrial service, if fully enclosed (e.g., office);

H. Manufacturing and production, if fully enclosed;

I. Motel or hotel, RV Park;

J. Nurseries and similar horticulture;

K. Outdoor recreation, commercial;

L. Parking lot (when not an accessory to a permitted use);

M. Rail lines and utility corridors;

N. Used Car/Vehicle/Farm Implement Sales;

O. Wholesale Sales, if fully enclosed, and less than 20,000-square feet of floor area.

9-5-4 *DIMENSIONAL AND YARD SETBACK STANDARDS:*

A. The dimensional and yard/setback standards of the R-1 Zone, as contained in Sections 9-4-A-3 and 9-4-A-4 of the Title shall be applied to all residential uses (Ord. 255-84, 5-8-84).

B. The dimensional standards of Section 9-4-A-3 and 9-6-A-4 thru 6 of the Commercial Zone of this Title shall be applied to all nonresidential uses within the R-C Zone.

9-5-5 *DEVELOPMENT REVIEW:*

A. This process, as described in this Section, is designed to be applied for reviewing all permitted or accessory use requests as required in certain zones.

B. Application Form: Requests for permitted uses subject to section 9-1-4 of this Title shall be made on forms provided by the City and shall be accompanied by a fee established by the City Council and by a letter and a site plan describing the request. The site plan shall be drawn to scale and shall illustrate the following:

1. Location and dimensions of the parcel.
2. Size and location of existing and proposed structures and facilities.
3. Intended use of each structure.
4. Location and access to any off-street.
5. Proposed general landscaping and any other improvements.

C. Application Deadlines and Scheduling of Public Reviews:

1. Applications must be submitted at least fourteen (14) days prior to a regular or special meeting of the Planning Commission or City Council in the event an active Planning

Commission is not in operation. An open public review of the request will be held at that time.

2. In the event the applicant so requests, if an application is received twenty four (24) or more days in advance of a regular meeting, a special meeting will be called within seventeen (17) days of receipt of the application so as not to create undue delays for an applicant.

D. Notification: Following receipt of an application at City Hall, and at least ten (10) days prior to the scheduled public review, a written description of the request, a site plan and notification of the public review will be mailed to all adjoining property owners, those immediately across the street, any other affected property owners as deemed necessary, members of the City Council and Planning Commission, and news media.

E. Public Review:

1. Public review will be conducted in accordance with standard Oregon procedures for public hearings before a quorum of the Planning Commission, or the City Council, should the Planning not be in active operation.

2. In reviewing the request, the public body will confine discussion to the following issues affecting neighboring or nearby parcels:

a) Access, traffic generation and traffic flow

b) Parking needs and provision

c) Potential noise, odor, dust or safety problems

d) Aesthetic effect

e) Compliance with City zoning standards

F. Based on this review, the applicant may be required to make certain reasonable design changes or additional improvements to minimize any negative impacts on adjoining or nearby uses.

G. Written agreement and implementation of these requirements will be required of the applicant as a condition for City approval of the request. (Ord. 249-82, 3-17-82)

CHAPTER 6 – ARTICLE A

CENTRAL COMMERCIAL (C-1) ZONE

Sections:

9-6-A-1 Purpose
9-6-A-2 Allowed Land Uses
9-6-A-3 Conditionally Allowed Uses
9-6-A-4 Development Standards
9-6-A-5 Building Orientation
9-6-A-6 Architectural Design Standards

9-6-A-1 *Purpose of the Central Commercial Zone*

The Central Commercial Zone is focused on the core commercial and civic (i.e., the central business area) of Echo. The C-1 Zone is intended to:

A. Promote efficient use of land and urban services;

B. Create a mixture of land uses that encourages employment and housing options in close proximity to one another;

C. Provide formal and informal community gathering places and opportunities for socialization;

D. Encourage pedestrian-oriented development in all commercial areas;

E. Create a distinct storefront character, and

F. Implement design guidelines that maintain and enhance the City's historic character.

9-6-A-2 Allowed Land Uses

In the C-1 Zone the following uses are permitted outright:

A. Amusement establishment, theater;

B. Bed and breakfast inn;

C. Brewery, winery, or distillery as part of a retail use, restaurant, café, pub, tasting room, or similar use;

D. Community services;

E. Daycare, adult or child;

F. Eating or drinking establishment, except for drive-up or drive-through uses;

G. Financial institutions, except for drive-up or drive-through uses;

H. Laundromat;

I. Media: radio, television, newspaper facilities;

J. Museums and art galleries;

K. Office uses;

L. Parks and open space;

M. Personal Service: day spa, beauty salon, barbershop, tanning salon, nail salons and any combination and sales of such products;

N. Print Shops;

O. Religious institutions and places of worship

P. Repair or maintenance establishment for any item sold or in use by a commercial operation allowed as an outright use in an C-1 zone;

Q. Residential uses in conjunction with a permitted commercial use as defined in this section, when the principal ground floor use is commercial. Principal means that a minimum of 60 percent of the ground floor is occupied by an allowed use in the C-1 zone and the primary building entrance is for that commercial use. Second floor or basement will be considered secondary use and may be one hundred (100) percent residential use;

R. Retail sales and services, except for drive-up or drive-through uses;

S. Schools and educational services, (e.g., tutoring or similar services);

T. Transportation facilities (operation, maintenance, preservation, and construction, in accordance with the city's transportation system plan);

U. Utilities;

V. Veterinary, without boarding or outside housing of animals.

9-6-A-3 *Conditionally Allowed Land Uses*9-6-A-3 *Conditionally Allowed Land Uses*

A. Buildings and structures exceeding 45 feet in height;

B. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar facilities) conforming to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

1. Drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street;

2. No drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) shall be located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);

3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way; and

4. No more than one drive-up, drive-in, or drive-through facility shall be permitted for a distance of 400 linear feet along the same block face (same side of street).]

C. Dry cleaners

D. Expansion of a use allowed prior to the adoption of this Title;

E. Gas Station;

F. Hospital;

G. Industrial service, if fully enclosed (e.g., office);

H. Manufacturing and production, if fully enclosed;

I. Motel or hotel, RV Park;

J. Nurseries and similar horticulture;

K. Outdoor recreation, commercial;

L. Parking lot (when not an accessory to a permitted use);

M. Rail lines and utility corridors;

N. Used Car/Vehicle/Farm Implement Sales;

O. Wholesale Sales, if fully enclosed, and less than 20,000-square feet of floor area.

P. Medical Marijuana Facility (MMF).

Purpose. This Section establishes regulations for the siting of medical marijuana (MMF) commercial facilities as authorized by State Law. The purpose of this Section is to minimize adverse impacts on adjacent properties, schools and other places where children congregate, and other land uses potentially incompatible with such facilities.

1. **General provisions.**

a. No MMF facility may be located within the City unless the review authority finds that it satisfies all the requirements of this Code and State law.
b. MMF may be allowed, subject to a Conditional Use Permit and if it does not conflict with the provision of d, i.-v.below.
c. MMF legally established pursuant to this Code shall not be found in conflict with the provision of this Code in the event that a conflicting land use locates in the vicinity of a MMF facility subsequent to the MMJ facility obtaining land use approval from the City. When such conflict is found to exist, the MMJ facility shall be considered a legal nonconforming.
d. No MMF shall be located:
   i. At the same address as a registered grow site.
   ii. Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors, or,
   iii. Within 1,000 feet of the real property comprising a public park or community recreation facility where minors regularly congregate, or,
   iv. Within 1,000 feet of the real property comprising a day care or church. or
   v. Within 1,000 feet of another MMF facility.

2. **Definitions** The following definitions included by reference apply to this section:

Career School – any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training or preparing persons for any profession at a physical location attended primarily by minors.

Minor – an individual under the age of 18.

Elementary school - a learning institution containing one or any combination of grades kindergarten through 8th grade or age level equivalent.

Secondary School – a learning institution containing one or any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.

9-6-A-4 *Development Standards*

The development standards apply to all new structures, buildings, and development, and major remodels, in the Central Commercial Zone.

1. Minimum Lot Area (square feet): none, except that development must conform to lot width, depth, yard setback and coverage standards.

2. Minimum Lot width: 20 feet

3. Minimum Lot Depth: 40 feet

4. *Front yard setback: Buildings shall be built at the front property line (zero front yard setback), except where a street designation in the City Transportation System Plan requires the acquisition of additional right-of-way (i.e., street widening), then the front yard setback will be determined by the Approval Body to avoid future impacts to the building.*

   The front yard setback may also be increased through Site Design Review to provide pedestrian amenities between a primary building entrance and the street right-of-way (See Section 9-6-A-6).

5. Side and Rear Setbacks: None, except that a garage or carport, which must be located off of an alley, must have a minimum 10 foot setback from the edge of property.

6. Setbacks for Flag Lots: The front yard of a flag lot shall conform to one of the following two options:

   a. Parallel to the street from which access is taken, or

   b. Parallel to the flag pole from which access is taken.

7. Setback for Reverse Frontage (Through) Lots: Buildings on reverse-frontage lots shall be required to build to the property line standard on only one street. If one street has a higher classification, (i.e. collector vs. local), the build to property line standard shall be applied to the higher classification street.

8. Building and Structure Heights: 45 feet. Height may be exceeded with approval of a Conditional Use Permit.

9. Lot Coverage: 100%

10. Off Street Parking: The Off-street parking requirements in Chapter 9-13 does not apply to the Central Commercial Zone located along Main Street nor the Commercial Residential Zone located along Bridge and Sprague Streets between the railroad right-of-way on the east and Umatilla River on the west.

9-6-A-5 *Building Orientation*

In the Central Commercial Zone, buildings shall oriented close to streets to promote pedestrian-oriented development.

1. Building orientation standards. Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 9-6-A-5(1). This standard is met when all of the following criteria are met:

   a. All buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or courtyard entrance) facing an adjoining street. If the building faces more than one street (a through lot or a corner lot) and if one street has a higher classification, (i.e. collector vs. local), the primary building entrance shall be located on to the higher classification street. Buildings located on the corner of two streets may locate the primary entrance on the corner.

   b. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented. Off-street parking shall be oriented internally to the site and divided by landscape areas into bays of not more than 12 parking spaces per bay, as generally shown in Figure 9-6-A-5(2).

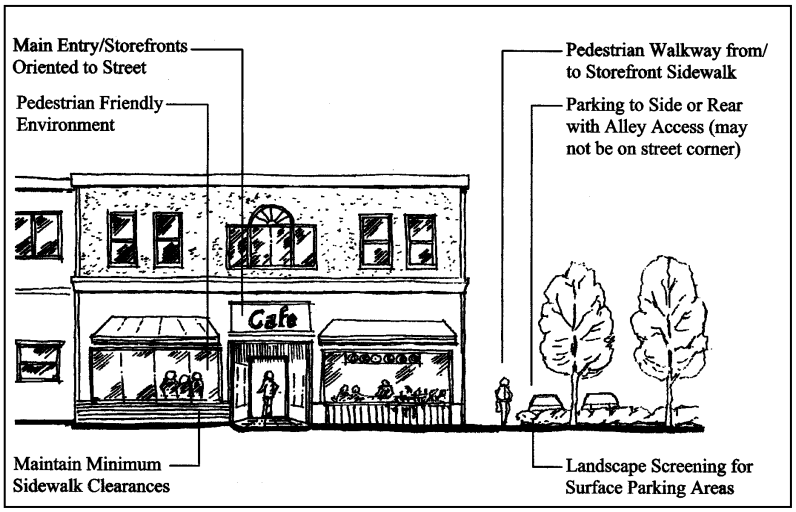


Figure 9-6-A-5(1) – Building Orientation

d. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to

common green, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway.

9-6-A-6 *Architectural Design Standards*

1. Purpose and Applicability. This section intended to encourage detailed, human-scale design that is characteristic of historic Echo, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of this section., which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.

2. Pedestrian-Orientation. The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the Approval Body finds that all of the criteria in a-g, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

   a. The building orientation standards in C-1 Zone are met; and

   b. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and

   c. Corner buildings (i.e., buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or corner plaza; and

   d. At least 60 percent of the building's front façade (measured horizontally in linear feet) shall be located at the build-to line;

   e. Ground floor windows with transparent, non-mirrored, non-darkened glass, or window displays shall be provided along at least 30 percent of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and

   f. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features; and

   g. Drive-up and drive-through facilities, when allowed, shall conform to Section 9-6-A-8.

3. Compatibility. All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in a-f, below, are met.

   a. There is continuity in building sizes between new and existing buildings;

   b. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings;

   c. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step-down);

   d. There is continuity of building sizes on the site, if more than one building is proposed;

   e. There is continuity in the rhythm of windows and doors on the proposed building(s);

f. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on-street parking, is strengthened by the proposed building(s).

4. Human Scale. The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

   a. Regularly spaced and similarly-shaped windows are provided on all building stories;

   b. Ground floor retail spaces have tall ceilings (i.e., 12-16 feet) with display windows on the ground-floor;

   c. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;

   d. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (e.g., cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;

   e. The tops of flat roofs are treated with appropriate detailing (i.e., cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;

   g. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;

   h. Historic design and compatibility requirements, where applicable, are met; and

   i. Where buildings front more than one street (i.e, corner or through lots) they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of building (horizontal length): windows; entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and/or similar features

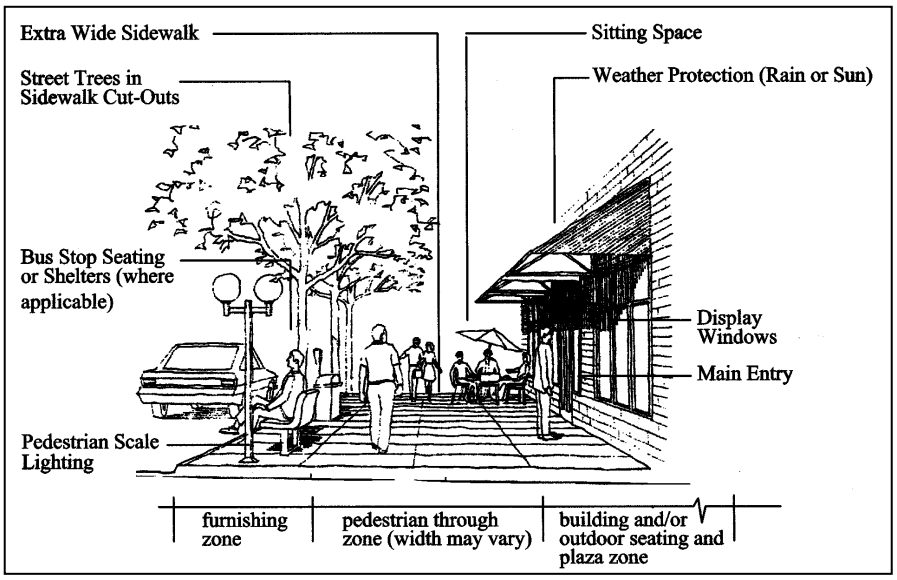
5. Pedestrian Amenities. New developments and major remodels in the Central Commercial zone shall provide one or more of the pedestrian amenities listed below, and as generally illustrated in Figure 9-6-A-7(1). Pedestrian amenities may be provided within the public right-of-way (street furnishing zone, or the pedestrian through zone) or between the right-of-way and the building front within a plaza area, or as shown in Figure 9-6-A-7(1). Use of the public right-of-way requires approval by the roadway authority.

   a. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance;

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

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

   d. Public art (e.g., fountain, sculpture).


Extra Wide Sidewalk
Sitting Space
Street Trees in Sidewalk Cut-Outs
Weather Protection (Rain or Sun)
Bus Stop Seating or Shelters (where applicable)
Display Windows
Main Entry
Pedestrian Scale Lighting
furnishing zone
pedestrian through zone (width may vary)
building and/or outdoor seating and plaza zone

CHAPTER 6 – ARTICLE B

C-2 – TOURIST COMMERCIAL ZONE

SECTION:
9-6-B-1: Permitted Uses
9-6-B-2: Conditional Uses
9-6-B-3: Dimensional Standards

9-6-B-1 *PERMITTED USES:*

In a C-2 Zone, the following uses and their accessory uses are permitted outright:

A. Eating establishment.

B. Gas station or truck stop

C. Motel or hotel

D. Recreational vehicle Park

E. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities

F. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way

G. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation

H. Landscaping as part of a transportation facility

I. Emergency measures necessary for the safety and protection of property

J. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan

K. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance

9-6-B-2 *CONDITIONAL USES:*

In a C-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 10 of this Title:

A. Amusement establishment.

B. Public or semi-public use.

C. Repair or maintenance establishment.

D. Retail or wholesale trade establishment.

E. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

F. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

9-6-B-3 *DIMENSIONAL STANDARDS:*

In a C-2 Zone, the following dimensional standards shall apply:

A. The lot area shall be a minimum of ten thousand (10,000) square feet.

B. The minimum street frontage shall be one hundred square feet.

C. The front, side and rear yards shall be a minimum of ten feet (10’) each.

D. Building height shall be a maximum of thirty feet (30’). (Ord. 231-78, 10-18-78)

CHAPTER 7

M-1 – LIGHT INDUSTRIAL ZONE

SECTION:
9-7-1: Permitted Uses
9-7-2: Conditional Uses
9-7-3: Dimensional Standards
9-7-4: Limitations on Use

9-7-1 *PERMITTED USES:*

A. In an M-1 Zone, any industrial use that will not create a public nuisance because of unsightliness, noise, smoke, odor, dust, vibration or heavy truck traffic is permitted outright.

B. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

C. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.

D. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

E. Landscaping as part of a transportation facility.

F. Emergency measures necessary for the safety and protection of property.

G. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System.

H. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

9-7-2 *CONDITIONAL USES:*

In an M-1 Zone, the following uses are permitted when authorized in accordance with Chapter 10 of this Title:

A. Public or semi-public use.

B. Repair or maintenance establishment.

C. Retail or wholesale trade establishment.

D. Medical Marijuana Facilities (MMF)

E. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

F. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

9-7-3 *DIMENSIONAL STANDARDS:*

In an M-1 Zone, the following dimensional standards shall apply:

A. The lot area shall be a minimum of ten thousand (10,000) square feet.

B. The minimum street frontage shall be one hundred feet (100').

C. The front, side and rear yards shall be a minimum of ten feet (10') each.

D. Building height shall be a maximum of thirty feet (30').

9-7-4 *LIMITATIONS ON USE:*

In an M-1 Zone, the following limitations and conditions shall apply:

A. Materials shall be stored and grounds shall be maintained in a manner, which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

B. Any use of property within one hundred feet (100') of a lot in a residential zone shall be subject to review. The City Council may impose such limitation as may be required to reduce conflicts between uses. (Ord. 231-78, 10-18-78)

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. A decorative wall (i.e., masonry or similar material) or opaque fence complying with Section 9-3-2 (G), or

2. Evergreen hedge,

3. A similar feature that provides an visual barrier.

CHAPTER 8

POS – PERMANENT OPEN SPACE ZONE

SECTION:
9-8-1: Permitted Uses
9-8-2 Conditional Uses

9-8-1 *PERMITTED USES:*

The following uses are permitted outright in a Permanent Open Space Zone (No permanent structures may be built):

A. Farming, including crop cultivation, truck gardening or plant nursery enterprises an livestock grazing

B. Natural areas, including wildlife refuges

C. Outdoor recreational facilities (Ord. 231-78, 10-18-78; Ord. 244B-81, 2-18-81)

D. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities

E. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way

F. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

G. Landscaping as part of a transportation facility

H. Emergency measures necessary for the safety and protection of property.

I. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan

J. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance

9-8-2 *CONDITIONAL USES*

A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
5. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

CHAPTER 9

NON-CONFORMING USES

SECTION:

9-9-1: Definition
9-9-2: Circumstances for Allowing Nonconforming Uses
9-9-3: Authorization of Similar Uses

9-9-1 *DEFINITION:*

A structure or use lawfully in existence at the time this Title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

9-9-2 *CIRCUMSTANCES FOR ALLOWING NONCONFORMING USES:*

A. Continuation and Improvements: A nonconforming use may be continued although not in conformity with the regulations for the zone in which the use is located and improvements to the property or structure or both may be made when necessary to continue but not expand the use.

B. Changes and Alterations of Use: A nonconforming use or structure may not be replaced, changed or altered to another use unless the change or alteration is to the same use classification as permitted in this Title, or to a classification that more nearly conforms to the regulations for the zone in which the use is located.

C. Discontinuation of Use: If the nonconforming use is discontinued for a period of one year, further use of the property shall conform to this Title.

D. Repair and replacement of nonconforming residential structures.

1. Damage of less than eighty percent (80%). A nonconforming structure that is damaged or destroyed by fire, flood, wind, earthquake, or other calamity to the extent of less than 80% of its floor area may be repaired, restored or reconstructed to its original size and configuration. All new construction, restoration and replacement shall comply with all applicable provisions of the building, health and fire codes.

2. Damage of more than eighty percent (80%). A nonconforming structure that is damaged or destroyed by fire, flood, wind, earthquake, or other calamity to the extent of 80% or more of its floor area may be repaired, restored or reconstructed provided that all of the following conditions are satisfied:

i. Permits for replacement shall be acquired within one (1) year of damage.

ii. The total floor area of the restored structure shall not be greater than the total floor area of the original structure.

iii. The total number of dwelling units in the restored structure shall not be greater than the total number of dwelling units in the original structure.

iv. The front, side and rear setbacks of the restored structure shall not be less than the setbacks of the original structure.

v. The number of off-street parking places shall not be reduced from the number available prior to the restoration.

vi. The new construction, restoration and replacement shall comply with all applicable provisions of the building, health and fire codes.

E. Pre-existing Permits: Nothing contained in this Title shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued or approved by the City and construction has commenced prior to the adoption of this Title, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time the permit was issued.

9-9-3 *AUTHORIZATION OF SIMILAR USES:*

The City Council may rule that a use not specifically listed among the allowed uses in a zone shall be permitted as an allowed use, if it is similar to the allowed uses, and if it is not specifically listed as an allowed use in another zone. (Ord. 231-78, 10-18-78)

CHAPTER 10

CONDITIONAL USES

SECTION:

9-10-1: Authorization to Grant or Deny
9-10-2: Permit Conditions
9-10-3: Application for Conditional Use
9-10-4: Procedure for Action to be Taken
9-10-5: Time Limit for Permit
9-10-6: Time Limit on Reapplication
9-10-7 Widening Roads

9-10-1 *AUTHORIZATION TO GRANT OR DENY:*

A conditional use listed in this Title shall be permitted, altered or denied in accordance with the standards and procedures of this Chapter. In the case of a use existing prior to the effective date of this Title and classified in this Title as a conditional use, a change in the use or in lot area or an alteration of structure shall conform to the requirements for conditional use. In judging whether or not a conditional use proposal shall be approved or denied, the City Council shall weigh the proposal's appropriateness, desirability, the public convenience, or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use as proposed, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. The use will be consistent with the Comprehensive Plan and the objectives of this Title and other applicable policies of the City.

B. Taking into account location, size, design and operating characteristics, the use will have minimal adverse impact on the (1) livability, (2) value, and (3) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

C. The location and design of the site and structures for the use will be as attractive as the nature of the use and its setting warrants.

D. The design will preserve environmental assets of particular interest to the community.

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

F. Shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

G. Shall require dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

H. Shall require improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

9-10-2 *PERMIT CONDITIONS:*

In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions, which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

B. Establishing a special yard or other open space or lot area or dimension.

C. Limiting the height, size or location of a building or other structure.

D. Designating the size, number, location and nature of vehicle access points and off-street parking spaces.

E. Increasing the amount of street dedication, roadway width, or improvement within the street right of way.

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.

G. Limiting or otherwise designating the number, size, location, height and lighting of signs.

H. Limiting the location and intensity of outdoor lighting and requiring its shielding.

I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

J. Designating the size, height, location and materials for a fence.

K. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or another significant natural resource.

L. Imposing other conditions to permit the development of the City in conformity with the intent and purpose of the conditional classification of uses.

9-10-3 *APPLICATION FOR CONDITIONAL USE:*

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or authorized agent of the owner by filing an application with the City Recorder in accordance with Section 9-1-3 of this Title. In addition to the requirements of Chapter 13 of this Title, the applicant must show that the proposed conditional use reasonably meets the need recognized by this Title.

In addition to filing an application, the City Council may require the applicant to post bond up to the amount of the cost of meeting conditions and standards specified by this Title or the City Council. The bond shall be returned upon proof by the applicant that the conditions and standards have been met. If conditions and standards required are not met within one year, the bond shall be forfeited and the City may institute proceedings under Chapter 1 of this Title.

An Application for a Medical Marijuana Facility (MMF) shall be made by a person responsible for a medical marijuana facility (MMF) as defined in OAR 333-008-1010, and include evidence that the MMF is registered with the Oregon Health Authority pursuant to ORS 475.314.

9-10-4 *PROCEDURE FOR ACTION TO BE TAKEN:*

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

A. Application Review: Upon receipt of the application, the City Recorder shall provide copies of the application material to City Council members.

B. Public Hearing: Before the City Council may act on an application for conditional use a public hearing shall be held as provided in Chapter 1 of this Title.

C. Notice to Applicant of Action Taken: Following the close of the hearing, the City Recorder shall provide the applicant with written notice of the action taken as provided in Chapter 1 of this Title.

D. Time Limit of Permit: Authorization of a conditional use shall be void after one year or such time as the authorization may specify unless all requirements of this Title and of the City Council have been met. The City Council may extend such authorization for a period not to exceed one additional year.

E. Time Limit on Re-application: No application for a conditional use permit shall be considered by the City Council within one year of the denial of the request, unless in the opinion of the City Council new evidence or a change of circumstances warrant it. (Ord. 231-78, 10-18-78)

F. Widening of Roads: Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

   1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

   2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

   3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

   4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

G. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

9-10-5 *TIME LIMITATION ON TRANSPORTATION RELATED CONDITIONAL USE PERMITS*

Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

9-10-6 *RECOMMENDED REGULATIONS TO PROVIDE NOTICE TO PUBLIC AGENCIES*

Review of land use actions is typically initiated by a Notice. This process is usually defined by a Procedures Ordinance or Noticing Policy. This Ordinance or Policy should be amended to provide for Notice to ODOT regarding any land use action on or adjacent to a State facility. Similarly, all actions by a city or county potentially affecting another jurisdiction's road should require notice to that jurisdiction's public works department. In addition, the policy should be to notice providers of public transit and special interest transportation groups such as truckers, railroad, bicyclists, pedestrians, and the disabled on any roadway or other transportation project.

A. Information that should be conveyed to reviewers includes:

   1. Project location
   2. Proposed land use action
   3. Location of project access point(s)

B. Additional information that could be supplied to the review upon request (provided the information is available) includes a site plan showing the following:

   1. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
   2. Number and direction of lanes to be constructed on the driveway, plus striping plans;
   3. All planned transportation features (lanes, signals, bikeways, sidewalks, crosswalks, etc.);
   4. Trip generation data or appropriate traffic studies;
   5. Parking (motor vehicle and bicycle) and internal circulation plans for vehicles and pedestrians;
   6. Plat map showing property lines, right-of-way, and ownership of abutting properties; and
   7. A detailed description of any requested variance.

CHAPTER 11

VARIANCES

SECTION:

9-11-1: Authority to Grant or Deny
9-11-2: Circumstances for Granting a Variance
9-11-3: Application for Variance
9-11-4: Procedure for Action to be Taken
9-11-5 Variance Standards
9-11-6: Time Limit on Permit

9-11-1 *AUTHORITY TO GRANT OR DENY:*

The City Council may authorize variances from the requirements of this Title where it can be shown that, owing to special and unusual circumstances relating to a specific piece of property, strict application of this Title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of the property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the City Council may attach conditions, which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this Title.

9-11-2 *CIRCUMSTANCES FOR GRANTING A VARIANCE:*

A variance may be granted only in the event that all of the following circumstances exist:

A. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography, or other circumstances over which the owner of the property, since the enactment of this Title, has no control.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the zone or vicinity possess.

C. There is a public need for the purpose to be achieved by the variance.

D. The public need is reasonably met by the variance.

E. The variance would not be materially detrimental to the purposes of this Title, or to property in the same zone or vicinity in which the property is located, and the variance is in compliance with and is not a deviation from the Comprehensive Plan for the City.

F. The variance requested is the minimum variance, which would alleviate the hardship.

9-11-3 *APPLICATION FOR VARIANCE:*

A request for a variance may be initiated by a property owner or authorized agent of the owner by filing an application with the City Recorder in accordance with Chapter 1 of this Title.

9-11-4 *PROCEDURE FOR ACTION TO BE TAKEN:*

The procedure for taking action on the application for a variance shall be as follows:

A. Application Review: Upon receipt of the application, the City Recorder shall provide copies of the application material to City Council members.

B. Public Hearing: Before the City Council may act on an application for variance, a public hearing shall be held as provided in Chapter 1 of this Title.

C. Notice to Applicant of Action Taken: Following the close of the hearing, the City Recorder shall provide the applicant with written notice of the action taken as provided in Chapter 1 of this Title.

9-11-5 *VARIANCE STANDARDS FOR CITY/COUNTY FACILITIES*

The granting of the variation shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

A. Indirect or restricted access cannot be obtained;

B. No engineering or construction solutions can be applied to mitigate the condition; and

C. No alternative access is available from a street with a lower functional classification than the primary roadway.

D. No variance shall be granted where such hardship is self-created.

9-11-6 *TIME LIMIT ON PERMIT:*

Authorization for a variance shall be void after one year unless substantial construction has taken place. However, the City Council may extend authorization for a period not to exceed one additional year on request. (Ord. 231-78, 10-18-78)

CHAPTER 12

MOBILE & MANUFACTURED HOME REGULATIONS

SECTION:

9-12-1: Siting Requirements
9-12-2: Installation Requirements
9-12-3: Waiver of Installation

9-12-1 *SITING REQUIREMENTS:*

A. Review Process. The city[county or state] building official shall review compliance with the standards of this section administratively during the review of applicable building permits and set-up permits.

B. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting current performance standards specified by state law for single-family dwellings

C. Dimensions:

1. The manufactured home sited on individual lots in Zone R-1, RC or R4 Zones shall be multi-sectional and shall enclose a space not less than 1,000 square feet.

2. The R-2 Zone Manufactured Dwellings sited on individual lots shall be multi-sectional and have at least one thousand two hundred (1,200) square feet.

D. Ownership: The owner of the mobile home does not have to be the owner of the lot upon which the mobile home is located. However, the owner of the lot shall sign, prior to installation, the agreement, provided by the City, that within ninety (90) days after the mobile home is removed from its foundation, the owner of the lot shall remove the foundation and all additions to the home and permanently disconnect and secure all utilities. This agreement shall also authorize the City to perform this work, without further notice to the owner, if this work is not done within ninety (90) days after the mobile home is removed from its foundation, and for the placing of a lien against the property for the City's cost in performing this work. This condition shall not apply in the event that another mobile home is placed on the original foundation within ninety (90) days of the removal of the original mobile home. Further, the agreement will also provide that the owner of the lot shall be responsible for any unpaid City utility fees and a lien may be placed against the property for such unpaid feet. (Ord. 264-86, 10-2-86)

9-12-2 *INSTALLATION REQUIREMENTS:*

A. The manufactured dwelling is to be placed on an excavated and backfilled permanent foundation with footings and crawl space or basement walls constructed in accordance with Oregon Department of Commerce Standards. The space between the floor joists of the home and the excavated under floor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings). The exposed skirting/perimeter enclosure shall be a continous concrete stem wall, masonry brick veneer or concrete cinder block material (no plywood, vinyl or metal skirting) or as stated above placed over a basement complying with the minimum set-up standards and meet the anchoring standards included in the state building codes and/or the adopted State Administrative Rules for Manufactured Dwelling, Chapter 918.

B. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation shall not apply.

C. The manufactured home shall have a roof with a nominal pitch of not less than 3/12.

D. At the time of installation, the manufactured home shall be in good repair and free of structural, electrical, mechanical, and plumbing defects and manufactured within the current or previous six calendar years if a double wide or wider, unless otherwise approved by the City through a variance procedure;

E. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.

F. The mobile home or manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the building official.

G. The exterior siding must be standard wood siding, T-111, a siding of equivalent appearance, or better.

H. If a garage or carport is constructed, it shall be of like materials as the manufactured home.

I. Transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy.

J. All utilities shall be connected to the manufactured home in compliance with city and state requirements prior to occupancy.

K. Except for a structure that conforms to the state definition of a manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage constructed to the standards of the Oregon State Structural Specialty Code. No attached extension shall exceed a height of 14 feet, or the roofline of the manufactured home, whichever is greater.

L. The applicant must obtain an installation/set-up permit for the manufactured home from the city.

M. A manufactured home shall not be placed within an acknowledged historical district or adjacent to a historic landmark.

N. In addition to the provisions in section A through M of this subsection, the City may subject a manufactured dwelling and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

9-12-3 *WAIVER OF INSTALLATION:*

The City Council giving its reasons therefore, may reduce of waive one or more installation requirements that, in its judgment, are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate. (revised 2-20-14)

OFF-STREET PARKING AND LOADING

SECTION:
9-13-1: General Provisions
9-13-2: Specifications

9-13-1 *GENERAL PROVISIONS*

A. Provision of Facilities: At the time of erection of a new structure, off-street parking and loading shall be provided as specified in this Section, unless greater requirements are otherwise established. The Off-street parking requirements do not apply to the Central Commercial Zone located along Main Street nor the Commerical Residential Zone located along Bridge and Sprague Streets between the railroad right-of-way on the east and Umatilla River on the west.

B. Parking Space Maintenance: The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented to the City that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of the property shall be conditional upon the continuing availability of the amount of parking and loading space required by this Title.

C. Total Requirements: If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

D. Parking Space Location: Required parking spaces shall be located not more than five hundred feet (500') from the building or use they serve.

E. Parking Space Use: Required parking spaces shall be available for the parking of passenger automobiles of customers and employees only, and shall not be used for storage of materials or the parking of trucks used in conducting the business or use.

9-13-2 *SPECIFICATIONS:*

Where floor area is specified, that area shall be gross floor area of the structure exclusive of any area devoted to off-street parking or loading. If basements or upper floors are used exclusively for storage, such area shall not be calculated as part of the gross floor area. Where the number of employees is used to determine parking requirements, persons counted shall be those intended to be working on the premises, including proprietors during the largest shift in peak season. Fractional requirements shall be counted as a whole space.

A. Parking spaces are required as follows (Table 2):

9.13.2 Specifications

Table 2 – Parking Space Requirements

Use	Standard
Residential	
One or two family dwellings	Two spaces per dwelling unit
Multi-family dwellings	Studio units or 1-bedroom units less than 500 sq. ft: 1 space/unit 1-bedroom unit 500 sq. ft. or larger: 1 space/unit 2-bedroom units: 1.5 spaces/unit 3-or more bedroom units: 2 spaces/unit Retirement complexes for seniors 55 years or older: 1 space/unit. Bicycle parking: one space per two units.
Hotel or motel	One space per guest room
Institutional	
Hospital or nursing home	One space per two beds and one space per two employees
Preschool or kindergarten	Two spaces per teacher
Elementary or junior high	One space per classroom plus one space per administrative employee and one bicycle space per four students
Theater, auditorium, church Stadium or other assembly area	One space for each four seats or if not fixed seats, then one space for each 100 square feet of floor area
High school	Six spaces per classroom plus one space for each employee and one bicycle space per four students
Clubs or meeting halls	One space per 100 square feet of floor area
Commercial	
Retail stores	One space per 200 square feet of floor area plus one space per two employees and one bicycle space per 600 feet of floor area; except that credit is allowed for on-street parking as described in "J," below..
Service or repair shop	One space per 600 square feet of floor area plus one space per two employees; except that credit is allowed for on-street parking as described in "J," below..
Bank or professional offices	One space per 300 square feet of floor area plus one space per two employees; except that credit is allowed for on-street parking as described in "J," below..
Eating or drinking establishments	One space per 200 square feet of floor area plus one space per two employees; except that credit is allowed for on-street parking as described in "J," below..
Bowling alley	Three spaces per lane plus one space per employee; except that credit is allowed for on-street parking as described in "J," below..
Industrial:	
Storage warehouse, manufacturing Establishments, freight terminal, Food processing	One space per employee
Wholesale establishment	One space per employee plus one space per 700 square meet of patron serving area

B. School Bus Loading Area: Each school having a capacity of over twenty-five (25) pupils shall have a driveway designed for a continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

C. Residential Parking: In a residential area, no parking shall be allowed in the front yard of the dwelling units other than on a driveway.

D. Bicycle Racks: Bicycle spaces shall be racks anchored so that they cannot be easily removed. Racks shall be designed so that at least one wheel and frame of a bicycle can be locked securely to it with a heavy chain, cable, or padlock. Bicycle racks shall be clearly labeled as available for bicycles and shall be located to be at least as convenient as the most convenient car parking, and as close to the desired entrances as possible without interfering with pedestrian traffic. Bicycle

and auto parking areas should be separated by some form of barrier to eliminate the possibility of a bicycle being hit by a car.

E. Joint Parking: Owners of two (2) or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, providing that the owners present to the City Council legal evidence of such arrangement in the form of a lease, deed or contract.

F. Off-Street Loading: Any off-street loading other than schools shall be located such that there is no interference with traffic on any street other than an alley.

G. Non-listed Uses: Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Council, based upon the require-ments of comparable uses listed.

H. Surfacing: All off-street parking spaces and driveways, except those of single-family residences, shall be hard-surfaced with concrete, asphalt, cement, oil mat or similar surface which is resistant to dust and mud. Type and thickness of this hard surface shall be approved by the City Engineer.

I. Access: Groups of more than four (4) off-street parking spaces shall be served by a driveway or aisle so that no backing movements or maneuvering within a street other than an alley will be required. Driveways or aisles shall be clearly and per-manently marked and defined through the use of bumper rails, fences, painting, walls or other appropriate markers and shall not be considered as parking spaces. (Ord. 231-78)

J. Credit for On Street Parking. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement. On-street parking shall fol-low the established or approved configuration of existing on-street parking, ex-cept that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. One on-street parking space shall be defined as follows:

1. Parallel parking, each 24 feet of uninterrupted curb, where allowed;

2. 45 degree diagonal, each with 14 feet of curb, where allowed;

3. 90 degree (perpendicular) parking, each with 12 feet of curb, where allowed;

4. Curb space must be connected to the lot that contains the use;

5. Parking spaces will not obstruct a required clear vision area or violate any law; and

6. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted. (amended 2012)

CHAPTER 14

SIGNS

SECTION:

9-14-1: General Requirements
9-14-2: Residential Zone Requirements
9-14-3: Commercial Zone Requirements
9-14-4: Industrial Zone Requirements
9-14-5: Temporary Signs
9-14-6: Public or Semi-Public Signs

9-14-1 *GENERAL REQUIREMENTS:*

A sign permitted only as an accessory use to the use of the property on which the sign is located.

9-14-2 *RESIDENTIAL ZONE REQUIREMENTS:*

In a residential zone, the following regulations shall apply:

A. No sign shall be illuminated in any manner.

B. One nameplate or home occupation sign shall be allowed and shall not exceed two (2) square feet in area.

9-14-3 *COMMERCIAL ZONE REQUIREMENTS:*

A. In all commercial zones, the following regulations shall apply:

1. Signs shall be set back at least ten feet (10') from any residential zone.
2. Moving or flashing signs are prohibited.
3. Total area of all signs shall not exceed one square foot per one hundred (100) square feet of the building's ground floor area.

B. In the C-1 Zone, the following guidelines concerning business signs are provided to assist in interpreting and application of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings.

1. Business signs shall be consistent in style and appearance with the neighborhood or individually designated landmark where the sign is to be located.
2. Business signs shall be of a style, size, material and appearance consistent with the architecture of the main structure on the property.
3. Signs shall be limited in size, scaled to be legible at the slow travel speeds of residential streets where applicable, and small enough that they do not dominate buildings originally designed for a non-commercial purpose, impose on pedestrian traffic or disturb the continuity of the streetscape.
4. Size, Shape and Proportion

a. For those signs affixed to a structure, size and proportions must be sensitive to the style and proportions of the structure, and the size must comply with the sign provisions of the Zoning Code. Buildings built as residential structures normally will allow a sign no larger than four (4) square feet. If the structure was originally built

for commercial or institutional use, there may be larger blank wall areas on which a somewhat larger sign would be consistent with the architecture. This will be judged on an individual basis and is subject to the Zoning Code. Whenever a sign is affixed to a building, it must be installed to avoid damaging the structure. For example, when a sign is affixed to a masonry structure, it should be attached to mortar joints, not the brick or stone.

b. For signs posted in a yard, next to a structure, the zoning limit should be observed. As an example, in a special residential zone this would allow a sign three (3) feet high and four (4) feet wide, which should provide ample space for business identification. A smaller size may be required depending on the size of the structure, the space available in the yard and the location of the sign in relation to the street, sidewalk and other structures. The size of the sign must be proportionate to the main structure. For instance, where a former residence is now in commercial use, a smaller sign may be required. Larger sized may be appropriate for some types of signs, such as state historical markers.

5. Materials

a. Historically appropriate materials include wood, cast metal, and flat sheet metal. Use of unfinished pressure treated lumber is not recommended.

b. Historically appropriate techniques for creating lettering and designs generally include:

- Paint or gilding on a flat surface;
- Individual letters or logos cut-out and mounted on a smooth sign surface or building wall; and
- metal castings of the entire sign.

c. Techniques generally not historically appropriate include:

- Sand-blasting of wood (or other methods) leaving raised letters on a heavily-textured background; and
- Painting by spraying or air-brushing, yielding letters and designs which are not clearly defined.

6. Details

a. For most situations, one (1) of two (2) basic styles of sign is recommended:

- In the case of a commercial-style building with appropriate wall areas, separate letters mounted to the wall of the structure, though care must be taken to minimize damage to wall areas in affixing the letters or
- A flat painted sign with a simple square or rectangular shape mounted in the yard.

b. Colors used should be consistent with the color scheme of the structure to which they relate.

c. Lighting the surface of the sign may be acceptable, depending on the character of the main structure and adjacent buildings. Interior illuminated, neon signs, flashing lights and back-lit awnings are not recommended unless they can be demonstrated to be historically accurate.

d. The sign lettering, decoration, logo, design, or any other element, must be consistent with the scale, design and appearance of the structure to which the sign relates.

9-14-4 *INDUSTRIAL ZONE REQUIREMENTS:*

In an industrial zone, the following regulations shall apply:

A. Signs shall be set back at least ten feet (10') from any residential zone.

B. Moving or flashing signs are prohibited.

C. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse or mislead a vehicle operator.

9-14-5 *TEMPORARY SIGNS:*

A. One sign shall be allowed per lot advertising the property for sale, lease or rent and the sign shall not exceed six (6) square feet in area. A "for sale" sign shall not be allowed to remain on the property after the property is sold.

B. One sign shall be allowed per subdivision advertising lots or homes for sale. Such sign shall not exceed fifty (50) square feet in area and shall be set back at least twenty feet (20') from the nearest street.

C. One advertising sign not to exceed eight (8) square feet in area nor advertising for a period exceeding two (2) weeks an event such as a picnic, bazaar, or banquet of a church, service club, fraternal organization, or similar group shall be allowed.

D. Political signs shall be allowed, but shall not to exceed two (2) square feet in area nor advertise a candidate or issue for a period exceeding thirty (30) days prior to the date of an election, and must be removed within fourteen (14) days after election day..

9-14-6 *PUBLIC OR SEMI-PUBLIC SIGNS:*

On property in public or semi-public use, an identification sign facing each abutting street not to exceed six (6) square feet in area and a bulletin board not over ten (10) square feet in area shall be allowed. (Ord. 231-78. 10-18-78)

CHAPTER 15

Site Plan Review

Sections:

9-15-1 Purpose
9-15-2 Applicability
9-15-3 Site Plan Review Application Submission Requirements
9-15-4 Site Plan Review Approval Criteria
9-15-5 Bonding and Assurances for Public Improvements
9-15-6 Commencement of Development; Modifications; Approval Period, Expiration; and Phasing

9-15-1 *PURPOSE:*

Site Plan Review is a discretionary review conducted by the Approval Body with a public hearing. Site Plan Review ensures compliance with the land use and development standards in the underlying zone (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height), and other standards and public improvement requirements as required by this Code.

9-15-2 *APPLICABILITY:*

A. Site Plan Review shall be required for all new developments and significant modifications of existing developments (described below), in the following zones: Tourist Commercial-C-2 and Light Industrial-M-1.

B. Uses Exempt from Site Plan Review. The following land uses and developments are exempt from Site Plan Review.

1. Single-family detached dwelling (including manufactured home on its own lot);

2. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;

3. Non-residential building additions up to 500 square feet, or 25 percent of an existing structure, whichever is greater;

4. Home occupations;

5. Temporary uses;

6. Accessory structures and accessory parking;

7. Public improvements required by a condition of approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the City Planning Official).

8. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

9-15-3 Site Plan Review Application Submission Requirements.

A. Site Map Information. In addition to the general submission requirements, an applicant for Site Plan Review shall provide the following information, as deemed applicable by the City:

1. The proposed development site, including boundaries, dimensions, and gross area;

2. The location and dimensions of all proposed public and private streets, drives, rights-of-way, accesses, and easements;

3. The location and dimensions of existing and proposed structures, utilities, pavement and other improvements on the site. ;

4. The location and dimensions of parking and vehicle circulation areas;

5. Pedestrian and bicycle circulation areas, including sidewalks, pathways, or trails;

6. Loading and service areas for waste disposal, loading and delivery;

7. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

8. Location, type, and height of outdoor lighting;

9. Name and address of project designer, if applicable;

10. Locations of proposed signs;

B. Building drawings. The City may request architectural drawings showing one or all of the following for new buildings and major remodels:

1. Building elevations (as determined by the City) with building height and width dimensions;

2. Building materials, colors and type;

C. Other information as determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

9-15-4 *Site Plan Review Approval Criteria.*

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

A. The application is complete, as described in 9-15-3.

B. The application complies with the applicable provisions of the underlying Land Use Zone, including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

9-15-5 *Bonding and Assurances for Public Improvements*

A. Performance Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;

B. Release of Performance Bonds. The bond or assurance shall be released when the City Planning Official finds the completed project conforms to the site development approval, including all conditions of approval.

9-15-6 *Commencement of Development; Modifications; Approval Period, Expiration; and Phasing*

A. Commencement of Development. Development shall not commence until the applicant has received Site Plan Review Approval and building permits. Construction of public improvements shall not commence until the City has approved required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance this section. Site Plan Review approvals shall be subject to all of the following standards and limitations:

B. Modifications to Approved Plans and Developments. Modifications of an approved plan or existing development shall require Site Plan Review

C. Approval Period. Development Review and Site Plan Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or

2. Construction on the site is in violation of the approved plan.

D. Extension. The Planning Commission shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved Site Plan Review plan;

2. The applicant can show intent of initiating construction on the site within the one-year extension period;

E. Phased Development. Phasing of development may be approved with the Site Plan Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Plan Review application.

2. The City shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years without reapplying for Site Plan Review.

3. Approval of a phased Site Plan Review proposal requires satisfaction of all of the following criteria:

   a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;

   b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with this section. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;

c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and

d. An application for phasing may be approved after Site Plan Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications.