# Chapter 1.0 Introduction

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# Chapter 1.1 How to Use the Development Code

Welcome to the Adams Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Adams. The six Chapters of the code are used together to review land use applications. They are organized as follows:

**Chapter 1** - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the code. It also explains the City's authority to enforce the Development Code.

**Chapter 2** - Every parcel, lot, and tract of land within the City's incorporated boundaries is also within a "land use district." (Land use districts are shown on the City's official zoning map.) Chapter 2 identifies the land uses that are permitted within each district and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the Adams Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

**Chapter 3** - The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans, and reviewing applications, to ensure compliance with City standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

**Chapter 4** - Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (non-discretionary, "ministerial" decision); Type II (discretionary, "administrative" decision with public notice); Type III (discretionary, "quasi-judicial" decision with public hearing); and Type IV ("legislative" decision by City Council).

**Chapter 5** - Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or developments that do not comply with the code). This code cannot provide standards to fit every potential development situation. The City's varied geography and complexities of land development require flexibility. Chapter 5 provides such flexibility, while maintaining the purposes and intent of the code.

**Chapter 6** – Chapter 6 creates a placeholder for the City's zoning map amendments. This Chapter serves as a placeholder for ordinances to be located for reference for staff and applicants. Map amendments would be located in this Section in chronological order dating from when they were adopted.

# Chapter 1.2 General Administration

**Sections:**


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|---|---|
| **1.2.100** | **Severability** |
| **1.2.200** | **Compliance and Scope** |
| **1.2.300** | **Consistency with Plan and Laws** |
| **1.2.400** | **Use of a Development** |
| **1.2.500** | **Pre-Existing Approvals** |
| **1.2.600** | **Building Permit and Certificate of Occupancy** |
| **1.2.700** | **Official Action** |
| **1.2.800** | **Coordination with Oregon Department of Environmental Quality** |


**1.2.100 Severability.**

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

**1.2.200 Compliance and Scope.**

**A.** **Compliance with the Provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, ~~and~~ use or otherwise, only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.

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

**C.** **Most Restrictive Regulations Apply**. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.

**D.** **Variances.** Variances shall be governed by the provisions of Chapter 5.1.

**E.** **Transfer of Development Standards Prohibited**. No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

**1.2.300 Consistency With Plan and Laws.**

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

**1.2.400 Use of a Development.**

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

### 1.2.500 Pre-Existing Approvals.

**A.** **Legality of Pre-existing Approvals**. Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval.

**B.** **Subsequent Development Applications**. All development proposals and applications received by the City Recorder or designee after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

### 1.2.600 Building Permit and Certificate of Occupancy.

**A.** **Building Permit.** Obtaining a building permit in Adams is a three-step process.

1. The applicant shall apply for a development permit in accordance with Chapter 4.1—Types of Applications and Review Procedures;

2. DEQ shall review proposed on-site septic system as needed;

3. The applicant shall apply for a building permit from the State Department of Consumer and Business Services.

**B.** **Certificate of Occupancy Required.** To ensure completion of a development or use in the manner approved, commercial and industrial developments shall not be occupied and a use shall not begin until the State Department of Consumer and Business Services has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits. Substantial conformance with land use permits is reached when the applicant has demonstrated compliance with all of the land use application's conditions of approval.

**C.** **Prior to Final Completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

### 1.2.700 Official Action.

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

**B.** **Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void**.**

**C.** **Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.

### 1.2.800 Coordination with Oregon Department of Environmental Quality (DEQ)

This Code references approval criteria required for new structures from Oregon DEQ based on their review of on-site disposal systems. The DEQ standards and regulations are located in ORS Chapter 454.

As of June 2003, the local DEQ office is located in Pendleton, Oregon at:

Department of Environmental Quality
700 SE Emigrant, #330
Pendleton, OR 97801

(541) 276-4063

Applicants should contact both City of Adams and DEQ when considering a development application.

# Chapter 1.3 Definitions

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

**Access** - A way or means of approach to provide pedestrian, bicycle or motor vehicular entrances or exits to a property.

**Access Classification** – A ranking system for streets/roads used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the street/road, subdivision of abutting properties, and existing level of access control.

**Access Connection** – Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public (or private) street/road system.

**Access Easement** - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

**Access Management** - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See Section 3.1.200.

**Accessible** - Approachable and useable by people with disabilities. Complies with the federal Americans with Disabilities Act.

**Accessory Dwelling** - A small, secondary housing unit on a single-family lot, usually the size of a studio apartment. See Subsection 2.1.200.B.

**Accessory Use/Accessory Structure** - Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses, roadside stands and similar structures. See Subsection 2.1.200.~~H~~ **G**.

**Accessway** – See "Pathway/Walkway/Accessway".

**Adjacent** - Abutting or located directly across a street right-of-way.

**Adjusted floor area** – The sum of the gross horizontal areas of all floors of all principal and accessory buildings measured from the exterior faces of the exterior walls of the building(s), and all other enclosed volumes that would be utilized as floor area and have minimum dimensions of 8 feet by 10 feet and 7 ½ feet head room, without additional excavation.

**Administrative** - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See Section 4.1.400.

**Adult Foster Care** - Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster home.
**Adverse Impact** - Negative effect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

**Affordable** - Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

**Agriculture** - As used in this Code, "agriculture" is the same as "farm use". [See ORS 215.203(2)(a).]

**Airport or Aircraft Landing Facility** - Any landing area, runway, landing pad, or other facility designed, used or intended to be used by aircraft, including helicopters, and including all necessary taxi-ways, hangars and other necessary buildings and open spaces.

**Alley** - A narrow street (16'-20' right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings. See Section 3.4.100.

**Alley-access lot** – a building lot or parcel with a rear lot line that abuts an alley.

**Alluvial Fan Flooding** - Flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**Alteration** - A change in construction or a change in occupancy. Where the term "alteration" is applied to a change in construction it is intended to apply to any change, addition, or modification. Where the term is used in connection with a change in occupancy, it applies to changes in occupancy from one type of use to another.

**Alteration, Structural** - A change or repair that would tend to prolong the life of the supporting members of a building or structure. A change in the external dimensions of a building shall also be considered a structural alteration.

**Ambient** - Something that surrounds, as in the level of light, dust or noise.

**Apex** - A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Area of Shallow Flooding** – A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The based flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

**Area of Special Flood Hazard** - The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**Arterial** - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high capacity City street/roads. See Chapter 3.1 - Access and Circulation.

**Articulate/Articulation** - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

**Automobile-dependent use** - The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash or auto and truck sales. See Subsection 2.2.200.E.

**Automobile-oriented use** - Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants and banks. See Subsection 2.2.200.E.

**Base Flood** - The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on FIRM maps always includes the letters A or V.

**Bed and Breakfast Inn** - Provides accommodations (3 or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors.

**Berm** - A small rise or hill in a landscape that is intended to buffer or visually screen certain developments, such as parking areas.

**Beveled Building Corner** - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

**Bicycle** - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which persons or person may ride and with two tandem wheels of at least 4 inches in diameter.

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

**Bicycle parking** – a secured space designated and reserved for the parking of one or more bicycles.

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

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

b. Bike Lane. A portion of the roadway (typically 4 to 6 feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

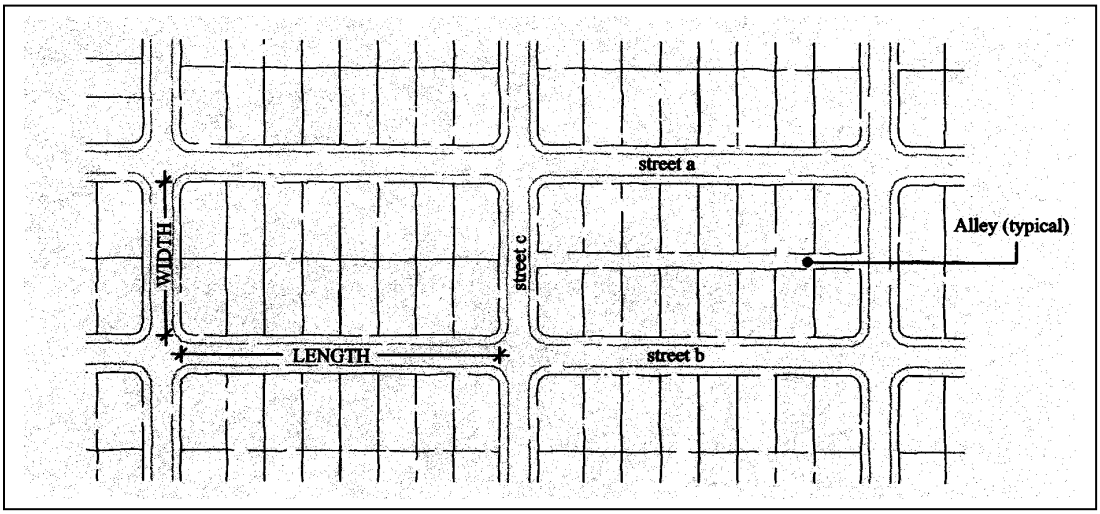
c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

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.

**Block** - A parcel of land or group of lots bounded by intersecting streets. See Subsection 3.1.200.J.

**Block length** – The distance along a street between the centerline of two intersecting through public streets from lot line to lot line, as shown in the graphic.




**Block perimeter** - The distance to travel once completely around the block, ending at the starting point.

**Bollard** - A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

**Boulevard** - A street with broad open space areas, typically with planted medians. See Section 3.4.100.

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

**Building Footprint** - The outline of a building, as measured around its foundation.

**Building height** – The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

**Building height transition** – A method to provide compatible building scale and privacy between developments by requiring new, taller developments to 'step down' height adjacent to existing single-story buildings.

**Building Line** – A line on a plat or map indicating the limit beyond which buildings or structures may not be erected, subject to setback requirements.

**Building Mass** - The aggregate size of a building, or the total height, width, and depth of all its parts.

**Building Official** - That person appointed by the Building Codes Division of the State Department of Consumer & Business Services, who enforces the building ordinances and regulations for the City and other ordinances and regulations of the City as may be designated by the City Council.

**Building Pad** - A vacant building site on a lot with other building sites.

**Building Scale** - The dimensional relationship of a building and its component parts to other buildings.

**Canopy** - A permanent roofed structure that may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles and on foot, but shall not mean a completely enclosed structure.

**Capacity** - Maximum holding or service ability, as applied to transportation, utilities, parks and other public facilities.

**Carport** - A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinets substituting for a wall, and used for sheltering motor vehicles, recreational vehicles or boats.

**Centerline Radius** - The radius of a centerline of a street right-of-way.

**Child Care Center/Family Child Care** - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See ORS 657A for certification requirements.

**City** – The City of Adams, Oregon.

**City Council/Council** – The City Council of the City of Adams, Oregon.

**City Engineer** – A registered professional engineer as defined by ORS 672.002(6), who is legally contracted to represent the City.

**Clear and Objective** - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

**Collector** - Type of street that serves traffic within commercial, industrial and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors are part of the street grid system. See Section 3.4.100.

**Commercial** - Land use involving buying/selling of goods or services as the primary activity.

**Common Area** - Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners' associations).

**Comprehensive Plan** - A plan adopted by the City as guidelines of growth and improvement of the City. It may be revised from time to time to meet changing conditions or unanticipated problems, situations or developments. The plan includes maps and written findings, goals and policies related to land use, transportation, parks and recreation housing, urbanization, public facilities and services, natural resources, air and water quality, educational facilities, and accompanying and or supporting data. The City's plan should include the needs of all levels of government, semi-public and private agencies, and citizens within the geographic area covered. [See ORS 197.015(5).]

**Conditional Use** - A use that requires a Conditional Use Permit. See Chapter 4.4.

**Condominium** - The ownership of single units in a multi-unit structure with common area and facilities.

**Consensus** - Agreement or consent among all participants.

**Conservation Easement** - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

**Construction, New** – For the purposes of determining flood insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

**Construction, Start** – For floodplain management purposes, it includes any construction defined as substantial improvement. It means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Corner Clearance** - The distance from an intersection of a public or private street to the nearest driveway or other access connection to a street, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

**Corner Radius** - The radius of a street corner, as measured around the curb or edge of pavement.

**Cornice** - The projecting horizontal element that tops a wall or flat roof. See Section 2.1.170.

**Cottage** - A small house that may be used as an accessory dwelling, in conformance with Section 2.1.200.B.

**Courtyard** - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

**Cross Access** - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

**Crosswalk** - Where a pedestrian pathway crosses a parking area, driveway, or street.

**Cul-de-sac** – A permanent dead-end street intended for local traffic that terminates with a bulb or other vehicle turnaround approved by the City, where City regulations or policies do not require a through-street now or in the future.

**Curb Cut** - A driveway opening where a curb is provided along a street.

**Deciduous** - Tree or shrub that sheds its leaves seasonally.

**Dedication** - The designation of land by its owner for any public use as shown on a recorded partition or subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

**Density (ies)** - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

**Developable** - Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

**Developer** – Property owner or authorized representative for land division or land development.

**Development** - All improvements on a site, including buildings, placement or replacement of manufactured or other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes. For the purpose of flood standards, development shall also mean any man-made change to improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard on a FIRM map.

**Disabled person parking space** – A space designed to provide standing or parking area for a motor vehicle, owned by a person who has a condition of physical or mental disability that substantially limits one or more major life activities as specified in Section 504 of the Federal Rehabilitation Act of 1973 and state law, and whose vehicle displays a current state-issued disabled person license plate or disabled person parking permit.

**Discontinued/Abandoned Use** - A use that physically vacates the land it was on, cessation of an allowed activity, or use terminated at the end of any lease or contract. See Chapter 5.2.

**Discretionary** - Describes a permit action or decision that involves substantial judgment or discretion.

**Drip-line** - Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

**Drive Lane/Travel Lane** - An improved (e.g., paved) driving surface for one lane of vehicles.

**Drive-through facilities** – A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows for restaurants and banks; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Also see “Auto-oriented uses” in this Section and Chapter 2.2 and Chapter 2.3.

**Driveway** - Area that provides vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots and parking spaces.

**Driveway Apron/Approach** - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.200.K.

**Drought-tolerant/Drought-resistant Plants** - Refer to *Sunset Western Garden Book* (latest edition) or other resource on plants native to or suitable for the Eastern Oregon climate and hydrology.

**Duplex** - A building with two attached dwelling units on one legal lot or parcel.

**Dwelling Unit** – A living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code (UBC), for not more than one family, or a congregate residence for 10 or less persons. (See UBC section 205.)

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

**Effective lot area** – The gross ground surface area of a lot minus any portion of the lot encumbered by a recorded driveway or street/roadway easement.

**Elevation** - A building face, or scaled drawing of the same, from grade to roof ridgeline.

**Environmentally Sensitive Areas** - See "sensitive lands".

**Established Residential Area** - An area within the Residential District that was platted prior to the effective date of the current zoning and development code. See Subsection 2.1.120.F.

**Evidence** - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

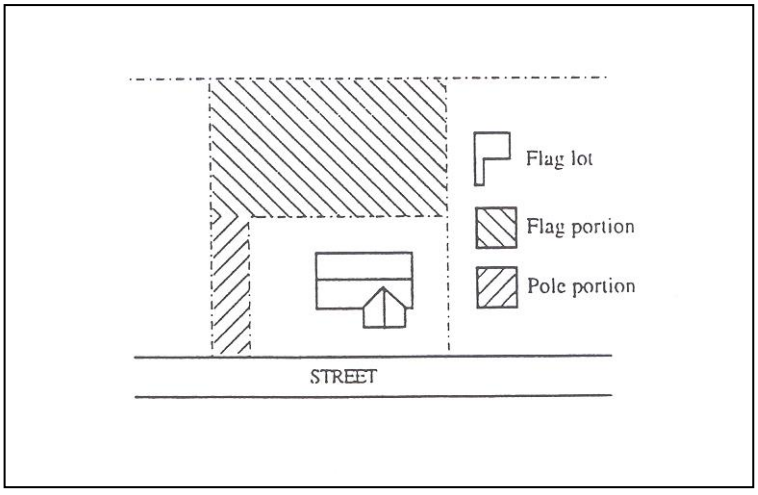
**Existing development** – A building or structure that was in place at the time of the adoption of the current zoning and development code.

**Family Day Care** - See "child care center, family child care".

**Farming or Farm Use** - As defined by ORS Chapter 215.203 (2) (a), includes the utilization of land for the purpose of raising, harvesting or selling crops, or for the feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals, honeybees, or for dairying and the sale of dairy products, or for any other agricultural or horticultural use, animal husbandry, timber agricultural or any combination thereof, including the preparation or processing and storage of products raised on such land, but not including the construction or use of dwellings and other building customarily provided in conjunction therewith.

**Fire Apparatus Lane** - As defined by the Uniform Fire Code.

**Flag Lot** - A lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement that does not meet the minimum lot width standard. See Section 2.1.140.



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

(1) The overflow of inland or tidal waters and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

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

**Flood Hazard Area** - The Flood Hazard Area comprises the area within the 100-year floodplain boundary, excluding the "Floodway" as illustrated on the Flood Boundary and Floodway Map (410205 0001) included as part of the Flood Insurance Study for the City of Adams by the Federal Emergency Management Agency (FEMA) on 15 November 1983.

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

**Floodway and Flood Hazard Zones -** Overlay zones in sensitive areas prone to flooding where development is restricted and subject to specific standards. See Chapter 3.7.

**Floor, Habitable** – Any floor usable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

**Floor, Lowest** - The lowest floor of the lowest enclosed area of a building (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 enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in Chapter 3.7.

**Food Services** – Restaurants, cafes, and similar types of land uses that prepare and serve edible goods for consumption by the customer.

**Frontage** - The dimension of a property line abutting a public or private street.

**Frontage Street or Road** - A minor street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

**Functional Area (Intersection)** – The area beyond the physical intersection of two streets or roads that comprises decision and maneuver distance, plus any required vehicle storage length.

**Functional Classification** - The classification given to streets (e.g., "local/collector/arterial") by the City's Transportation System Plan (TSP), by adopted County plans, and the Oregon Department of Transportation.

**Garage, Private** - An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

**Garage, Public** - A building, other than a private garage, used for the care and repair of motor vehicles, or where such vehicles are parked or stored for compensation, hire, rental or sale.

**Geothermal Area** - Means any parcel of land that is or reasonably appears to be underlain by geothermal resources. (ORS 522.005.)

**Geothermal Resources** - The natural heat of the earth, the energy, in whatever form, below the surface of the earth, present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases and steam, in whatever form, found below the surface of the earth, exclusive of oil, hydrocarbon gas, helium, or other hydrocarbon substances but including specifically the following:

- All products of geothermal processes, embracing indigenous steam, hot water and hot brines;
- Steam and other gases, hot water and hot brines resulting from water, gas or other fluids artificially introduced into geothermal formations;
- Heat or other associated energy found in geothermal formation; and
- Any by-product derived from them. [ORS 522.005(11).]

**Grade** - The lowest point of elevation of the finished surface of ground, paving, or sidewalk within the area between the building and the property line, or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

**Ground Cover** - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See Chapter 3.2 – Landscaping, Street Trees, Fences and Walls.

**Hammerhead Turnaround** - A "T" or "L" shaped dead-end street that allows for vehicles to turn around.

**Hardscape** - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

**Heavy manufacture** – means assembly, manufacturing and/or processing of raw materials, except those uses included under "light manufacture".

**Home Occupation, Home Occupation Site** – A small commercial venture that could not be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, is appropriate in scale and impact to be operated within a residence. See Subsection 2.1.200.~~I~~ **H**.

**Hospital** – An institution that maintains and operates facilities for the 24-hour medical diagnosis, treatment and care of 2 or more individuals and which is devoted primarily to the rendering of in-patient or emergency 24-hour healing, curing, obstetric, and/or nursing care.

**Hotel, Motel** - A building or portion thereof designed for and/or used for occupancy of transient individuals who are lodged with or without meals. (ORS 446.310.)

**Human-scale Design/Development** - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of main street developments); larger buildings that have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

**Impervious Surface** - Development that does not allow for water infiltration into the ground (e.g., pavement, roofs, etc.).

**Incidental and Subordinate To** - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

**Interior side yards** – The required yard between the building footprint and a side lot line abutting another building lot.

**Infill** - The development of vacant, bypassed lands located in an area that is mainly developed.

**Infill, Residential** - The development of a dwelling on land that is zoned for residential use where at least 75% of the abutting parcels have a structure but not counting any parcel that is too small for a residence or any parcel that is large enough that it can be divided into four or more lots. Residential infill also refers to a situation in which a home is removed to make way for a new dwelling (e.g., a house, manufactured home, duplex, or attached house). Residential infill shall not refer to the development of a dwelling on land that is large enough that it can be divided into four or more lots.

**Junk** - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked scrapped or ruined motor vehicles or appliances, or motor vehicle parts, iron, steel or other old or scrap ferrous, or non ferrous material, metal or nonmetal materials. (ORS 377.605(6).)

**Junkyard** - Any property or establishment where a person(s) is engaged in breaking up, dismantling, sorting, storing, distributing, buying or selling scrap or waste materials, or any establishment or place of business where there is accumulated on the premises eight or more motor vehicles or an equivalent volume of junk that is maintained, operated or used for storing keeping, buying or selling of junk, and the term includes automobile graveyards, wrecking yards, garbage dumps and scrap metal processing facilities. (ORS 377.605(6).)

**Land Division** - The process of dividing land to create parcels or lots.

**Land Use** - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

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

**Landing** - A level part of a staircase, as at the end of a flight of stairs.

**Landscaping** - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

**Lane** - A narrow, limited-use road/street usually used to access a limited number of dwelling units. Similar to an alley in design. See Subsection 2.1.140.A.

**Legislative** - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Section 4.1.600.

**Level of Service (LOS)** - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The level of service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

**Light manufacture** – A production or manufacturing facility of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture and similar goods.

**Livestock** – Animals customarily raised or kept on farms, as regulated by the City of Adams **Livestock** Ordinance ~~219~~.

**Local Improvement District (LID)** - A small public district formed for the purpose of carrying out local public improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. See also Section 3.4.100.

**Lot** - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). See Chapter 4.3 – Land Divisions and Lot Line Adjustments.

**Lot Area** - The total surface area (measured horizontally) within the boundary lines of a lot.

**Lot, Corner** - Any lot having at least 2 contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

**Lot, Legal** – A lot or parcel lawfully created through partition or subdivision as set forth in this Code or a prior City land use ordinance or code.

**Lot Coverage** - The area of a lot covered by buildings and impervious surfaces expressed as a percentage of the total lot area.

**Lot Line** - Any property line bounding a lot or parcel.

**Lot Line Adjustment** - The legal adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

**Lot Line, Front** - The lot line separating a lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along such a street.

**Lot Line, Rear** - A lot line that is opposite to and most distant from the front lot line. For corner lots, the rear lot line shall still be determined with reference to the front lot line, which is defined above. For irregular or triangular-shaped lots, the rear lot line is determined by an imaginary lot line ten (10) feet long, drawn within the lot parallel to and at the maximum distance from the front lot line. For double frontage lots (see Subsection 3.1.200.F.5.), each street has a front lot line, except when an access control strip has been required along one of the streets by a governmental agency, in which case the line separating the lot from this street is the rear property line.

**Lot Line, Side** - Any lot line that is not a front or rear lot line.

**Lot of record** – A lot or parcel legally created prior to adoption of this code that does not meet all of the current land division standards and criteria.

**Main/Primary Entry or Entrance** - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. The main entrance may also be the widest of entrances provided for use by pedestrians. In a multi-tenant building, the main entrance opens directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. A building may also have a main entrance opening directly into a reception or sales areas, a courtyard, or plaza.

**Maneuvering Area/Aisle** - The driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

**Manufactured Dwelling** - A manufactured dwelling includes the following residence types as defined in this Chapter: a residential trailer; a mobile home and a manufactured home.

**Manufactured Dwelling Park** - Four or more units located on one lot in a land use district that allows more than one manufactured home on a lot. See Section 2.1.~~213~~ **330** standards related to manufactured dwelling parks.

**Manufactured Home** - A manufactured home is a portable residence constructed after 1976 that conforms to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy. See Section 2.1.~~213~~ **330** and Subsection 2.1.200.C. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for more than 180 consecutive days. For flood insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**Manufactured home on an individual lot** – A transportable single-family dwelling constructed after 1976, existing on a legally-created unit of land designated for single-family dwellings.

**Manufactured Structure** - A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Department of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations and is intended for permanent occupancy.

**Master planned development** – Fully integrated, mixed-use pedestrian-oriented neighborhoods designed to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.

**Mid-block lane** – A private right-of-way built to City standards for an alley to provide access for one or more otherwise land-locked lots or parcels that are created by partition of an over-sized legal lot, which accesses one or more public streets.

**Ministerial** - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See Section 4.1.300.

**Mitigation** - Avoiding, rectifying, repairing, or compensating for negative impacts that result from other actions (e.g., improvements to a street may be required to mitigate for increased traffic resulting from development.)

**Mixed use Building/Development, Horizontal/Vertical** – A building/development that includes more than one use. An example of vertical mixed-use development is commercial retail on the first floor and residential dwelling units on the second floor. Horizontal mixed-use development is different uses located near or next to each other on the same development site (e.g. retail abutting a house on a downtown street). See Sections 2.1.190/2.2.170.

**Mobile Home** - A portable residence constructed between 1962 and 1976.

**Multi-family Housing** - Housing that provides four (4) or more dwelling units on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). See Section 2.1.~~212~~ **200.E**.

**Multi-use Pathway** - Pathway for pedestrian and bicycle use. See Subsection 3.1.300.A.

**Natural Hazard** – A natural area or feature that is potentially dangerous or difficult to develop. Natural hazards include steep slopes, unstable soils, areas prone to landslides, and floodways.

**Natural Resource /Natural Resource Area** - Same as Sensitive Lands, Chapter 3.7.

**Neighborhood** - A primarily residential geographic district or area, usually having distinguishing character.

**Neighborhood-scale Design** - Site and building design elements that are dimensionally related to the size of people. These features are generally smaller in scale than those primarily intended to accommodate vehicular traffic (trucks as well as autos), such as narrower streets with deciduous street tree canopies, lower street lights, smaller parking areas, smaller buildings, and relatively lower building heights.

**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.

**Non-conforming Use/Non-conforming Development** - A land use/structure that would not be permitted by the current code regulations, but was lawful at the time it was established. See Chapter 5.2.

**Non-native Invasive/Noxious Plants** - See the current Oregon State University Extension Service Bulletin list of non-native invasive plants for Umatilla County.

**Nursing or convalescent home** – A residence, institution, or place other than a hospital or assisted living facility that operates and maintains facilities providing 24-hour convalescent or chronic care, or both, for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

**On-site Sewage Disposal System** – Any existing or proposed on-site sewage disposal system including, but not limited to a standard subsurface, alternative, experimental or nonwater-carried sewage disposal system, installed or proposed to be installed on land of the owner of the system or on other land as to which the owner of the system has the legal right to install the system. This does not include systems that are designed to treat and dispose of Industrial Waste as defined in OAR chapter 340, division 045.

**Off-street Parking** - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

**On-street Parking** - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 3.3.

**Open Space (Common/Private/Active/Passive)** - Land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

**Orientation -** To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

**Oriented to a Street** - See “Orientation”.

**Outdoor Commercial Use** - A use supporting a commercial activity that provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumberyards and equipment rental businesses.

**Owner** – The owner of record of real property as shown in the County deed records, or the registered agent of such owner.

**Owner-occupied housing** – a residential unit that is owned and occupied by the same individual(s).

**Parcel** - A parcel is a unit of land that is created by a partitioning of land (ORS 92.010(6)). See Chapter 4.3 – Land Divisions and Lot Line Adjustments.

**Parking Lot Perimeter** - The boundary of a parking lot area, which usually contains a landscaped buffer area.

**Parking lane** – One or more lanes of a street or roadway, usually on the outside edge, designated for the standing or parking of motor vehicles, whether or not delineated with striping on the pavement.

**Parking Space** - A clearly-defined, off-street area for the temporary parking or storage of one automobile in dimensions as set forth by this Ordinance, with surfacing as required by this Ordinance, together with maneuvering and access space and facilities as required by this Ordinance.

**Parking vs. Vehicle Storage** - Parking is putting or leaving a motor vehicle in a location for a temporary time, i.e., no longer than 24 hours. Storage is putting or leaving a motor vehicle in a location for maintenance, repair, sale, or rental, or for use more than 24 hours in the future.

**Partition** - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See ORS 92.010(8).)

**Pathway/Walkway/Accessway** - See Subsection 3.1.300.A. A pathway or multi-use pathway may be used to satisfy the requirements for "accessways" in the State Transportation Planning Rule (OAR 660-012-045).

**Pedestrian Amenity (ies)** – Pedestrian areas and objects that serve as places for socializing and enjoyment of the City's downtown. Examples include benches or public art or sculpture. See Section 2.2.180.

**Pedestrian Facilities** - Improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

**Person** – A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

**Personal services** – A type of building and land use where customers receive a form of service, related to finances, clothing, hair, or similar, in return for a form of payment.

**Pier** - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

**Planning Commission/Commission** – The Planning Commission of the City of Adams.

**Place of worship** – A gathering place for individuals to practice common religious beliefs. Examples include churches, synagogues, temples, and mosques. Permitted accessory uses include Sunday school facilities, caretaker housing (one unit) and group living facilities such as a convent or monastery. Accessory uses permitted outright with the primary use do not include primary, secondary, and trade schools; seminaries; social welfare agencies and other non-profit organizations; day care facilities that do not directly support permitted primary uses; service or retail businesses sponsored by the religious organization or its convent or monastery; and similar uses.

**Planter Strip, Tree Cutout** - A landscape area for street trees and other plantings within the public right-of-way, usually between the street or curb and sidewalk.

**Plat** - A map of an approved subdivision or partition, prepared as specified in ORS 92.080, and recorded with the Umatilla County Department of Assessment and Taxation. All plats shall also conform to Chapter 4.3 - Land Divisions and Lot Line Adjustments.

**Plaza** - A public square or extra-wide sidewalk (e.g., as on a street corner) that provides space for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. See Section 2.2.180.

**Pocket park** - A small public park, usually less than one-half acre in size.

**Primary** - The largest or most substantial element on the property, as in "primary" use, residence, entrance, etc. All other similar elements are secondary in size or importance.

**Property Line -** Front, Rear, Interior Side, Street Side - See "Lot line" definition, and ~~Figure~~ **Table** 2.1.130.**A** in Chapter 2.1.

**Public Facilities** - Public and private transportation facilities and utilities. See Chapter 3.4.

**Public Improvements** - Development of public facilities. See Chapter 3.4.

**Quasi-judicial** - An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development proposal, and usually involves a public hearing. See Section 4.1.500.

**Reasonable Access** – The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the road/street, as consistent with the purpose and intent of this ordinance and any applicable adopted plans and policies of the City.

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

**Recreational facilities, public** – Publicly-owned facilities, land, or improvements designated for leisure and recreational activities, open to the general public, with or without payment of fees.

**Recreational facilities, private** – Privately-owned buildings facilities, land, or improvements designated for leisure and recreational activities, not open to the general public.

**Recreational Camp** - An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee, or an area designated by the landowner for picnicking or overnight camping and offered to the general public, whether or not a fee or charge is made for such accommodations. (ORS Chapter 446.)

**Recreational Vehicle** - A vacation trailer or other unit with or without motorized power, which is designed for human occupancy, is to be used temporarily for recreational or emergency purposes, and has gross floor space of less than 400 square feet. The unit shall be identified as a recreational vehicle by the manufacturer and so licensed.

**Renter-occupied housing** – A residential unit that is occupied by someone other than the owner and with the owner's consent, with or without monetary compensation to the owner.

**Residence** - Same as "dwelling unit".

**Residential Care Home/Residential Care Facility** - Residential treatment or training home or facility or adult foster home licensed by the State of Oregon. See Subsection 2.1.200.D.

**Residential Caretaker Unit** - A dwelling unit for a caretaker living on-site in the General Industrial District. The unit must be served by water and sanitary sewage and conform to other applicable building standards. See Subsection 2.3.200.B.

**Residential Trailer** - A portable residence constructed prior to 1962.

**Rest home, home for the aged, or assisted living facility**– The 24-hour care and boarding of persons by a paid caregiver who is not the parent or guardian of and is not related by blood, marriage, or legal adoption to the persons served. Services provided may include the training or rehabilitation for physically, mentally, or socially dependent persons requiring assisted living care. Services provided may also include meals, housekeeping, and personal care assistance.

**Ridge Line (of a building)** - The top of a roof at its highest elevation.

**Right-of-way** - Land that is owned in fee simple by the public for transportation and utility facilities.

**Roof Pitch** - The slope of a roof, usually described as a ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

**Rooftop Garden** - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

**Safe and Convenient (Bicycle and Pedestrian Routes)** - Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

**Senior Housing** - Housing designated and/or managed for persons over a specific age, usually 55.

**Sensitive Lands** - Wetlands, significant trees, steep slopes, floodplains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

**Setback** - The distance between a building or other development and a property line.

**School** – A building where individuals gather to receive educational instruction, either public or private, but not a technical or trade school.

**Shared Driveway/Shared Access/Joint Access** - When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created and recorded for this purpose.

**Shared Parking** - Required parking facilities for two or more uses, structures, or parcels of land that are satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., daytime versus nighttime primary uses). See Section 3.3.300.

**Sidewalk** – A linear paved space designed and designated for the movement of pedestrians, and meeting the requirements of the federal Americans with Disabilities Act.

**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, which causes an increase in the trip generation of the property. See Section 2.3.200.

**Significant Trees, Significant Vegetation** - Trees and shrubs with a trunk diameter of 6 inches or greater, as measured four (4) feet above the ground, and all plants within the drip line of such trees and shrubs. Other trees may be deemed significant, when designated by the City Council as "Heritage Trees". Includes any trees and shrubs that have been designated as "Sensitive Lands", in accordance with Chapter 3.7. See Section 3.2.200.

**Single-family attached townhome** – A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more other dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached townhome does not share common floor/ceilings with other dwelling units. See Section 2.1.110 and Subsection 2.1.200.E.

**Single-family Detached House** - A single family dwelling that does not share a wall, floor or ceiling with any other building. See Section 2.1.110.

**Single-family Detached Zero Lot Line House** - A single family detached house with one side yard setback equal to "0". See Section 2.1.110 and Subsection 2.1.200.A.

**Site** - A property or group of adjacent parcels or lots under the same ownership that is subject to a permit application under this Code.

**Site Design Review** - A discretionary review that applies to all developments in the City, except those specifically designated for Development Review. Site design review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3. See Chapter 4.2.

**Standards and Criteria** - Two types of code requirements for how to develop uses and structures on land. Standards are the quantitative elements of or ways to comply with a particular criterion. (*Example*: Criterion: All developments subject to site design review shall comply with the vehicle and bicycle parking standards in this Chapter. Standard: Number of required minimum off-street parking spaces for medical and dental office uses = one space per 350 square feet of gross floor area.)

**Steep Slopes** - Slopes greater than 25 percent.

**Storefront Character** - The appearance expressed by commercial or mixed-use buildings placed close to the street or sidewalk with ground-floor display windows, weather protection for pedestrians (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

**Storm Water Facility** - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

**Street-access lot** – A building lot or parcel with a rear lot line that abuts a street.

**Street/Road** - A public or private way for travel by vehicles, bicycles and pedestrians that meets the City standards in Section 3.4.100.

**Street Access** - Safe and efficient passage for pedestrians and vehicles to circulate through a connected street system. See Section 3.1.200.

**Street Connectivity** - The number of street connections within a specific geographic area. Higher levels of connectivity, created through a greater number of connections, provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets, especially collectors and arterials, and potentially slower speeds through neighborhoods.

**Street Furniture/Furnishings** - Benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See Section 2.2.180.
**Street Stub** - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end, dead-end street, or cul-de-sac.

**Street Tree** - A tree planted in a planter strip or tree cutout.

**Street Width** – The shortest distance between the lines delineating the right-of-way of a street.

**Structure** - That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some finite manner and which requires location on the ground or which is attached to something having a location on the ground. It includes a gas or liquid storage tank that is principally above ground.

**Subdivision** - To divide land into four or more lots within a single calendar year. (ORS 92.010(13).)

**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** – For the purposes of flood plain and floodway standards, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work preformed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
b. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure.

**Surface Water Management** – See standards and guidelines in Chapter 3.5.

**Swale** - A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

**Tax lot** – A lot, parcel, lots, or parcels under the same ownership as mapped and referenced by the Umatilla County Assessor's Office for purposes of real property taxation. Not necessarily the same boundaries and legal description as a legal lot or lot of record.

**Terrace** - A porch or walkway supported by columns, or a flat roof or other platform on a building.

**Through Lot/Double-frontage Lot** – A lot or parcel having frontage on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot or parcel.

**Topographical Constraint** - Where existing slopes prevent conformance with a Code standard.

**Tract, Private/Public** - A piece of land set aside on a partition or subdivision plat in a separate area for dedication to the public, a homeowners association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

**Transportation Facilities and Improvements** - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc. Transportation improvements include the following:

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

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

c. Projects specifically identified in the City's adopted Transportation System Plan as not requiring further land use review and approval.

d. Landscaping as part of a transportation facility.

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

f. Construction of a street or road as part of an approved subdivision or partition.

g. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designated improvements in the Transportation System Plan.

h. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designed and constructed as part of an approved subdivision or partition.

Transportation Facilities and Improvements in Subsections g. and h. require a Conditional Use Permit (CU) under Subsection 4.4.400.D.

**Transportation Mode** - The method of moving people or goods (e.g., automobile, bus, walking, bicycling, etc.)

**Travel Trailer** - A vacation or a self-propelled vehicle or structure equipped with wheels for street or highway use, intended for human occupancy, being used for vacation and recreational purposes, but not for residential purposes, and equipped with plumbing, sink or toilets. (ORS 446.003(5) & (24).)

**Travel Trailer/Recreational Vehicle Park or Campground** - A lot or parcel upon which two or more travel trailers, recreational vehicles, motor homes, tent trailers, tent sites, campers or similar vehicles or devices are located or permitted on an outright basis (except as used for storage purposes, or otherwise approved as a temporary use), regardless of whether a fee is charged for such accommodations. [ORS 446.310(a).]

**Triplex** - A building with three attached housing units on one lot or parcel.

**Urban Growth Area** – Land between the corporate limits of the City and the City's Urban Growth Boundary.

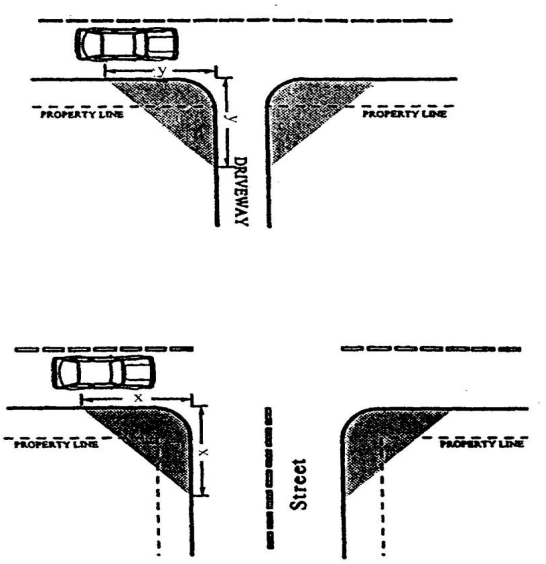
**Urban Growth Boundary** – The boundary designated in the City's Comprehensive Plan identifying and separating urban and urbanizable land from rural land.

**Use** - The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

**Vacate (Plat or Street)** - To abandon a partition or subdivision plat or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. Vacation of a plat returns the property to the previous undivided condition and ownership.

**Variance** - An administrative or quasi-judicial City decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1.

**Vision Clearance Area** – The shaded area as shown on the following figure, which is intended to provide unobstructed vision for motor vehicle drivers, pedestrian, and bicyclists at intersections of streets with driveways or other streets. This area is regulated and further described in Subsection 3.1.200.N.




**Walkway** - See "Pathway/Walkway/Accessway".

**Wetland** - Land area where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. Wetlands are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). Jurisdictional wetlands are defined and designated by the Oregon Division of State Lands.

**Window Hood** - An architectural detail placed above a window, used as an accent.

**Wireless communication equipment** - Cellular telephone towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

**Yard** - The area defined by setbacks (i.e., between the setback line and respective property line).

**Zero Lot Line House** – Single-family courtyard home that is not subject to side yard setbacks on one side of a typical lot. See Subsection 2.1.200.A.

# Chapter 1.4 Enforcement

**Sections:**

**1.4.100 Provisions of this Code Declared to be Minimum Requirements**
**1.4.200 Violation of Code Prohibited**
**1.4.300 Penalty**
**1.4.400 Complaints Regarding Violations**
**1.4.500 Abatement of Violations**
**1.4.600 Stop-Order Hearing**

### 1.4.100 Provisions of this Code Declared to be Minimum Requirements.

A. Minimum Requirements Intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. Most Restrictive Requirements Apply. When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

### 1.4.200 Violation of Code Prohibited.

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

### 1.4.300 Penalty.

**A. Class 1 Penalty.** A violation of this Code shall constitute a Class 1 civil infraction, which shall be processed accordingly.

**B. Each Violation a Separate Infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.

**C. Abatement of Violation Required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this Section are in addition to and not in lieu of any remedies available to the City.

**D. Responsible Party.** If a firm or corporation violates a provision of this Code, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this Section.

**E. Notification.** The officer or officers, or person or persons responsible for violation of this Code, will be notified of applicable penalties in writing within 30 days of the violation being processed.

### 1.4.400 Complaints Regarding Violations.

**A. Filing Written Complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.

**B. File Complaint with City Recorder.** Such complaints, stating fully the causes and basis thereof, shall be filed with the City Recorder or designee. The City Recorder or designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

**1.4.500 Abatement of Violations**.

Any development or use that occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

**1.4.600 Stop Order Hearing.**

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

**B.** **Stop Order Hearing.** The City Recorder or designee shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the City Recorder or designee such hearing may be:

1. Part of a hearing on revocation of the underlying development approval; or

2. Solely to determine whether a violation has occurred. The City Recorder or designee shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Section 4.1.500 - Type III (Public Hearing) Procedure.

# Chapter 2.0 Land Use District Administration

**Sections:**


| | |
|---|---|
| **2.0.100** | **Classification of Land Use Districts** |
| **2.0.200** | **Land Use District Map** |
| **2.0.300** | **Determination of Land Use District Boundaries** |


**2.0.100 Classification of Land Use Districts.**

All areas within the urban growth boundary of the City of Adams are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district shall be determined based on the Land Use District Map, and the provisions of this Chapter. The following table lists the Land Use Districts within this Code:

**Table 2.0.100**
**Classification of Land Use Districts**

| District Names |
|---|
| **Residential District (R)** |
| Suburban Residential Subdistrict (SR) |
| Multi-family Subdistrict (MF) |
| Manufactured Dwelling Subdistrict (MDP) |
| **Commercial District (C)** |
| **Industrial-Commercial District (I-C)** |

**2.0.200 Land Use District Map.**

**A. Consistency with Land Use District Map.** The boundaries of each of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the City's official land use district (zoning) map, retained by the City Recorder. Said map by this reference is made a part of this Land Development Code. A certified print of the adopted land use district map, and any map amendments, shall be maintained by the City.

**B. Applicability of Zoning Requirements.** Each lot, tract and parcel of land or portion thereof within the land use district boundaries as designated and marked on the land use district map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.

**2.0.300 Determination of Land Use District Boundaries.**

**A. Land Use District Map Amendments.** All amendments to the City land use district (zoning) map shall be made in accordance with the provisions of Chapter 4.6.

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

2. The City shall make available for public inspection an up-to-date copy of the revised land use district map, so that it accurately portrays changes of district boundaries or classification.

**B.** Where due to the scale, lack of scale, lack of detail or illegibility of the City land use district map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the Planning Commission Chair or designee in accordance with the following:

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

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

3. Boundaries indicated, as approximately following a City boundary or the Urban Growth Boundary, shall be construed as following said boundary;

4. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be construed as following river, stream and/or drainage channels or basins, as applicable; and

5. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately among the subject land use districts.

# Chapter 2.1 Residential District (R)

**Sections:**


| | |
|---|---|
| **2.1.100** | **Purpose** |
| **2.1.110** | **Permitted Land Uses** |
| **2.1.120** | **Building Setbacks** |
| **2.1.130** | **Lot Area and Dimensions** |
| **2.1.140** | **Flag Lots and Lots Accessed by Mid Block Lanes** |
| **2.1.150** | **Residential Density** |
| **2.1.160** | **Maximum Lot Coverage** |
| **2.1.170** | **Building Height** |
| **2.1.180** | **Building Orientation** |
| **2.1.190** | **Architectural Design Standards** |
| **2.1.200** | **Special Standards for Certain Uses** |
| **2.1.300** | **Residential Subdistricts:** |
| **2.1.310** | **Suburban Residential Subdistrict** |
| **2.1.320** | **Multi-family Subdistrict** |
| **2.1.330** | **Manufactured Dwelling Park Subdistrict** |


## 2.1.100 Purpose.

The Residential District is intended to promote the livability, stability and improvement of the City of Adams' neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and implement the Comprehensive Plan.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to parks and other community gathering places.
- Provide for future options for development based on current on-site sewage disposal systems.
- Coordinate new development with on-site disposal standards in accordance with the Oregon Department of Environmental Quality.

## 2.1.110 Permitted Land Uses.

**A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.1.110.A, and land uses that are approved as "similar" to those in Table 2.1.110, may be permitted. Land uses identified as "Subdistrict Only" are permitted only within the applicable subdistrict. The land uses identified with a "CU" in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.7 – Code Interpretations.

**Table 2.1.110.A**

**Land Uses and Building Types Permitted in the Residential (R) District**

**1. Residential**

*Single-family*

a. Single-family detached housing

b. Single-family detached zero-lot line housing*

c. Manufactured dwellings on individual lots*

d. Accessory dwellings*

e. Manufactured Dwelling Park (MDP Subdistrict only)+

f. Single-family attached townhomes*

*Multi-family*

g. Duplex*

h. Triplex (see MF Subdistrict standards)+

i. Multi-family housing (MF Subdistrict only)+

*Residential care*

j. Residential care homes and facilities*

k. Family daycare (12 or fewer children)

**2. Home Occupations*** (in accordance with Section 2.1.200.H)

**3. Public and Institutional***

a. Places of worship (CU)

b. Clubs, lodges, similar uses (CU)

c. Government offices and facilities (administration, public safety, utilities, and similar uses) (CU)

d. Libraries, museums, community centers, concert halls, and similar uses (CU)

e. Private utilities (not including wireless/telecommunications uses) (CU)

f. Public parks and recreational facilities

g. Schools (public and private) (CU)

h. Transportation Facilities and Improvements:

1. Normal operation, maintenance;
2. Installation of improvements within the existing right-of-way;
3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency Measures;
6. Street or road construction as part of an approved subdivision or partition;
7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and

h. Transportation Facilities and Improvements (continued)

8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)

i. Uses similar to those listed above (CU)

**4. Accessory Uses and Structures***

**5. Bed & Breakfast Inns** (CU)*

**6. Farm and Agriculture Uses** (CU)* ~~– (Suburban Residential (SR) subdistrict only. Livestock are regulated in City of Adams Ordinance 219)~~ - **Subject to City of Adams Livestock Ordinance**

**7. On-Site Sewage Disposal Systems**

**8. Historic Buildings*** (subject to standards in Section 2.1.200.J)

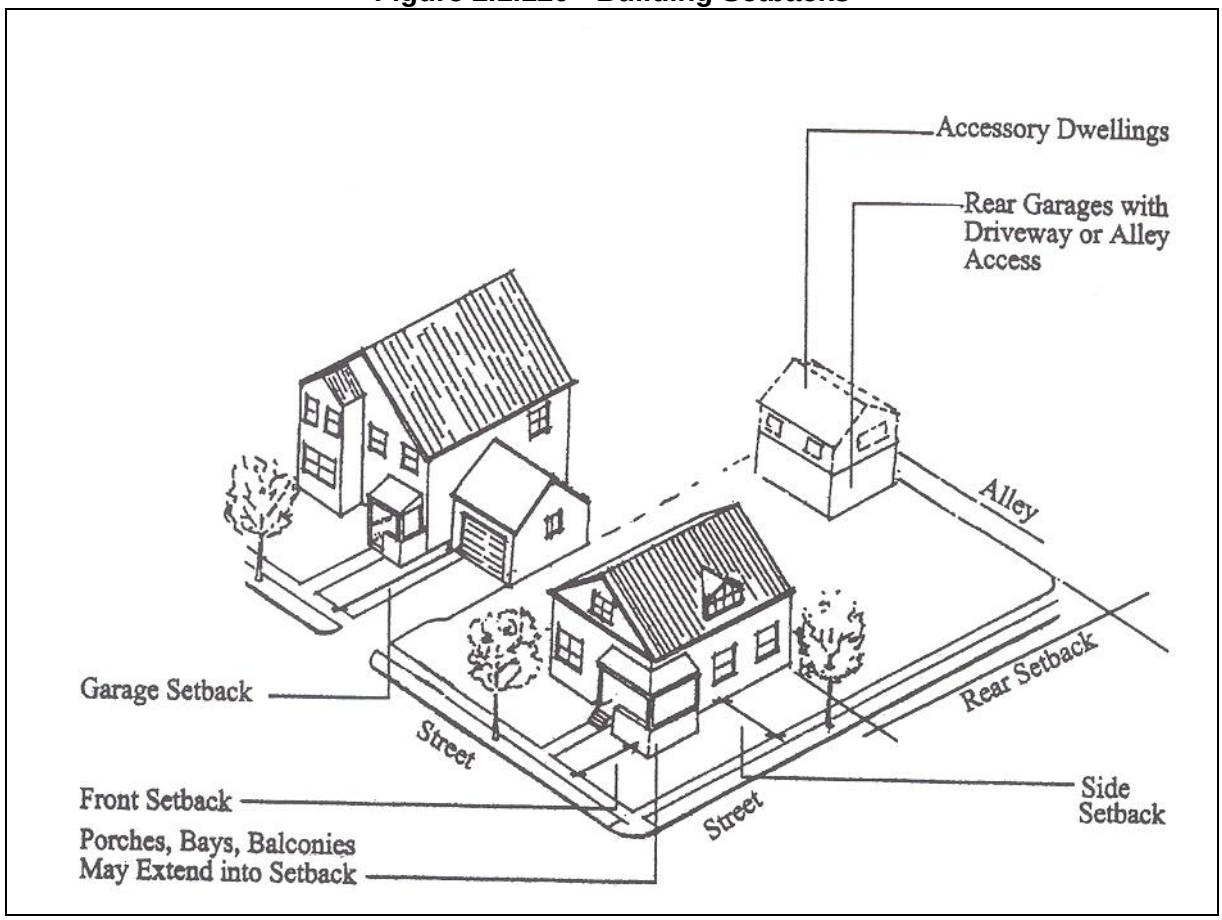
- * Uses marked with an asterisk (*) are subject to the standards in Section 2.1.200 - Special Standards for Certain Uses.
- Temporary uses are subject to the standards in Chapter 4.8 – Miscellaneous Permits.
- ** Uses marked with two asterisks are subject to the standards in Subsection 4.4.400.D.
- CU= Conditional Use Permit Required, per standards in Chapter 4.4.
- + Uses marked with a plus sign are subject to additional land use standards in applicable Subdistricts.
- Only uses specifically listed in Table 2.1.110.A, and uses similar to those in Table 2.1.110.A, are permitted in the Residential District.

**2.1.120 Building Setbacks.**

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sunlight and air circulation. This Section is also intended to promote human-scale design and traffic calming. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the building façade, excluding decks and porches to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A variance is required in accordance with Chapter 5.1 to modify any setback standard.

**Figure 2.1.120 - Building Setbacks**




**A. <u>Front Yard Setbacks.</u>**

1. <u>Residential Uses.</u>

a. A minimum setback of 10 feet is required, except that an unenclosed porch may be within 8 feet, as long as it does not encroach into a public utility easement. See also Subsection 2.1.120.F, which provides special standards for setbacks for new homes in Established Residential Areas.

b. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 6 feet. Alternatively, garage and carport entrances (without walls) may be built flush with the front building elevation when the front setback is at least 20 feet.

(1) Exceptions

(a) Garages and carports may extend out from the front building elevation when they are side-loaded and incorporate a ground floor window into the street-facing facade.

(b) Manufactured Dwellings are exempt from this standard.

2. Multi-family housing. Multi-family housing shall also comply with the building orientation standards in Section 2.1.180

3. Public and Institutional Uses.

a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Subsection 3.1.200.N.

**B. Rear Yard Setbacks.** The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots for all structures.

**C. Side Yard Setbacks.** The minimum side yard setback shall be 5 feet on interior side yards, and 15 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 14 feet minimum on one side of the dwelling unit, with no setback required on the opposite side. (See special standards for zero-lot line housing in Section 2.1.200 - Special Standards for Certain Uses).

D. Septic System Setbacks. The minimum setback from septic systems shall be 5 feet.

**~~D~~E. Setback Exceptions.**

1. The following architectural features are allowed to encroach into the setback yards by no more than 3 feet: eaves, chimneys, bay windows, overhangs, and similar architectural features.

2. Porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 3 feet. Garages and carports may not extend into the front setback. Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 – Landscaping, Street Trees, Fences and Walls.

3. Walls and fences within front yards shall additionally comply with the vision clearance standards in Subsection 3.1.200.N.

**F. Special Yards - Distance Between Buildings on the Same Lot.**
To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half (½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

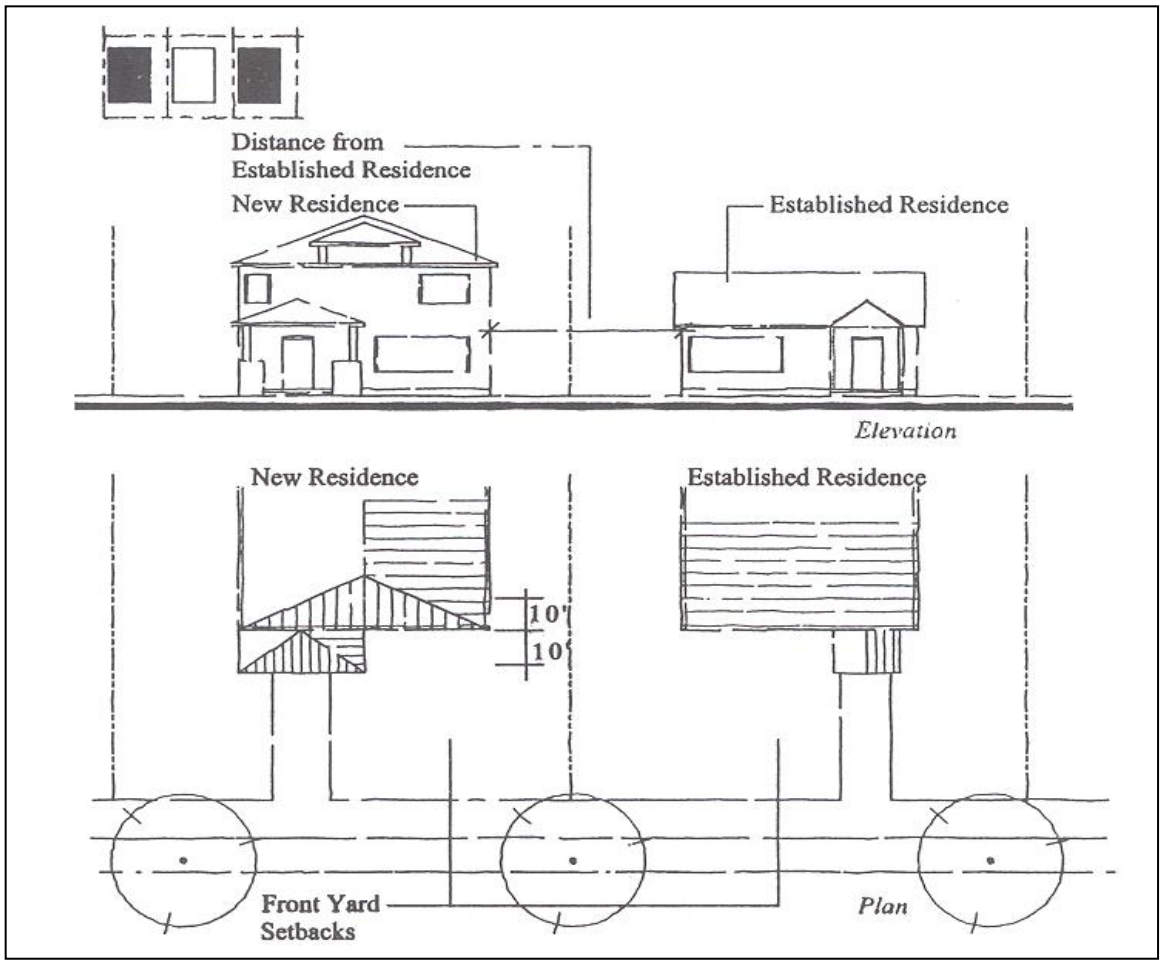
**G. Front Yard Setbacks for Infill Housing in Established Residential Areas.** Established residential area means an area within the Residential District that was platted prior to the effective date of this ordinance. In such areas, the following setback standards shall apply:

1. When an existing detached single-family residence on the same street is located within 40 feet of the subject site, a front yard setback similar to that of the nearest detached single-family residence shall be used. "Similar" means the setback is within 10 feet of the setback provided by the nearest single-family residence on the same street. For example, if the existing single-family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 10 feet and 30 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus 10 feet. See Figure 2.1.120.F.

2. In no case shall a front yard setback be less than the setback standards in 2.1.120.A. Zero-lot line houses shall comply with the standards for zero-lot line housing in Subsection 2.1.200.A.

3. The standards in 1-2 shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands) per Chapter 5.1.

**Figure 2.1.120.F - Infill/Established Residential Area Setbacks**



**2.1.130 Lot Area and Dimensions**

All new lots created after the adoption of this ordinance (July 8, 2003) shall conform to the dimensional standards of Table 2.1.130.A.

**Table 2.1.130.A**
**Lot Area and Dimensions Permitted in the Residential District***

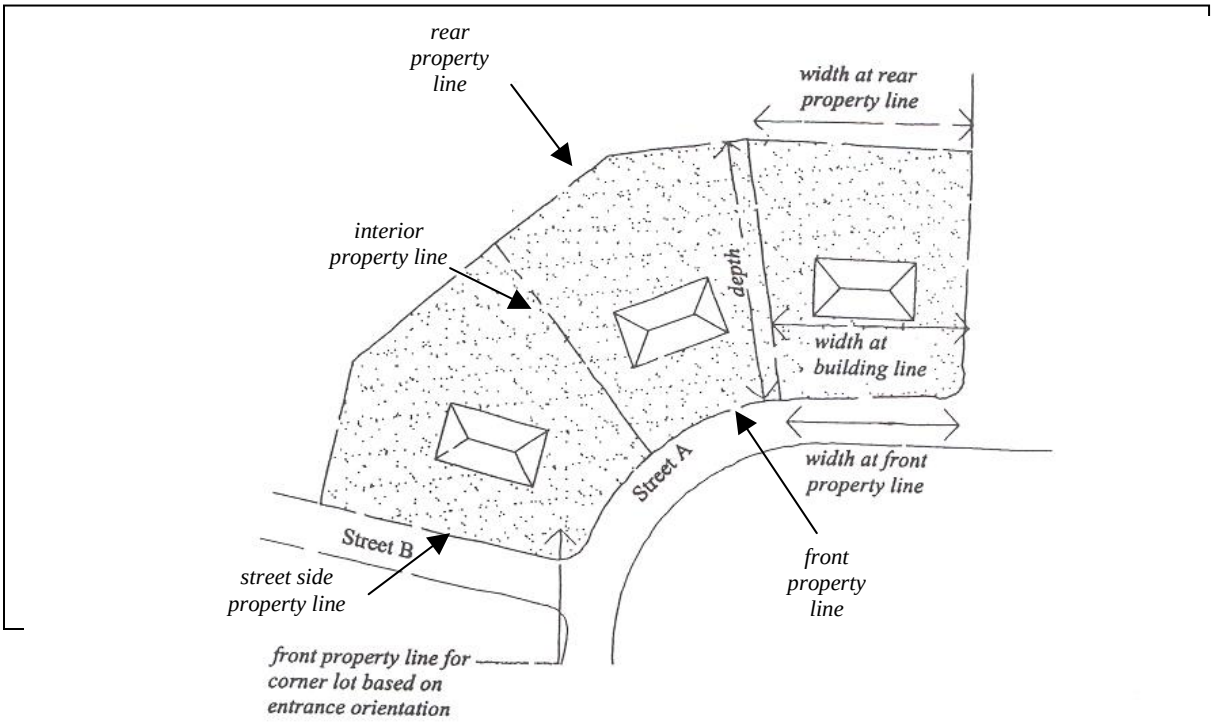
| *Land Use* | *Lot Area For New Lots* | *Lot Width/Depth For New Lots* |
|---|---|---|
| **Detached Single-family Housing; Manufactured Dwellings on Lots** | Minimum Area:<br>The minimum lot size required by DEQ to provide adequate sanitary sewer disposal, based on the proposed development (number of bedrooms and the type of septic system). | Minimum Width:<br>60 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140)<br><br>Maximum Depth:<br>3 times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.) |
| **Manufactured Dwelling Park** | See Section 2.1.330 for Manufactured Dwelling Park standards. | |
| **Two-Family Housing (duplex)** | Minimum Area:<br>The minimum lot size required by DEQ to provide adequate sanitary sewer disposal, based on the proposed development (number of bedrooms and the type of septic system). | Minimum Width:<br>60 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140)<br><br>Maximum Depth:<br>3 times the lot width; except as required to protect sensitive lands, etc. |
| **Three-Family Housing (triplex)** | Minimum Area:<br>The minimum lot size required by DEQ to provide adequate sanitary sewer disposal, based on the proposed development (number of bedrooms and the type of septic system). | Minimum Width:<br>60 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140)<br><br>Maximum Depth:<br>3 times the lot width; except as required to protect sensitive lands, etc. |

**Table 2.1.130.A**
**Lot Area and Dimensions Permitted in the Residential District***

| *Land Use* | *Lot Area For New Lots* | *Lot Width/Depth For New Lots* |
|---|---|---|
| **Attached Single-family Housing (Townhome or Rowhouse)** | Minimum Area:<br>The minimum lot size required by DEQ to provide adequate sanitary sewer disposal, based on the proposed development. (Number of bedrooms and the type of septic system). | Minimum Width:<br>40 feet at front property line, except for flag lots served by private lanes (See Section 2.1.140)<br><br>Maximum Depth:<br>3 times the lot **width**, except as may be required by this code (e.g., to protect sensitive lands, etc.) |
| **Multi-family Housing (more than 3 units on one lot)** | Minimum Area:<br>The minimum lot size required by DEQ to provide adequate sanitary sewer disposal, based on the proposed development (number of bedrooms and the type of septic system). | Minimum Width:<br>60 feet at front property line.<br><br>Maximum Depth:<br>100 feet |
| **Public and Institutional Uses** | Minimum Area:<br>The minimum lot size required by DEQ to provide adequate sanitary sewer disposal, based on the proposed development (number of bedrooms and the type of septic system). | Minimum Width:<br>60 feet at front property line.<br><br>Maximum Depth:<br>None. |

*NOTE: Lot Area and Lot Width/Depth standards in Table 2.1.130.A apply to legal lots created after July 8, 2003. The standards do not apply to development or redevelopment on existing legal lots created prior to July 8, 2003.

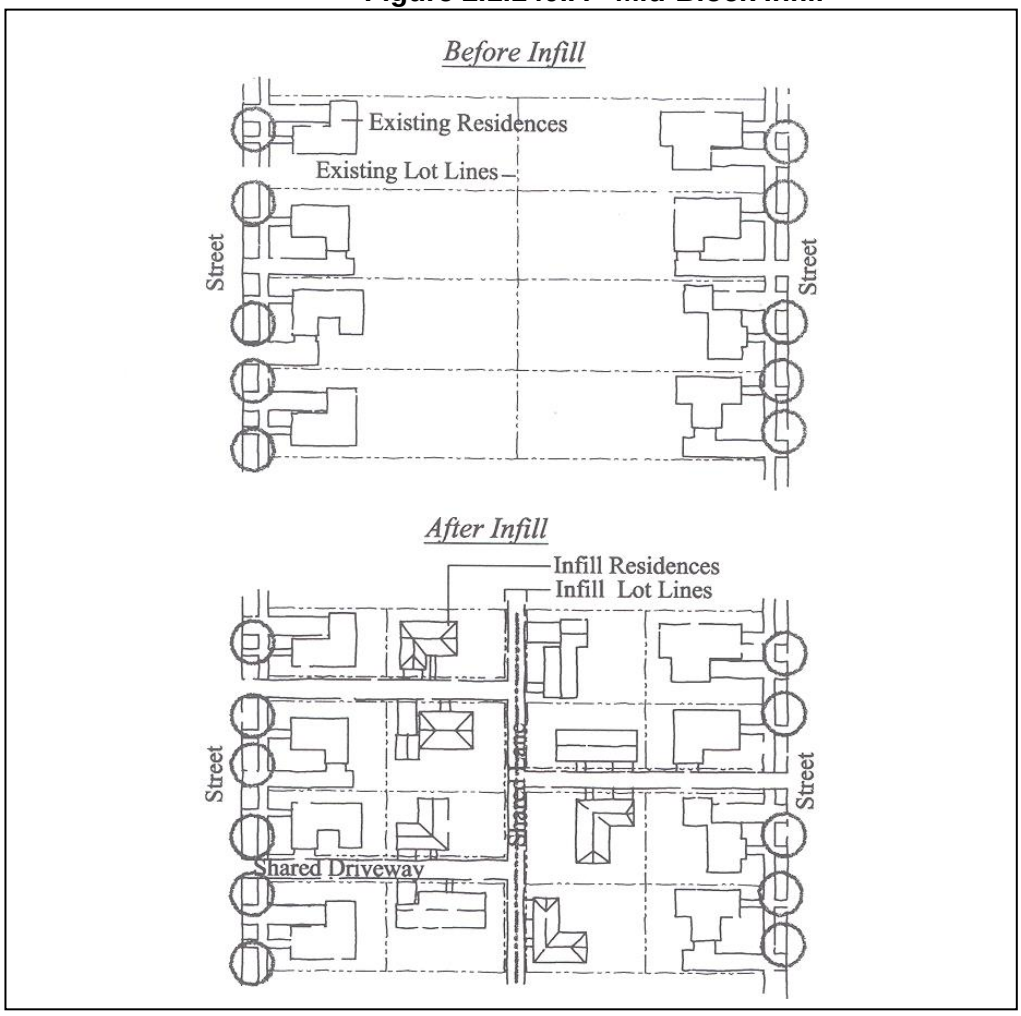
**Figure 2.1.130 - Lot Dimensions**



**2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes.**

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing, if on-site sewage treatment system standards can still be met. Infill lots may be developed as "flag lots" or "mid-block developments", as defined below:

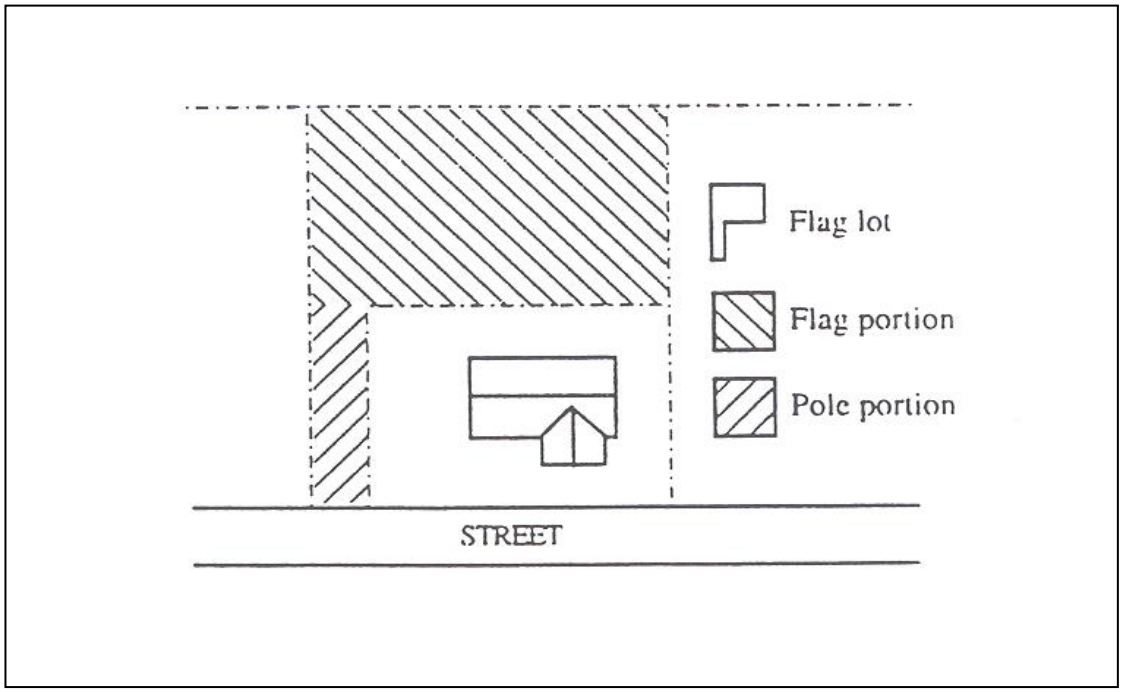
**Figure 2.1.140.A - Mid-Block Infill**




**A.** **Mid-block Lanes.** Lots may be developed without frontage onto a public street when lot access is provided by private mid-block lanes, shown as a "shared lane" in Figure 2.1.140.A. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per Section 3.4.100 and Subsections 2.1.140.C-F.

**B.** **Flag Lots.** Flag lots may be created only when mid-block lanes cannot be extended to serve future development. A flag lot driveway may serve no more than 2 dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be 6. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.

**Figure 2.1.140.B - Flag Lot (Typical)**




**C.** **Driveway and Lane Width.** The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code.

**D.** **Dedication of Drive Lane.** The property owner shall dedicate at least 12 feet of right-of-way or record a portion of a 12-foot easement (i.e., 6 feet) from each property sharing a drive for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

**E.** **Maximum Drive Lane Length.** The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

**F.** **Future Street Plans.** Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in Figure 2.1.140.A).

### 2.1.150 Residential Density.

**A.** **Residential Density Standard.** The following density standards apply to all new developments in the Residential District. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. New site developments and subdivisions shall provide for maximum housing densities as approved by DEQ at up to 4 dwelling units per acre.

2. Development within the Multi-family Sub-district shall provide housing at maximum densities as approved by DEQ at up to 4 dwelling units per acre.

3. Developments within the Manufactured Home Park Sub-district shall provide for maximum housing densities as approved by DEQ at up to 4 dwelling units per acre.

4. The density standards may be averaged over more than one development phase. Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

5. Partitions and construction of single-family homes shall be planned so that land is used efficiently.

**B.** **Exemptions.** The following types of housing are exempt from the density standards:

1. Residential care homes/facilities, accessory dwellings;

2. Partitions that create only two lots;

3. Bed and breakfast inns;

4. Subdivisions where average slopes are greater than 20%.

5. Flag poles on flag lots shall be considered not buildable for the purpose of calculating densities. (See Figure 2.1.140B.)

**2.1.160 Maximum Lot Coverage.**

**A.** **Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all development in this Residential District:

1. Single-family Detached Houses – 50 percent

2. Duplexes and Triplexes – 50 percent

3. Single-family Attached Townhomes – 50 percent

4. Multiple Family Housing – 50 percent

5. Public/Institutional Uses – 70 percent

**B.** **Lot Coverage Defined.** "Lot Coverage" means all areas of a lot or parcel covered by impervious surface, including buildings (as defined by foundation perimeters), accessory structures, and paved surface level development such as driveways, parking pads and patios.

**C.** **Lot Coverage Compliance.** Compliance with other sections of this code or with Oregon Department of Environmental Quality (DEQ) requirements may preclude development of the maximum allowed lot coverage for some land uses.

**2.1.170 Building Height.**

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

**A.** **Standard.** Buildings within the Residential District shall be no more than 35 feet or 2 ½ stories in height, whichever is greater, and buildings within the Multi-family Sub-district may be up to 35 feet or 3 stories, whichever is greater.

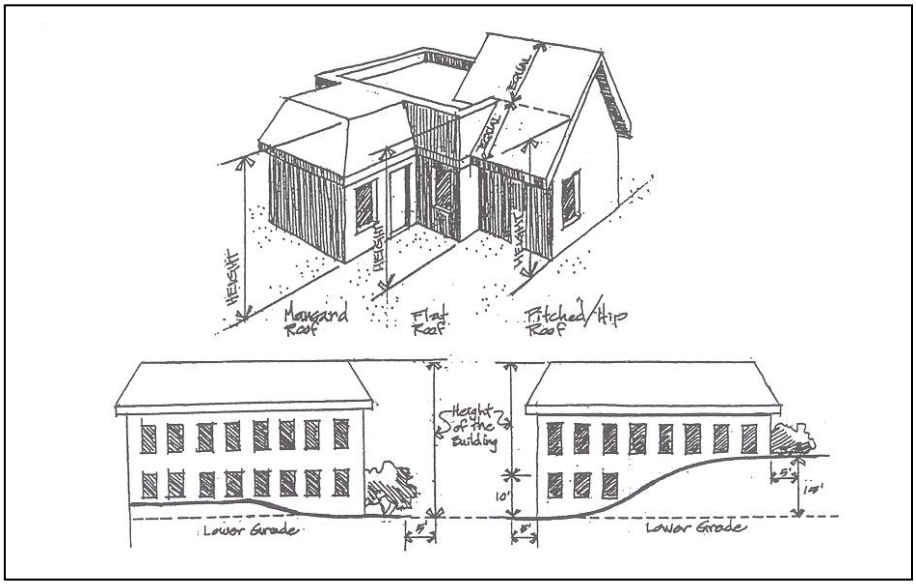
**B.** **Exclusions from Maximum Building Height Standard.** Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features that are not for human occupancy.

**C.** **Method of Measurement.** "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see Figure 2.1.170.C). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Subsection 2.1.170.C(1) is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Figure 2.1.170.C - Building Height Measurement (Composite of Several Roof Forms)**



**2.1.180 Building Orientation.**

**A.** **Purpose.** The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic, and encourage walking in Adams. Placing residences and other buildings close to the street also encourages security and safety.

**B.** **Applicability.** This Section applies to:

1. Single-family attached townhomes that are subject to site design review (4 or more attached units in a building);

2. Multi-family housing, duplexes and triplexes;

3. Manufactured dwellings on individual lots, unless they comply with Section D. below; and

4. Public and Institutional buildings, *except* buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses).

**C.** **Building Orientation Standards.** All developments listed in Subsection 2.1.180.B shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 2.1.120.

2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a multi-family building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.1 – Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.

3. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard, except for Single-family Dwellings, Manufactured Dwellings and Attached Townhomes.

4. Exception. The standard shall not apply to non-residential buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

**D.** **Manufactured Dwelling Orientation**. The front door of a manufactured dwelling may have the front door facing a side yard if:

1. The length of the façade containing the front door is greater than the lot's width at the front setback line, minus the two minimum side yard setbacks; and

2. A minimum 3-foot wide paved walkway directly connects the front door with the sidewalk or right-of-way.

**2.1.190 Architectural Design Standards.**

**A.** **Purpose**. Architectural design standards are intended to provide detailed, human-scaled design, while allowing flexibility to use a variety of building architectural styles.

**B. Applicability.** This Section applies to all of the following types of buildings, and shall be applied during Site Design Review:

a. Duplexes and Triplexes

b. Single-family attached townhomes that are subject to Site Design Review *(*4 or more attached units)*;*

c. Multi-family housing;

d. Public and institutional buildings; and

e. Mixed-use buildings.

**C. Standards.** All buildings that are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply with the standard. Other building styles and designs can be used to comply, so long as they are consistent with the text of this Section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

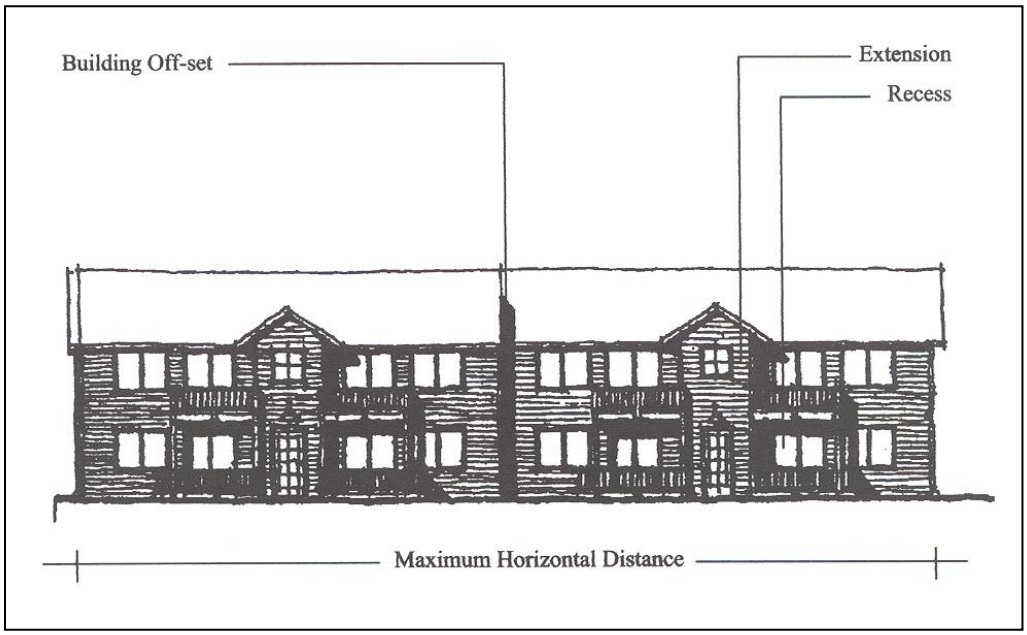
1. Building Form. The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 2.1.190.C(1). Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two (2) of the following features:

a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 6 feet;

b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

c. Offsets or breaks in roof elevation of 2 feet or greater in height.

d. **Figure 2.1.190.C(1) – Building Form (Multi-family Housing Example)**



2. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent (30 percent for manufactured dwellings) of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 6 of the following 14 architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

   a. Dormers
   b. Gables
   c. Recessed entries
   d. Covered porch entries
   e. Cupolas or towers
   f. Pillars or posts
   g. Eaves (minimum of six (6) inch projection)
   h. Off-sets in building face or roof (minimum 16 inches)
   i. Window trim (minimum four (4) inches wide)
   j. Bay windows
   k. Balconies
   l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
   m. Decorative cornices and roof lines (e.g., for flat roofs)
   n. An alternative feature providing visual relief, similar to options a-m.

**Figure 2.1.190.C(3a) - Examples of Architectural Details, Duplex**

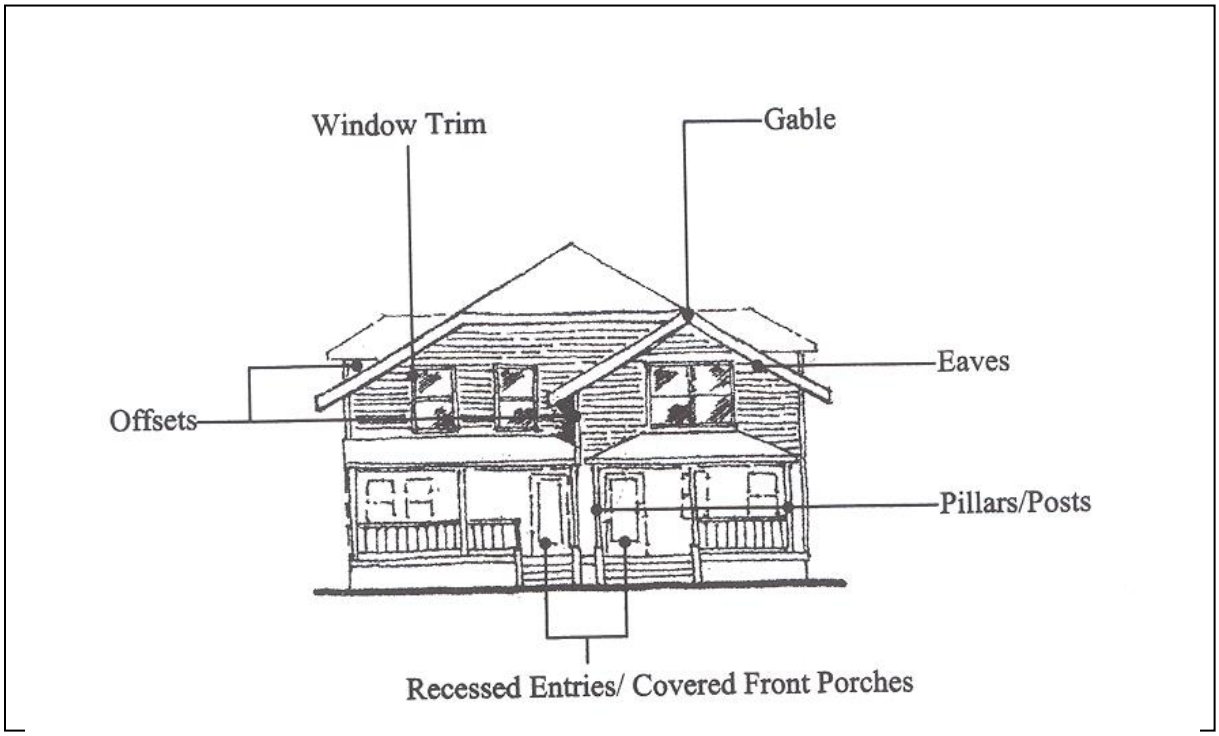
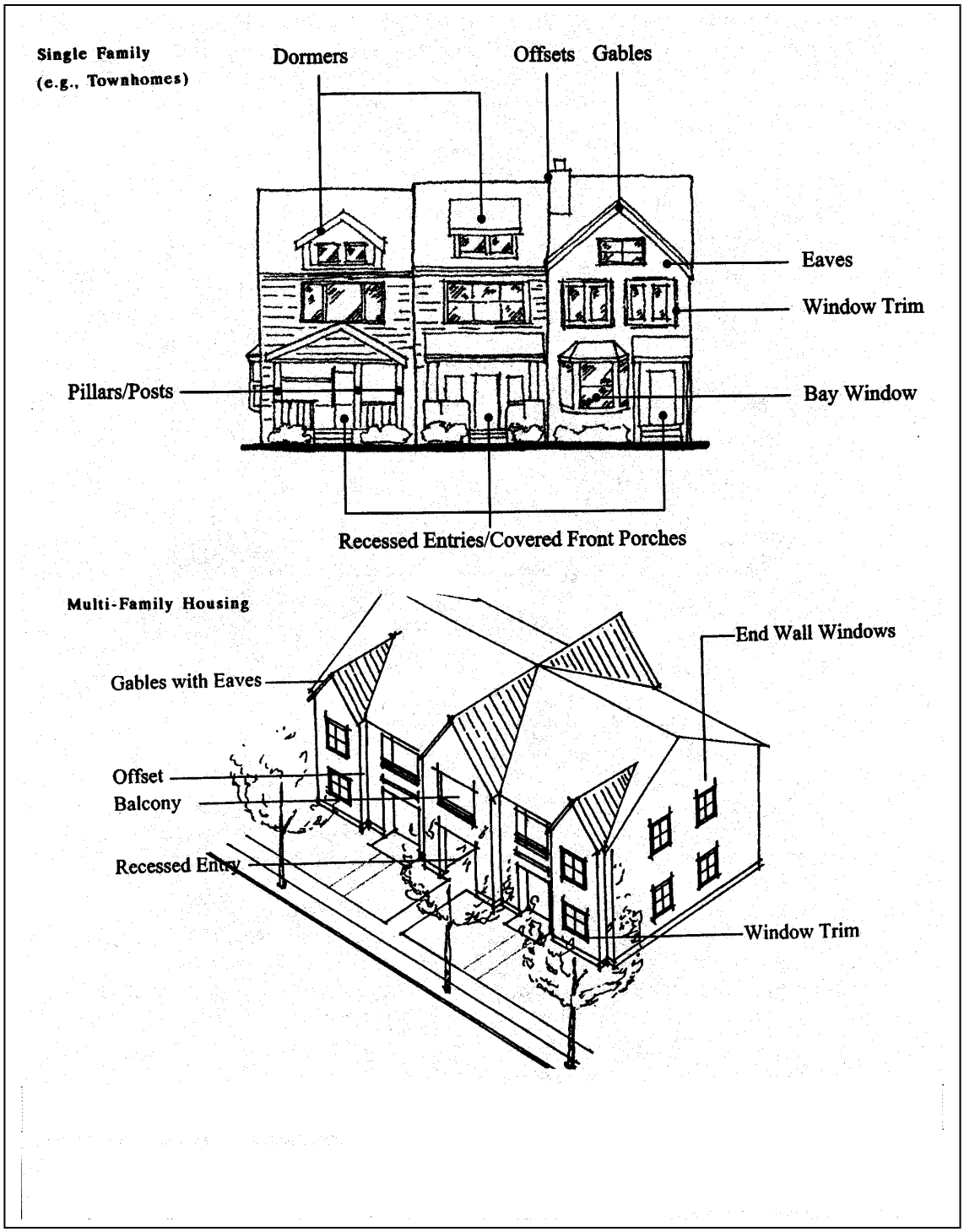


**Figure 2.1.190.C(3b) – Examples of Architectural Details, Townhomes and Multi-family**

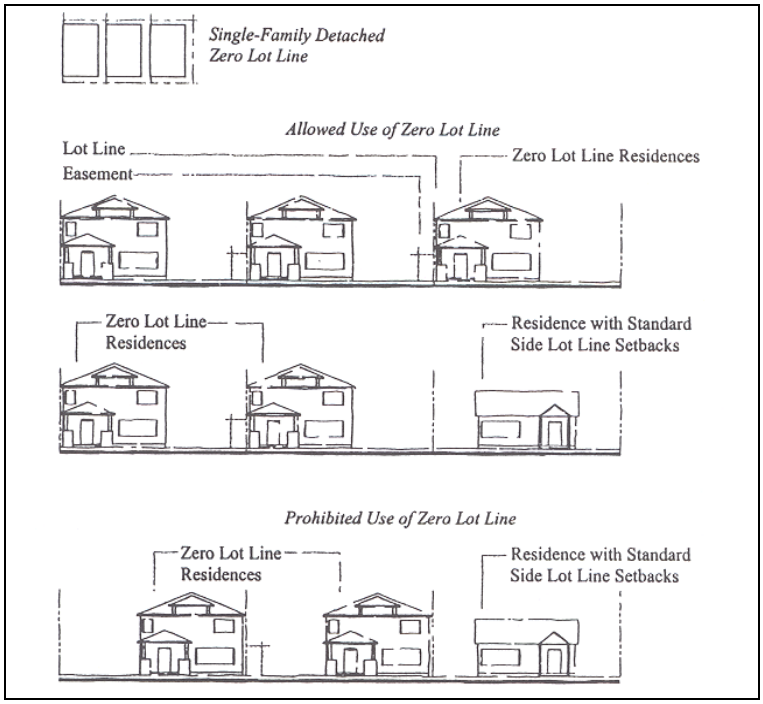


2.1.200 Special Standards for Certain Uses.

This Section supplements the standards contained in Sections 2.1.100 through 2.1.190. It provides standards for the following land uses in order to control the compatibility of those uses within the Residential District:

**A.** **"Zero Lot Line" (Single-family Courtyard Home).** "Zero lot line" houses are subject to the same standards as single-family detached housing, except that a side yard setback is not required on one side of a typical lot (as shown in Figure 2.1.200.A). This type of housing is permitted to allow development on narrower lots and still provide usable outdoor living area in side-oriented courtyards or room for on-site sewage disposal systems. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

**Figure 2.1.200.A – Zero Lot Line Housing**




1. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero lot line house shares a side property line with a non-zero lot line development, the zero lot line building shall be setback from the common property line by a minimum of 10 feet;

2. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot;

3. Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows.

**B. Accessory Dwelling (attached, separate cottage, or above detached garage).** An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;

2. Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;

3. One Unit. A maximum of one accessory dwelling unit is allowed per lot;

4. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 50 percent of the floor area of the primary unit or not more than 800 square feet, whichever is smaller;

5. Building Height. The building height of detached accessory dwellings (i.e., separate cottages and dwellings over detached garages) shall not exceed 25 feet, as measured in accordance with Section 2.1.170;

6. Buffering. A minimum 4-foot high hedge or site obscuring fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when the City determines that buffering is necessary for the privacy and enjoyment of yard areas by either the occupants of the accessory dwelling unit or adjacent residents;

7. On-site Sewage Disposal Systems. The accessory dwelling shall be serviced by an on-site sewage disposal system that complies with DEQ standards.

8. Water Meter. All accessory dwellings must obtain a separate water meter from the City; and

9. Mailing Address. Accessory dwelling units require a mailing address and mailbox different from that of the primary dwelling unit on site. On-site signage will be required to indicate the location of the 2nd dwelling unit for emergency service providers.

**C. Manufactured Dwellings on Individual Lots.** Manufactured dwellings on individual lots are subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units that existed on lots within the City prior to the effective date of this ordinance.

1. Floor Plan. The manufactured dwelling shall have an enclosed floor area of not less than 900 square feet;

   **An exception to the 900 square feet requirements may be granted if a single building lot containing a usable area of less than 4520 square feet existed within the city prior to the effective date of this code book. In this situation, a "tiny house" of less than 900 square feet may be approved for placement on such premises. Tiny house must meet all other residential requirements in this code book.**

2. Roof. The manufactured dwelling shall have a pitched roof with a slope not less than 3 feet in height for every 12 feet in width (14 degrees);

3. Residential Building Materials. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

4. Garages and Carports. The manufactured dwelling shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;

5. Thermal Envelope. The manufactured dwelling shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Additional manufacturer certification shall not be required;

6. Placement. The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the foundation skirt.

    a. Exception. Manufactured dwellings within the Flood Hazard Overlay Zone are exempt from this standard. (For standards regarding development within the Flood Hazard Overlay Zone, see Chapter 3.7.)

7. Enclosure. The foundation area of the manufactured dwelling shall be fully enclosed.

**D. Residential care homes and facilities.** Residential care homes and facilities are residential treatment or training homes or facilities or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for individuals who need not be related. For clarification, a residential care home accommodates (5) five or fewer individuals and a residential care facility accommodates between (6) six and (15) fifteen individuals. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-197.670:

1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. Parking for residential care facilities. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 3.3 – Vehicle and Bicycle Parking.
3. Development Review. Development review shall be required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Residential care homes are exempt from this requirement.

**E. Single-family Attached (Townhomes), Duplexes and Triplexes.** Single-family attached housing (townhome units on individual lots) and duplex developments (2 attached units on one lot) shall comply with the standards in Subsections 2.1.200.E.1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

**Figure 2.1.200.E(1) – Townhomes and Multiplex Housing with Alley Access**

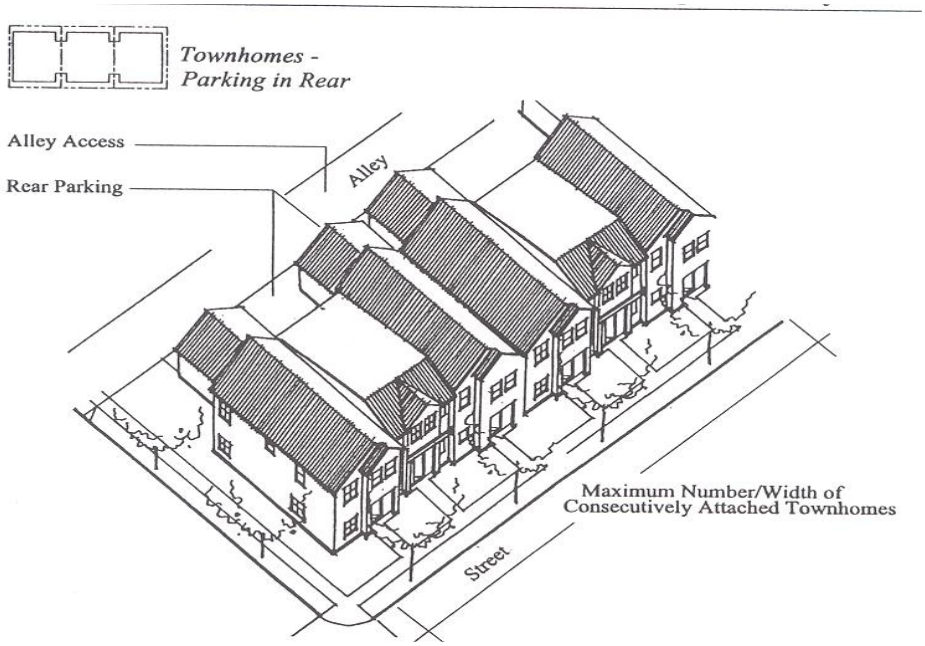



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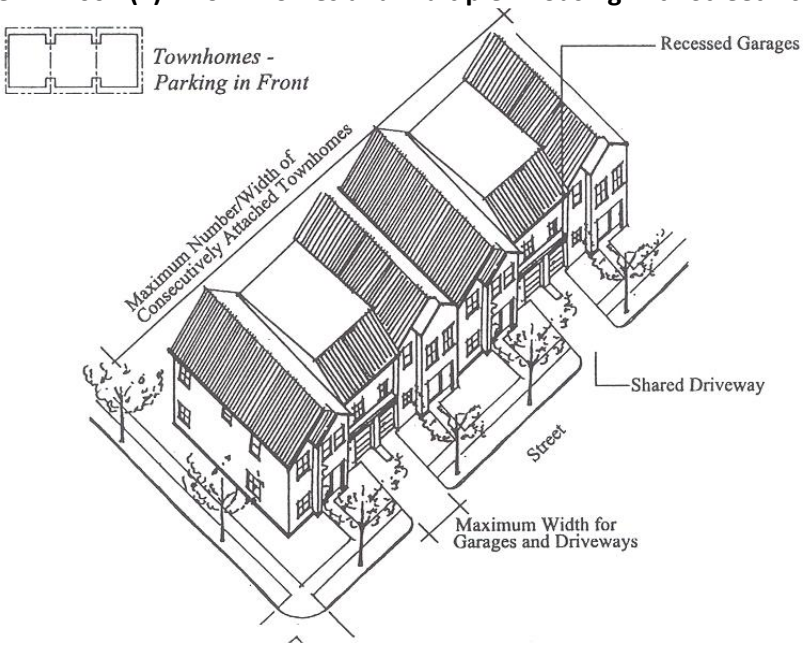
**Figure 2.1.200.E(2) – Townhomes and Multiplex Housing with Street Access**




3. Street Access Developments. Townhomes and duplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to: minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

   a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.

b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garaged facing the street.

c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.

**F. Public and Institutional Land Uses.** Public and Institutional uses (listed in Table 2.1.110.A) are subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences. The uses listed in Sections 3(a-g) and (h.7-8) in Table 2.1.110.A also require a Conditional Use Permit (Section 4.4.400):

1. Development Site Area. The maximum development site area shall be 8 acres, except that this standard shall not apply to parks and open space uses. Developments larger than 8 acres may be approved as a Conditional Use, in accordance with Chapter 4.4 - Conditional Use Permits.

2. Building Mass. The maximum width or length of a multiple family building shall not exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit (Chapter 4.4).

3. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

**G. Accessory Uses and Structures**. Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, green houses, ~~workshops~~, swimming pools, tennis courts, gazebos, workshops and similar structures. (This Section does not apply to accessory dwellings. For standards applicable to accessory dwellings see Subsection 2.1.200.B.) All accessory structures shall comply with all of the following standards:

1. Primary use required. An accessory structure shall not be allowed without another previously established permitted use (e.g., as listed in Table 2.1.110.A);

2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way;

3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards;

4. Building Height. The building height of detached accessory structures shall not exceed 35 feet, as measured in accordance with Section 2.1.170;

5. Buffering. A minimum 4-foot high hedge or fence may be required as a condition of approval to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet;

6. Appearance. All structures, enclosed or open, shall be painted or ~~stained to match the finish of the primary structure~~; shall be maintained in good condition; shall be lowered to within 6 inches of ground level; and shall be installed on a permanent foundation;

7. Habitation. Accessory uses and structures shall not be inhabited; and

8. Utility Hook-up. Detached accessory uses and structures that function as workshops may be hooked up to water, power and sewer; and detached accessory uses and structures that function as storage may be hooked up to power only.

**H. Home Occupations.** The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence or an accessory structure, such as an office or workshop. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Home occupations that meet the standards below (2.1.200.H.1-7) are permitted by right (without requiring a permit from the City) in all residential units (dwellings). Home occupations not able to meet the standards in this Section may obtain a permit subject to Section 4.8.200 – Home Occupation Permits.

1. Appearance of Residence. The following standards shall be met:

   a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business, except for limited signage.

   b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

   c. The home occupation shall not violate any conditions of prior development permit approval.

2. Storage. The following standards shall be met:

   a. Outside storage that is visible from the public right-of-way or adjacent properties is prohibited. Outside storage shall not occupy more than 10 percent of a site, shall not be located between the primary structure and public right-of-way, and shall be screened from adjacent properties by a sight-obscuring fence or hedge at least seven feet tall.

   b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

   c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. Employees. The following standards shall be met:

   a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than 4 full time equivalent employees at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted.

b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.

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

d. Advertising and signs shall comply with Section 3.6.~~5~~ 400. In no case shall a sign exceed the Residential District maximum standard of 8 square feet (e.g., 4 feet by 2 feet). (See Chapter 3.6.~~5~~ 400 for sign standards.)

4. Vehicles, Parking and Traffic.

a. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.

b. There shall be no more than 3 commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.

c. There shall be no more than 2 client or customer vehicles at any one time and no more than 8 per day at the home occupation site or in the right-of-way abutting the lot.

5. Business Hours. Clients or customers are permitted at the home occupation from 8:00 a.m. to 6:00 p.m. subject to Subsections 2.1.200.~~I~~ H(1-4), above.

6. Prohibited Home Occupation Uses. The following uses are prohibited:

a. Any activity that produces radio or TV interference, noise, glare, vibration, dust, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line.

b. Any uses described in this Section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

(1) Ambulance service;
(2) Animal hospital, veterinary services, kennels or animal boarding;
(3) Auto and other vehicle repair, including auto painting;
(4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

7. Retail Sales. Retail sales are allowed as a home occupation, but require the operator to obtain a permit in accordance with Section 4.8.200 – Home Occupation Permits.

8. Enforcement. The Planning Commission Chair or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 1.4 - Enforcement.

**I. Bed and Breakfast Inns**. Bed and Breakfast Inns, where permitted in the Residential District, shall comply with the following standards.

1. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.

2. Maximum size. The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 8 guests per night.

3. Employees. The bed and breakfast facility may have up to 4 non-resident employees for the facility.

4. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.

5. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for customary residential accessory buildings such as sheds, or detached garages).

6. Signs. Signs must meet the standards in Section 3.6.~~5~~ 400, Signs.
7. Monitoring. All bed and breakfast inns must maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if travelling by car, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

**J. Historic Buildings.** The following standards apply to buildings listed on the National Register of Historic Places.

1. Historic Preservation Standards.

   a. Compliance with the U.S. Secretary of Interior's standards for the remodeling and/or renovation of the exterior and significant interior historic features.

   b. Approval of all building permits by the State Historic Preservation Office (SHPO).

**2.1.300 Residential Subdistricts.**

**A. Subdistricts Authorized.** Subdistricts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The City has adopted the Suburban Residential, Multi-family, and Manufactured Dwelling Park Subdistricts.

**B. Applicability.** Subdistricts are identified on the City's official zoning map. Properties designated within a subdistrict shall comply with the provisions of the underlying Residential District, except as may be modified by this Section.

**C. Conflicts**. Where there are conflicts, the Subdistrict standards supersede the standards of Sections 2.1.100 through 2.1.200. Where there is no conflict, the standards of 2.1.100 through 2.1.200 shall apply.

**2.1.310 Suburban Residential Subdistrict (SR)**

**A. Purpose.** The Suburban Residential District (SR) is designed to provide larger lots in order to accommodate some small-scale, non-commercial crop cultivation and keeping of livestock in the Residential District. The City shall limit land designated for this district in order to comply with policies in its Comprehensive Plan that require efficient use of land within City limits.

**Suburban Residential Subdistrict Development Standards.**

1. Parcel size. A minimum of one acre;

2. Front Setback. Buildings must be set back at least (10) ten feet from the front property line;

**3. Large animals may not be kept over septic systems. Fencing to protect septic systems should be installed at a minimum of 3 feet from the system.**

**2.1.320 Multi-family Subdistrict (MF).**

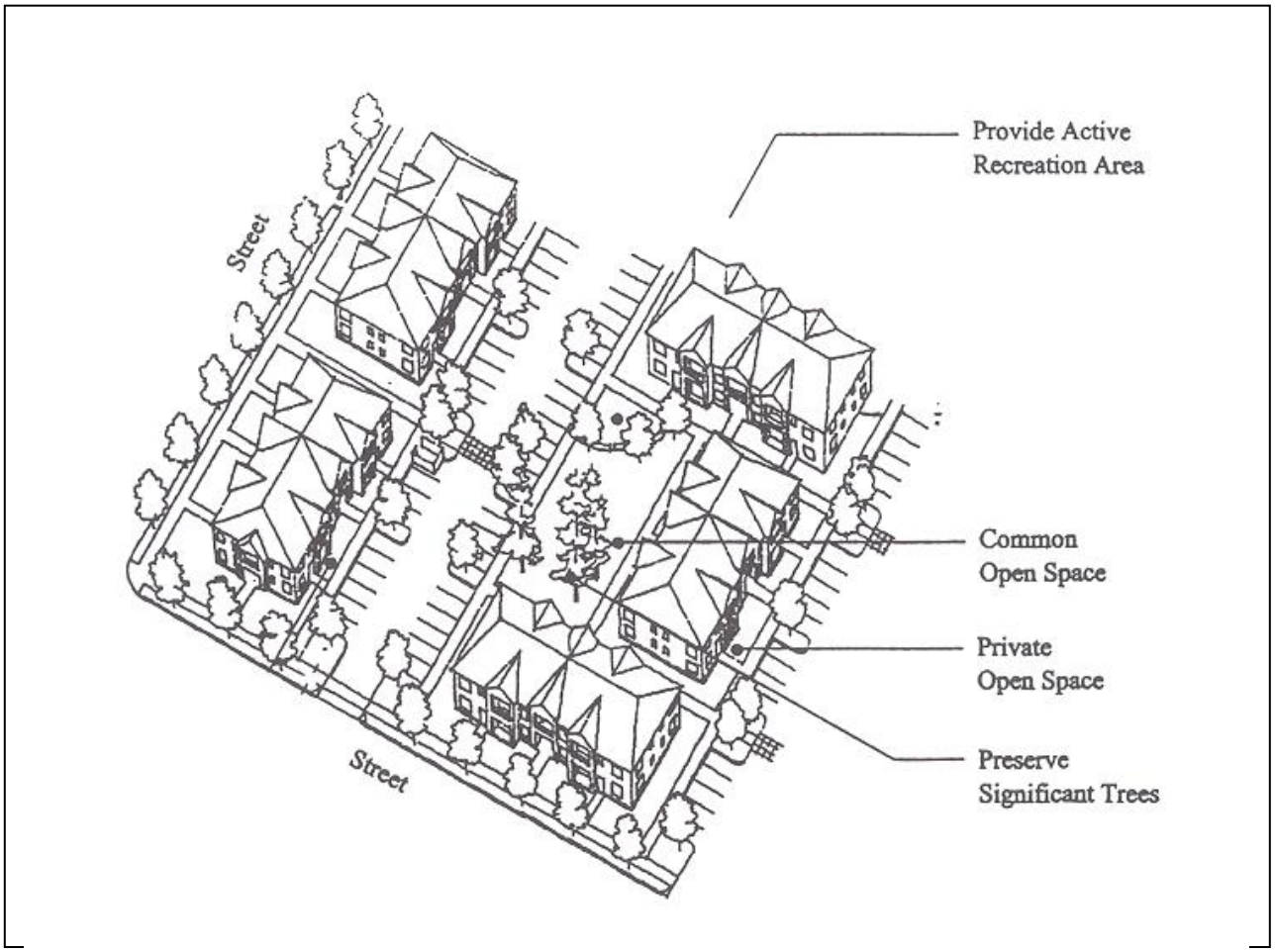
**A. Standards for the Multi-family Subdistrict.** These standards supersede the applicable standards listed in Sections 2.1.100 through 2.1.200.

**B. Purpose.** The Multi-family Subdistrict is designed to provide land for multiple family housing development. Multi-family housing is housing that provides 3 or more dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards.

**C. Multi-family Housing Development Standards.**

1. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multi-family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

**Figure 2.1.320– Multi-family Housing (typical site layout)**




2. Private open space. Private open space areas shall be required for ground-floor and upper-floor housing units through compliance with all of the following standards:

   a. Ground-floor housing units shall have front or rear patios or decks at least 4 feet deep and measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);

   b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches at least 4 feet deep and measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and

   c. Private open space areas shall be oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable and shall be screened from other private open spaces and common open spaces by an evergreen hedge or solid fence not less than 6 feet in height.

3. Exemptions. Exemptions may be granted for the first 10 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., federal Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk connecting the site to the park. An exemption shall be granted only when the nearby park provides active

recreation areas such as play fields, children's play area, sports courts, walking/fitness course, or similar facilities.

4. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

5. Storage. A minimum of 50 square feet of 7-foot high, enclosed, external storage area shall be provided for each dwelling unit.

6. Identification. The number of each unit shall be clearly marked; directional signs shall be provided to help visitors and emergency services located individual units; the name and address of the development shall be clearly displayed on or in front of the complex and shall conform to sign standards in Section 3.6.~~5~~ **4**00.

7. Laundry Facilities. Laundry facilities shall be provided on the site of all multi-family developments containing 10 or more units.

**2.1.330 Manufactured Dwelling Park Subdistrict (MDP).**

**A. Manufactured Dwelling Park.** Manufactured dwelling parks shall comply with Subsections 2.1.330.A.1-9, below:

1. Minimum site size. One acre.

2. Permitted uses. Manufactured dwellings, manufactured dwelling park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance). Home occupations shall comply with Special Standards for Home Occupations, Subsection 2.1.200.~~I~~ **H**.

3. Spaces. The minimum size pad or space for each home is 3,000 square feet, provided that the overall density of the park does not exceed 12 units per acre and adequate space is available for on-site sewage disposal systems per DEQ requirements. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c). **Anything less is prohibited.**

3. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built that serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

4. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 6-foot wide landscape buffer between the right-of-way and the manufactured dwelling park for the privacy and security of residents or aesthetics of the streetscape.

5. House design (for parks smaller than 3 acres). Manufactured dwellings in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):

   a. The manufactured dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);

b. The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

c. Exception: Subsections 2.1.330.A.5(a-b), above, do not apply to manufactured dwellings sited within the City prior to the effective date of this ordinance.

6. Recreational and Open Space. A minimum of 400 square feet per park of landscaped open space shall be provided in addition to the area contained on each space and within the required setbacks. Recreation rooms and buildings shall be provided if the park contains more than 40 manufactured dwellings. Play equipment shall be provided in one or more identified sites within the park unless the development is designed for adults only.

7. Laundry Facilities. Laundry facilities shall be provided on park grounds if the park contains more than 20 manufactured dwellings.

8. Identification. The number of each manufactured dwelling space shall be clearly marked and lighted if necessary; directional signage shall be provided to help visitors and emergency services located individual manufactured dwellings; the name and address of the manufactured dwelling park shall be clearly displayed in front of the park visible from public right-of-way; other signage shall conform to sign standards in Section 3.6.~~5~~ **4**00.

9. Storage. A storage shed with at least 80 square feet of floor area and at least 7 feet in height shall be provided on each manufactured dwelling space.

# Chapter 2.2 Commercial District (C)

**Sections:**


| | |
|---|---|
| **2.2.100** | **Purpose** |
| **2.2.110** | **Permitted Land Uses** |
| **2.2.120** | **Building Setbacks** |
| **2.2.130** | **Lot Area and Dimensions** |
| **2.2.140** | **Lot Coverage** |
| **2.2.150** | **Block Layout and Building Orientation** |
| **2.2.160** | **Building Height** |
| **2.2.170** | **Architectural Design Standards** |
| **2.2.180** | **Pedestrian Amenities** |
| **2.2.190** | **[Reserved for Future Standards]** |
| **2.2.200** | **Special Standards for Certain Uses** |


**2.2.100 Purpose.**

The purpose of the Commercial District is to strengthen the downtown area as the "heart" of the community and facilitate commercial opportunities in Adams. The District is intended to support this goal through elements of design and appropriate mixed use development. This chapter provides standards for the orderly improvement and expansion of the Commercial District based on the following principles:

- Efficient use of land and urban services.
- A mixture of land uses and provision of more employment and housing options.
- Connection to neighborhoods and employment areas.
- Promotion of visitor accommodations and tourism amenities.

**2.2.110 Permitted Land Uses.**

**A.** **Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the Commercial District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.110.A, and land uses that are approved as "similar" to those in Table 2.2.110.A, may be permitted. The land uses identified with a "CU" in Table 2.2.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

**B.** **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.7 – Code Interpretations.

**Table 2.2.110.A**
**Land Uses and Building Types Permitted in the Commercial (C) District**

**1. Residential***

*Single-family*
a. Single-family detached (existing housing only)

b. Single-family attached townhomes (existing housing only)

c. Single-family detached zero-lot line housing (existing housing only)

d. Accessory dwellings (with existing housing)

e. Manufactured dwellings on individual lots (existing housing only)

*Multi-family*
f. Duplexes and triplexes (existing housing only)

g. Multi-family housing (existing housing only)

*Residential care*
h. Residential care homes (existing housing only) and facilities

i. Family daycare (12 or fewer children)

**2. Home Occupations** (in accordance with Section 2.1.200.I)

**3. Bed & Breakfast Inns***

**4. Industrial***
a. Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail

**5. Public and Institutional***

a. Places of worship

b. Clubs, lodges, similar uses

c. Government offices and facilities (e.g. administration, public safety, utilities, and similar uses)

d. Libraries, museums, community centers, concert halls and similar uses

e. Public parking lots and garages

f. Private utilities (not including wireless/telecommunications uses)

g. Public parks and recreational facilities

h. Schools (public and private)

i. Special district facilities

j. Transportation Facilities and Improvements.

1. Normal operation, maintenance;
2. Installation of improvements within the existing right-of-way;
3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency Measures;
6. Street or road construction as part of an approved subdivision or partition;
7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and
8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)

k. Telecommunications equipment (including wireless uses) (subject to the standards in Section 3.6.200) (CU)

l. Uses similar to those listed above (CU)

**6. Accessory Uses and Structures***

**7. Commercial**

a. Auto-oriented uses and facilities (CU)*

b. Entertainment (e.g., theaters, clubs, amusement uses)

c. Hotels/motels/lodging facilities

d. Hospitals, medical and dental offices, clinics and laboratories

e. Mixed use development (housing and other permitted uses)*

f. Office uses (i.e., those not otherwise listed)

g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)

h. Repair services, including automotive, truck, RV and boat (CU)

i. Retail trade and services

j. Funeral Parlors

k. Veterinarian clinics, animal clinics, laboratories (CU)

l. Dog pounds and kennels (CU)

m. Uses similar to those listed above (subject to CU requirements, if applicable)

**8. On-Site Sewage Disposal Systems**

**9. Historic Buildings***
(subject to standards in Section 2.1.200.K)

**10. Temporary Sidewalk Displays***

- * Uses marked with an asterisk (*) are subject to the standards in Section 2.1.200 - Special Standards for Certain Uses.
- Temporary uses are subject to the standards in Chapter 4.8 – Miscellaneous Permits.
- ** Uses marked with two asterisks are subject to the standards in Subsection 4.4.400.D.
- CU= Conditional Use Permit Required, per standards in Chapter 4.4.
- + Uses marked with a plus sign are subject to additional land use standards in applicable Subdistricts.

**Land Uses Prohibited in the Commercial District.** Only uses specifically listed in Table 2.2.110.A, and uses similar to those in Table 2.2.110.A, are permitted in this district. The following uses are expressly prohibited: heavy industrial uses, including machinery or heavy equipment sales and service.

**2.2.120 Building Setbacks.**

In the Commercial District, buildings are placed close to the street to create a vibrant pedestrian environment, slow traffic, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed use buildings for a walkable downtown area.

Building setbacks are measured from the face of the building to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards below apply to both primary structures and accessory structures. The standards may be modified only by approval of a Variance, in accordance with Chapter 5.1.

**A. Front Yard Setbacks.**

1. Minimum Setback. There is no minimum front yard setback required (i.e., 0 feet).

2. Maximum Setback. The maximum allowable front yard setback is 10 feet. This standard is met when 75 percent of the front building elevation is placed no more than 5 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or City square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities in Section 2.2.180, and Design Standards in Section 2.2.200 for related building entrance standards.)

**B. Rear Yard Setbacks.**

1. Minimum Setback. The minimum rear yard setback for all structures shall be 0 feet for street-access lots, and 6 feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for rear parallel parking.

2. Double Frontage Lots. For buildings on double frontage-lots (lots with front and rear frontage onto a street), the front yard setbacks in Subsection 2.2.120.A shall apply.

**C. Side Yard Setbacks.** There is no minimum side yard setback required (i.e., 0 feet), except that buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

**D. Setback Exceptions.** Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar design features may encroach into setbacks by no more than 5 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter 3.2 – Landscaping, Street Trees, Fences and Walls. Topographic or physical constraints may also require setback exceptions.

**2.2.130 Lot Area and Dimensions.**

**A.** **Lot Area.** There is no minimum lot area standard, except that a lot (or lots, in cases of shared on-site sewage disposal systems) must demonstrate compliance with Oregon Department of Environmental Quality (DEQ) process and approval regarding the provision of adequate on-site sewage disposal systems and drainfield areas.

**2.2.140 Lot Coverage.**

**A.** **Lot Coverage.** There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses. Adequate drainfields must be provided in accordance with Oregon Department of Environmental Quality (DEQ) process and approval.

**2.2.150 Block Layout and Building Orientation.**

This Section is intended to promote the walkable, storefront character of downtown by forming short blocks and placing buildings close to the street. Placing buildings close to the street also slows traffic down and provides more "eyes on the street," increasing the safety of public spaces. The standards, as listed below, complement the front yard setback standards in Section 2.2.120.

**A.** **Applicability.** This Section applies to new land divisions and all of the following types of developments that are subject to site design review:

1. Duplex and triplex developments with more than one building (i.e., duplex and triplex developments subject to site design review);

2. Multi-family housing;

3. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses);

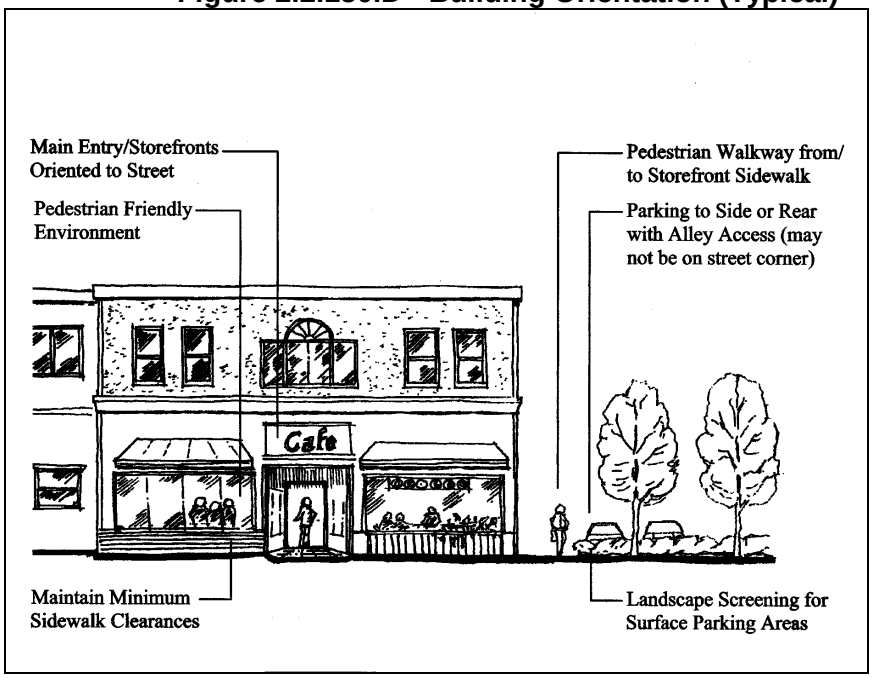
4. Commercial and mixed use buildings subject to site design review*;* and

5. Three or more single-family attached townhomes on their own lots (i.e. townhomes subject to site design review).

Compliance with all of the provisions of Subsections 2.2.150.B-E, below, is required.

**B.** **Block Layout Standard.** New land divisions and developments which are subject to Site Design Review shall be configured to provide an alley or interior parking court~~, as shown in Figure 2.2.150.B above~~. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 400 feet, and a depth not exceeding 200 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.

**Figure 2.2.150.D - Building Orientation (Typical)**




**C.** **Building Orientation Standard.** All of the developments listed in Subsection 2.2.150.A shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. The minimum and maximum setback standards in Section 2.2.120 are met;

2. Buildings have their primary entrance(s) oriented to (i.e., facing) the street. Acceptable street-facing entrances include corner entrances on corner lots. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.

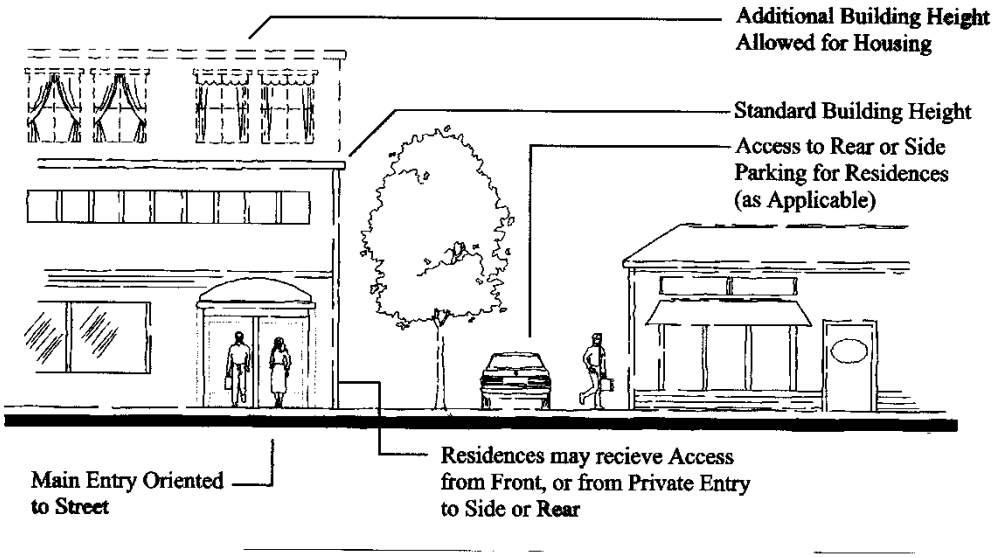
3. Off-street parking, driveways, and other vehicular circulation areas shall not be placed between a building and the street which is used to comply with Subsection 2.2.150.~~D~~C(2), above. On corner lots, buildings and their entrances shall be oriented to the street corner; parking, driveways and other vehicle areas are prohibited between buildings and street corners.

**D.** **Variances.** The standards of this Section shall not be changed through a Class A Variance. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variances in Chapter 5.1.

**2.2.160 Building Height.**

All buildings in the Commercial District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character.

**Figure 2.2.160.A – Building Height Diagram (Credit for Housing)**




**A.** **Maximum Height.** Buildings shall be no higher than 40 feet. The maximum height may be increased by 10 feet when housing is provided above the ground floor ("vertical mixed use"), as shown in Figure 2.2.160.A. The building height increase for housing shall apply only to that portion of the building that contains housing.

**B.** **Method of Measurement.** "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. (See Figure 2.1.170.C for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Subsection 2.2.160.B(1) is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not for human occupancy.

**2.2.170 Architectural Design Standards.**

**A.** **Purpose and Applicability.** The Commercial District design standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles. This Section applies to all of the following types of buildings:

1. Public and institutional buildings, except buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

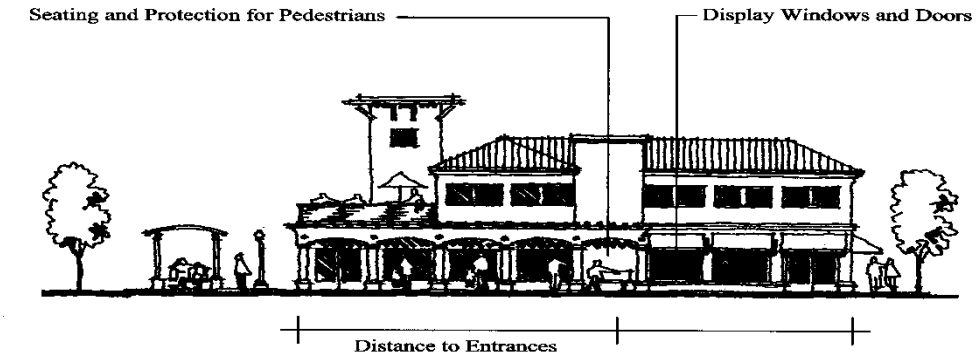
2. Commercial and mixed-use buildings subject to site design review.

3. Light industrial uses.

**B.** **Standards**. The following standards shall be met. A design feature used to comply with one standard may be used to comply with another standard.

1. All residential buildings subject to design review shall comply with the Residential District architectural design standards, as listed in Section 2.1.190.

**Figure 2.2.170.B - Design of Large-Scale Buildings and Developments (Typical)**




Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required design style.

2. Design of Large-Scale Buildings and Developments. The standards in Subsection 2.2.170.B.2(c), below, shall apply to "Large-Scale Buildings and Developments", as defined in a-b:

   a. Buildings with more than 20,000 square feet of enclosed ground-floor space. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and

   b. Multiple-building developments with a combined enclosed ground-floor space more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).

   c. All large-scale buildings and developments, as defined in Subsections 2.2.170.B.2(a-b), shall provide human-scale design by conforming to all of the following criteria:

      (1) Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown in Figure 2.2.170.B. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features.

      (2) Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Chapter 3.1 - Access and Circulation.

**2.2.180 Pedestrian Amenities.**

**A.** **Purpose and Applicability.** This Section is intended to complement the building orientation standards in Section 2.2.150 and the street standards in Chapter 3.1, by providing comfortable and inviting pedestrian spaces within the Commercial District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City's commercial areas. This Section applies to all of the following types of buildings:

1. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

2. Commercial and commercial-residential mixed-use buildings subject to site design review.

**B.** **Pedestrian Amenity Standards.** Every development listed in subsection A above shall provide at least one of the "pedestrian amenities" listed and illustrated below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street) when approved by the City (for City streets), Umatilla County (for County roads), or the Oregon Department of Transportation ("ODOT") for state highways.

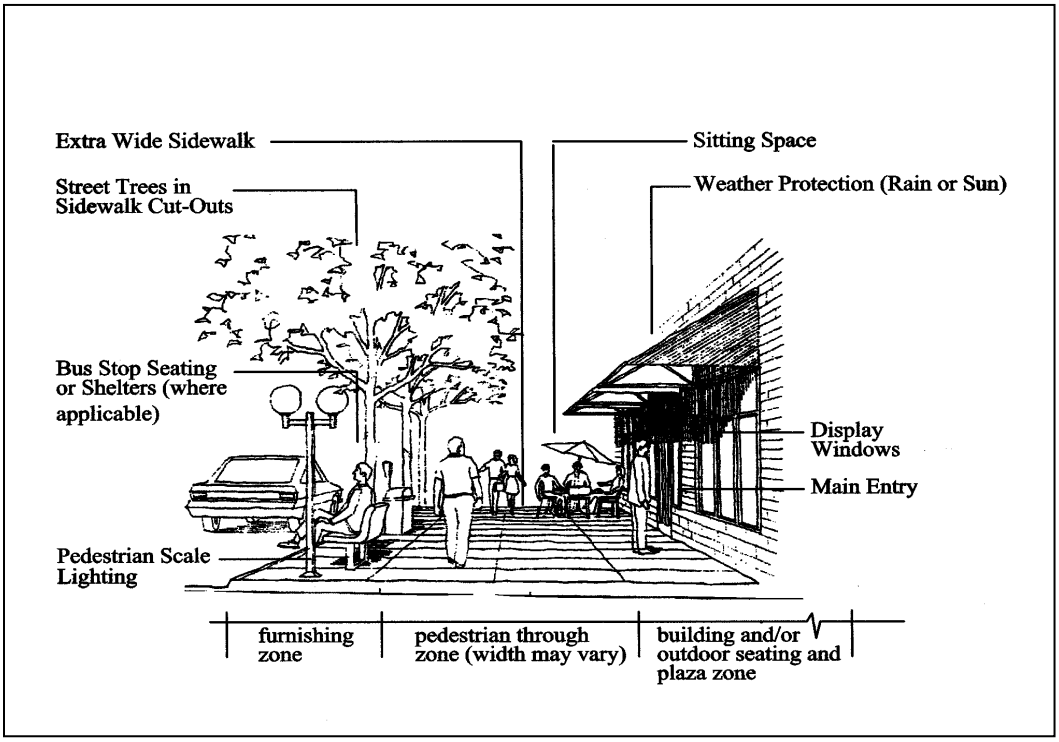
1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);

2. Sitting space (i.e., dining area, benches or ledges) with a minimum of 16 inches in height and 30 inches in width;

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

4. Public art that incorporates seating (e.g., fountain, sculpture, etc.) or wall decoration such as an illustrative mural that is not defined as a sign in Chapter 3.6.~~5~~ 400.

**Figure 2.2.180 - Pedestrian Amenities (Typical)**



*Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.*

**2.2.190 *[Reserved for future Commercial District standards]***

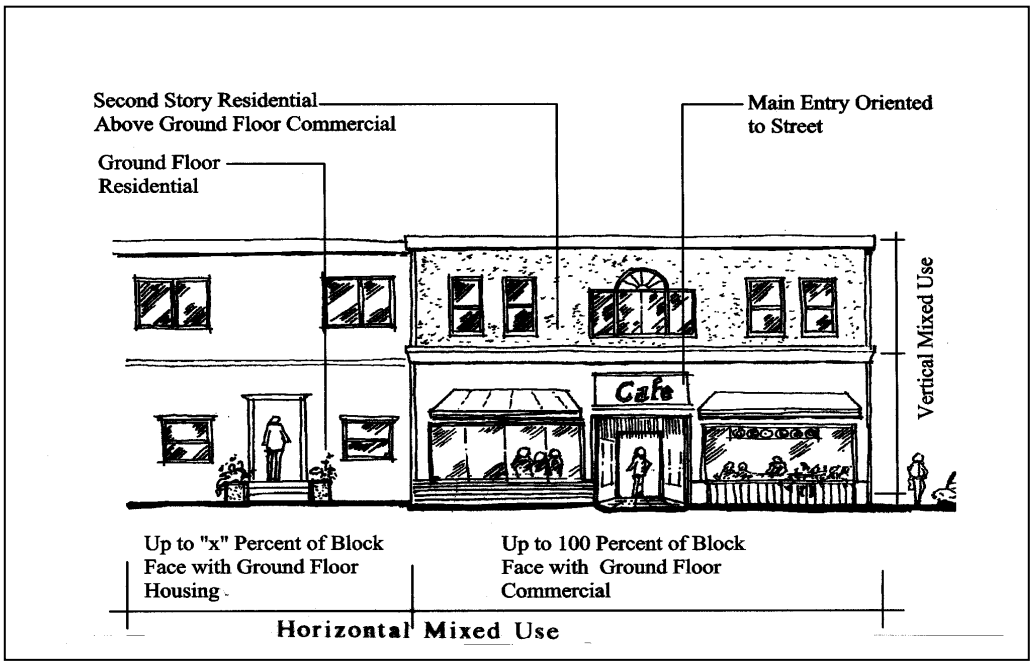
**2.2.200 Special Standards for Certain Uses.**

This Section supplements the standards contained in Sections 2.2.100 through 2.2.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

1. Residential Uses
2. Bed and Breakfast Inns
3. Public and Institutional Uses
4. Accessory Uses and Structures
5. Automobile-Oriented Uses and Facilities
6. Sidewalk Displays
7. Light Manufacture
8. Historic Buildings

**A. <u>Residential Uses.</u>** Higher density residential uses, such as multi-family, are permitted to encourage housing adjacent to employment, shopping and services. All residential developments shall comply with Subsections 2.2.200.A.1-8, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas.

**Figure 2.2.200.A – Mixed Use Development in the Commercial District**




*Note: The example shown above is meant to illustrate required building design elements, and should not be interpreted as a required design style.*

1. Mixed-Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential with commercial or public/institutional use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed, subject to the following standards in Subsection 2.2.200.A.2-8.

2. Limitation on street-level housing. No more than 50 percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.

3. Density. There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards, as well as adequate provision of space for on-site sewage disposal systems.

4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from a main street) when access cannot be provided from an alley.

5. Creation of Alleys. When a subdivision is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography cause construction of an alley to be impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between City home lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter 3.1-Access and Circulation.

6. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.

7. Accessory Dwellings. Accessory dwellings in the Commercial District are subject to all of the residential standards in Subsection 2.1.200.B.

8. Residential Care Homes and Facilities. Residential care homes and facilities in the Commercial District are subject to all of the residential standards in Subsection 2.1.200.D.

**B. Bed and Breakfast Inns.** Bed and Breakfast Inns, where permitted in the Commercial District, shall comply with the following standards.

1. Purpose. The purpose of this Section is to provide standards for the development of a bed and breakfast inn.

2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.

3. Maximum size. The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 8 guests per night.

4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility. No limit on resident employees.

5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.

6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds or detached garages).

7. Signs. Signs must meet the standards in Section 3.6.5 ~~4~~00, Signs.

8. Monitoring. All bed and breakfast inns must maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if travelling by motor vehicle, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

**C. Public and Institutional Uses.** Public and institutional uses (as listed in Table 2.2.110.A) are allowed in the Commercial District, except that automobile-oriented and automobile-dependent uses shall comply with the standards in "E", below. See the definition of "automobile-oriented uses" in Chapter 1.3. Typical automobile-oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment and construction materials.

**D. Accessory Uses and Structures**. Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Commercial District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Commercial District, as identified in Table 2.2.110.A.

Accessory structures shall comply with the following standards:

1. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.

2. Setback standards. Accessory structures shall comply with the setback standards in Section 2.2.120, except that the maximum setback provisions shall not apply.

3. Design standards. Accessory structures shall comply with the Commercial design standards, as provided in Section 2.2.170.

4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

6. Appearance. Enclosed or open structures shall be painted or stained to match the finish of the primary structure and shall be maintained in good condition, and shall be lowered to within 6 inches of ground level and are installed on a permanent foundation.

7. Habitation. Accessory uses and structures shall not be occupied.

8. Utility Hook-up. Detached accessory uses and structures that function as workshops may be hooked up to water, power and sewer, and detached accessory uses and structures that function as storage may be hooked up to power only.

**E. Automobile-Oriented Uses and Facilities.** Automobile-oriented uses as defined below and in Chapter 1.3, shall conform to all of the following standards in the Commercial District. The standards are intended to provide a vibrant storefront character, slow traffic, minimize conflicts between vehicles and pedestrians, and encourage walking.

1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from the main street when vehicle access cannot be provided from an alley). Individual surface parking lots shall not exceed one-half of a City block.

2. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are a part of the use, including, but not limited to, drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, dry cleaners, car washes, oil change facilities, and similar uses), service stations, and gas stations. These uses are restricted in the Commercial District because when unrestricted, they detract from the pedestrian-friendly, storefront character of the district, can consume large amounts of land compared to other permitted uses, and generate high volumes of traffic. Automobile-oriented uses shall comply with the following standards:

   a. Drive-up, drive-in, and drive-through facilities are permitted only when subordinate to a primary commercial "walk-in" use. "Subordinate" means all components of the drive-up, drive-in, or drive-through facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and

   b. All automobile-oriented uses shall conform to all of the following standards:

      (1) The facility receives access from an alley or driveway, and not a street.

      (2) No drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are 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 corner).

      (3) No more than one automobile-oriented facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

**F. Sidewalk Displays.** In the right-of-way, sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, properly located bicycle parking, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of 4 feet shall be

maintained on the sidewalk at all times to allow all pedestrians and disabled persons to pass by the displays. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited in the right-of-way and may occur on private property. Temporary events such as parades or other special events are exempted from this requirement. See Section 4.8.100 for Temporary Permit requirements.

**G. Light Manufacture.** "Light manufacture" means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. Light manufacture uses shall conform to all of the following standards that are intended to protect the pedestrian-friendly, storefront character of the Commercial District:

1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use (e.g., a bakery with a retail baked goods outlet).

2. Location. The light manufacture use shall be completely enclosed within a building, or shall be located within a rear yard not adjacent to a street.

# Chapter 2.3 Industrial-Commercial District (I-C)

**Sections:**


| | |
|---|---|
| **2.3.100** | **Purpose** |
| **2.3.110** | **Permitted Land Uses** |
| **2.3.120** | **Development Setbacks** |
| **2.3.130** | **Lot Area and Dimensions** |
| **2.3.140** | **Lot Coverage** |
| **2.3.150** | **Development Orientation** |
| **2.3.160** | **Building Height** |
| **2.3.170** | **Architectural Design Standards** |
| **2.3.180** | **Pedestrian Amenity Standards** |
| **2.3.190** | **[Reserved for Future Standards]** |
| **2.3.200** | **Special Standards for Certain Uses** |


## 2.3.100 Purpose.

The Industrial-Commercial District accommodates a range of light and heavy industrial land uses. It is intended to keep industrial uses compatible with nearby commercial and residential districts, while providing a high-quality environment for businesses and employees. The district also provides for commercial service development opportunities in Adams. This Chapter guides the orderly development of industrial areas based on the following principles:

- Provide for efficient use of land and public services.
- Provide transportation options for employees and customers.
- Locate business services close to employment centers.
- Ensure compatibility between industrial uses and nearby commercial and residential areas.
- Provide appropriate design standards to accommodate a range of industrial users.

## 2.3.110 Permitted Land Uses.

**A. Permitted Uses.** The land uses listed in Table 2.3.110.A are permitted in the Industrial –Commercial District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.3.110.A, and land uses that are approved as "similar" to those in Table 2.3.110.A, may be permitted. The land uses identified with a "CU" in Table 2.3.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.7 – Code Interpretations.

**Table 2.3.110.A**
**Land Uses and Building Types Permitted in the Industrial-Commercial (I-C) District**

**1. Industrial***

a. Heavy manufacturing, assembly, and processing of raw materials

b. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)

c. Warehousing and distribution facilities

d. Junkyard, motor vehicle wrecking yards, and similar uses (CU)

e. Contractor yards, corporation and maintenance yards

f. Transportation terminals (CU)

g. Seasonal vehicle storage

h. Grain elevators ~~(existing only)~~

i. Agricultural supply centers

j. Research, experiment, or testing laboratories

k. Dog pounds and kennels (CU)

l. Quarries and similar resource extraction uses (CU)

m. Uses similar to those listed above (CU)

**2. Residential**

a. One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.200.
b. Residences existing prior to the effective date of this Code may continue.
c. Other residential uses are not permitted.

**3. Commercial***

a. Offices/other commercial uses that are integral to a primary industrial use (e.g., administrative offices, wholesale of goods produced on location, and similar uses) and are not established on-site prior to the primary industrial use.

b. Small-scale retail and service commercial service uses up to 5,000 square feet in total gross floor area (e.g., convenience market, small restaurant with no drive-through service, bank, hair salon, coffee shop, day care, book store, dry cleaner, secondary use for wholesaler, similar uses) (CU)

**4. Public and Institutional Uses***

a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities) where the public is generally not received

b. Private utilities (not including wireless/telecommunications uses) (CU)

c. Passive open space (e.g., natural areas)

d. Special district facilities (e.g., irrigation district, and similar facilities)

e. Vocational schools co-located with parent industry or sponsoring organization

f. Transportation facilities and improvements:
1. Normal operation, maintenance;
2. Installation of improvements within the existing right-of-way;
3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
4. Projects not designated as improvements in the Transportation System Plan. (CU)
5. Landscaping as part of a transportation facility;
6. Emergency measures;
7. Street or road construction that is part of an approved partition or subdivision;
8. Transportation projects not designed and constructed as part of an approved partition or subdivision. (CU)

g. Uses similar to those listed above (CU)

**5. Telecommunications Equipment** (including wireless) (subject to the standards in Section 3.6.200) (CU)

**6. Accessory Uses and Structures**

**7. On-Site Sewage Disposal Systems**

- * Uses marked with an asterisk (*) are subject to the standards in Section 2.1.200 - Special Standards for Certain Uses.
- Temporary uses are subject to the standards in Chapter 4.8 – Miscellaneous Permits.
- ** Uses marked with two asterisks are subject to the standards in Subsection 4.4.400.D.
- CU= Conditional Use Permit Required, per standards in Chapter 4.4.
- Uses marked with a plus sign are subject to additional land use standards in applicable Subdistricts.
- CU= Conditional Use Permit Required, per standards in Chapter 4.4.

| Table 2.3.110B<br>Land Uses Prohibited in Industrial-Commercial District |
|---|
| Only uses specifically listed in Table 2.3.110.A, and uses similar to those in Table 2.3.110.A, are permitted in this district. The following uses are expressly prohibited: new housing; places of worship and similar facilities; and schools. |

**2.3.120 Development Setbacks.**

Development setbacks provide separation between industrial and non-industrial uses for fire protection and security, building maintenance, sunlight, air circulation, noise buffering, and visual separation.

**A. Front Yard Setbacks.**

1. Commercial uses. The minimum setback shall be 0 feet. The maximum setback shall be 10 feet.

2. Other permitted uses. The minimum front yard setback shall be 20 feet. The setback standard shall increase by one foot for every one foot of building height in excess of 30 feet.

**B. Rear Yard Setbacks.**

1. There is no required rear yard setback.

2. Exception. Industrial development (i.e., buildings, parking, outdoor storage and industrial activities) shall be set back from abutting Residential districts by a minimum of 40 feet, and from other non-Industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet. These setbacks also apply when Residential and other non-Industrial Districts occur on the other side of the street.

**C. Side Yard Setbacks.**

1. There are no required side-yard setbacks,

2. Exception. Industrial development (i.e., buildings, parking, outdoor storage and industrial activities) shall be set back from abutting Residential districts by a minimum of 40 feet, and from other non-Industrial districts by a minimum of 20 feet; the side setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet.

**D. Other Yard Requirements.**

1. Buffering. The City may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.

2. Neighborhood Access. Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation.

3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., for combustible materials, etc.).

**2.3.130 Lot Area and Dimensions.**

**A.** **Lot Area.** There is no minimum lot area standard, except that a lot (or lots, in cases of shared on-site sewage disposal systems) must demonstrate compliance with Oregon Department of Environmental Quality (DEQ) process and approval regarding the provision of adequate on-site sewage disposal systems and drainfield areas.

**2.3.140 Lot Coverage.**

The maximum allowable lot coverage in the Industrial District is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. The maximum allowable lot coverage may be less than 80 percent when deemed necessary by the Oregon Department of Environmental Quality (DEQ) to accommodate on-site sewage disposal systems. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

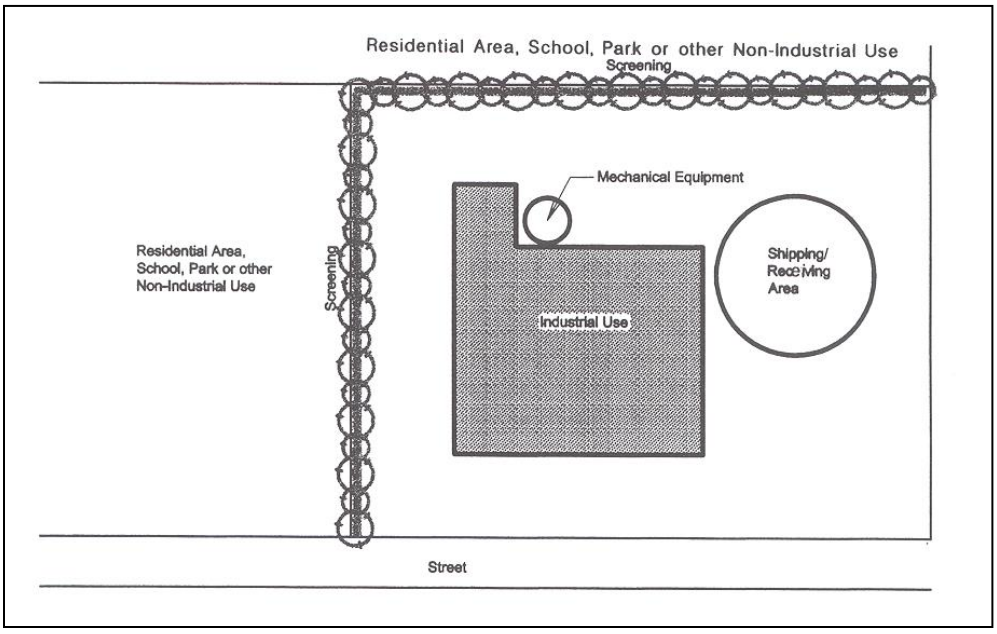
**2.3.150 Development Orientation.**

Industrial developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and protect the privacy of adjacent uses to the extent possible. The following standards shall apply to all development in the Industrial District:

**A.** **Industrial Uses Outside Enclosed Buildings.** Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and

**B.** **Landscape Buffer, Visual or Sound Barrier.** The City shall require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof) to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

**Figure 2.3.150 - Industrial Development Orientation**



**2.3.160 Building Height.**

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

**A.** **Base Requirement.** Buildings shall be no more than ~~40~~ **130** feet in height and shall comply with the building height transition setback standards in Section 2.3.120.

**B.** **Performance Option.** The allowable building height may be increased ~~to 50 feet~~, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between industrial development and adjacent non-industrial development. Smoke stacks, cranes, roof equipment, and other similar features, which are necessary to the industrial operation may exceed 50 feet in height with approval of a Conditional Use Permit (Chapter 4.4).

**C.** **Method of Measurement.** "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See Figure 2.1.170.C for examples of measurement). The reference datum shall be selected by either of the following; whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Subsection 2.3.160.C(a) is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not for human occupancy.

**2.3.170 Architectural Design Standards.**

**A.** **Purpose and Applicability.** The Industrial-Commercial District design standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles. This Section applies to all of the following types of buildings:

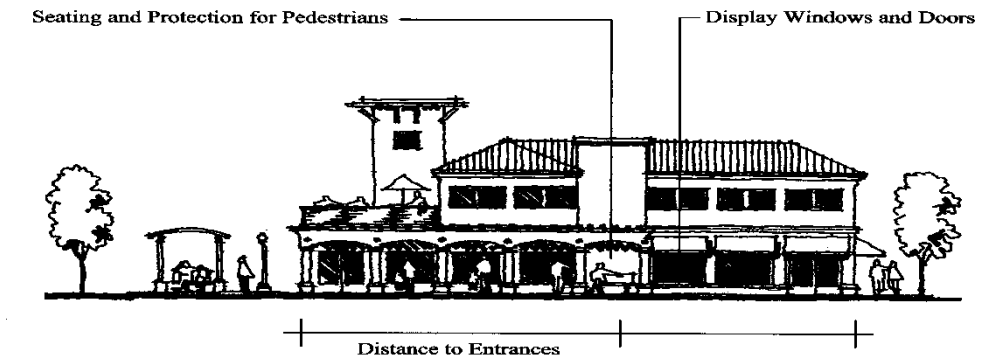
1. Public and institutional buildings, except buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

2. Commercial buildings subject to site design review.

3. Light manufacture uses, subject to site design review.

**B.** **Standards**. The following standards shall be met. A design feature used to comply with one standard may be used to comply with another standard.

**Figure 2.3.170.B - Design of Large-Scale Buildings and Developments (Typical)**




Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required design style.

1. Design of Large-Scale Buildings and Developments. The standards in Subsection c, below, shall apply to "Large-Scale Buildings and Developments", as defined in a-b:

   a. Buildings with more than 20,000 square feet of enclosed ground-floor space (i.e., "large-scale"). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and

   b. Multiple-building developments with a combined enclosed ground-floor space more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).

   c. All large-scale buildings and developments, as defined in Subsections 2.3.170.B(a-b), shall provide human-scale design by conforming to all of the following criteria:

      (1) Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown in Figure 2.3.170.B~~2~~. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features.

      (2) Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Chapter 3.1 - Access and Circulation.

**2.3.180 Pedestrian Amenity Standards.**

**A. Purpose and Applicability.** This Section is intended to complement the development orientation standards in Section 2.3.150 and the street standards in Chapter 3.1, by providing comfortable and inviting pedestrian spaces within the Industrial-Commercial District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment by Industrial-Commercial area employees and customers.

1. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

2. Commercial buildings subject to site design review.

3. Light manufacture uses subject to site design review.

**B.** **Pedestrian Amenity Standards.** The developments listed in A, above, shall provide at least one of the "pedestrian amenities" listed and illustrated below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street) when approved by the City (for City streets), Umatilla County (for County roads), or the Oregon Department of Transportation ("ODOT") for state highways.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);

2. Sitting space (i.e., dining area, benches or ledges) with a minimum of 16 inches in height and 30 inches in width;

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

4. Public art that incorporates seating (e.g., fountain, sculpture, etc.) or wall decoration such as an illustrative mural that is not defined as a sign in Chapter 3.6.~~5~~ 400.

**2.3.200 Special Standards for Certain Uses.**

**A.** **Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts.** The following uses shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review:

1. Uses with significant noise, light/glare, dust and vibration impacts. Uses that are likely to create significant adverse impacts beyond the Industrial-Commercial District boundaries, such as noise, light/glare, dust, or vibration, shall require Conditional Use approval, in conformance with Chapter 4.4. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be "significant":

   a. Noise. The noise level beyond the property line exceeds 55 dBA (24-hour average) more than four times per month.

   b. Light/glare. Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels. The minimum-maximum average maintained illumination level is 0.6-4.0 foot candle.

   c. Dust and/or exhaust. Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels, or levels that existed prior to development.

   d. Vibration. Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing adjacent land uses.

2. Uses that are likely to generate significant levels of vehicle traffic due to shipping and receiving. "Significant levels of traffic" means that the average number of daily trips on any existing street or the average number of peak hour trips or the number of vehicular trips per day would increase by 20 percent or more as a result of the development. The City may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by the Oregon

Department of Transportation (ODOT) for developments that increase traffic on the state highway. The Conditional Use Permit shall include appropriate transportation improvement requirements as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.4.1. See Chapter 4.9 for submittal requirements for traffic analysis in the site design review process.

3. Resource extraction uses. The operation of mineral and aggregate quarries and similar uses shall require a Conditional Use Permit. The applicant is also required to prepare a site reclamation plan for review and approval by the city and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.

**B. Residential Caretaker Units.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

1. The unit shall be served with public water and an adequate on-site sewage disposal system, in conformance with City engineering requirements and Oregon Department of Environmental Quality (DEQ) requirements.

2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

**C. Wireless Communication Equipment.** Wireless communication equipment includes radio (i.e. cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.~~2~~ 100. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial-Commercial District.

**D. Automobile-Oriented Uses and Facilities.** Automobile-oriented uses and facilities, as defined below, and in Chapter 1.3, shall conform to all of the following standards in the Industrial-Commercial District. The standards are intended to provide a vibrant storefront character, slow traffic, and encourage walking.

1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from the main street when vehicle access cannot be provided from an alley). Individual surface parking lots shall not exceed one-half of a City block.

2. Automobile Oriented Uses. "Automobile oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted in the Industrial-Commercial District because when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land compared to other permitted uses. Automobile-oriented uses shall comply with the following standards:

   a. Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial "walk-in" use, and shall conform to all of the following standards:

      (1) The facility receives access from an alley or driveway, and not a street.

(2) None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are 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 corner).

(3) The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building.

(4) No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

# Chapter 3 Design Standards Administration


**3.0** **Design Standards Administration**
**3.1** **Access and Circulation**
**3.2** **Landscaping, Street Trees, Fences and Walls**
**3.3** **Vehicle and Bicycle Parking**
**3.4** **Public Facilities Standards**
**3.5** **Surface Water Management**
**3.6** **Other Design Standards**
**3.7** **Sensitive Lands**
**3.8** **Loading Standards**


# Chapter 3.0 Design Standards Administration

**Sections:**


**3.0.100** **Applicability**
**3.0.200** **Types of Design Standards**


### 3.0.100 Applicability.

All developments within the City must comply with the provisions of Chapters 3.1 through 3.6 and 3.8, and Chapter 3.7 if applicable. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each Chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval, they are still required to comply with the provisions of this Chapter.

### 3.0.200 Types of Design Standards.

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both Chapters, and all relevant code Sections within the Chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which Sections apply.

**A.** **Chapter 3.** The design standards contained within the following Sections apply throughout the City, for all land use types:

3.1 - Access and Circulation
3.2 - Landscaping, Street Trees, Fences and Walls
3.3 - Vehicle and Bicycle Parking
3.4 - Public Facilities Standards
3.5 - Surface Water Management
3.6 - Other Design Standards
3.7 - Sensitive Lands (These standards apply only to designated sensitive lands within Adams, such as flood plains.)
3.8 - Loading Standards

**B.** **Chapter 2.** Each land use district (Chapter 2) provides design standards that are specifically tailored to the district. For example, the Residential District contains building design guidelines that are different than those provided in the Commercial or Industrial Districts, due to differences in land use, building types, and compatibility issues. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

# Chapter 3.1 Access and Circulation

**Sections:**

**3.1.100 Purpose**
**3.1.200 Vehicular Access and Circulation**
**3.1.300 Pedestrian and Bicycle Access and Circulation**

### 3.1.100 Purpose.

The purpose of this Chapter is to help ensure that developments provide safe and efficient access and circulation, for pedestrians, bicyclists and motorists. Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian and bicycle access and circulation. Standards for transportation improvements are provided in Section 3.4.100.

### 3.1.200 Vehicular Access and Circulation.

**A. Intent and Purpose.** The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain adequate "performance standards" and to maintain the "functional classification" of roadways as required by the City's Transportation System Plan (TSP). Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. "Access management" is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation functions. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets when necessary for connections.

To achieve this policy intent, state and local roadways have been categorized in the TSP, which is adopted as part of the Comprehensive Plan (see Section 3.4.100). Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and enhance the conservation of natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

**B. Applicability.** This ordinance shall apply to all public streets within the City and to all properties that abut these streets.

**C. Access Permit Required.** Access to a public street requires an Access Permit in accordance with the following procedures:

1. Permits for access to City streets shall be subject to review and approval by the City Engineer-based on the standards contained in this Chapter, and the provisions of Section 3.4.100 - Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

2. Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Umatilla County. In that case, the City or County shall determine whether access is granted based on its adopted standards.

3. Permits for access to County highways shall be subject to review and approval by Umatilla County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

**D. Traffic Study Requirements.** The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See Section 3.4.100 - Transportation Standards and Chapter 4. 9 -- Traffic Impact Study.)

**E. Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (e.g., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. When obtaining access to off-street parking areas (both to and from), backing onto a public street shall not be permitted, except for single-family dwellings.

**F. Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods. These methods are "options" to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under "Special Standards for Certain Uses"). A minimum of 10 feet of width per lane is required.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. Option 3. Access is from a public street adjacent to the development parcel. The owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection 3.1.200.G.

4. Subdivisions Fronting Onto an Arterial Street. New residential subdivisions fronting onto an arterial street or highway shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access to the arterial street or highway may be provided by consolidating driveways for clusters of two or more lots (e.g., flag lots and mid-block lanes).

5. Flag Lots. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connection to the State Highway System or other arterials.

***Important cross-references to other code Sections***: Provisions in Chapters 2 and 3 may require that buildings are placed at or near the front property line, and driveways and parking areas are oriented to the side or rear yard. The city may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan. (Please refer to Section 3.4.100 - Transportation Standards.)

**G. Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures in Table 3.1.200.G

**TABLE 3.1.200G - ACCESS MANAGEMENT STANDARDS**

| | Intersections | | | |
|---|---|---|---|---|
| | Public Road | | Private Drive[2] | |
| Functional Classification | Type[1] | Spacing | Type | Spacing |
| Arterial | | | | |
| OR 11 | See Access Management Spacing Standards, Appendix C of the 1999 Oregon Highway Plan | | | |
| Other Arterials within UGB | at-grade | 250 ft. | L/R Turns | 100 ft. |
| Collector [3] | | | | |
| Old Highway 11, Preston St., Commercial St., Main St., and Center St. | at-grade | 250 ft. | L/R Turns | 100 ft. |
| Residential Street | at-grade | 250 ft. | L/R Turns | Access to Each Lot |
| Alley (Urban) | at-grade | 100 ft. | L/R Turns | Access to Each Lot |

Notes:
1. For most roadways, at-grade crossings are appropriate.
2. Allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Also, see section below on "Access Control Rights" along state highways.
3. Some sections of these roads are designated as residential streets, where the residential access management standard applies.

1. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by Table 3.1.200.G may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See Subsection 3.1.200.I, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line furthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

2. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the City's Transportation System Plan.

**H. Number of Access Points.** For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (with no more than one access per street), subject to the access spacing standards in Subsection 3.1.200.G, above. Where not practicable, a lesser spacing standard as determined by the City Engineer may be used. The number of street access points for multi-family, commercial, mixed-use, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection 3.1.200.I, below, in order to maintain the required access spacing, and minimize the number of access points.

**I. Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the

adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. Access easements. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3) or as a condition of site development approval (Chapter 4.2).

3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

4. Cross Access. Cross access is encouraged, and may be required between contiguous sites in the Commercial and Industrial-Commercial Districts and for multi-family housing in the Multi-Family Sub-district (MF) of the Residential District, in order to provide for more direct circulation between sites and uses for pedestrians, bicyclists and motorists.

**J. Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments (greater than 20,000 square feet) shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed:

   a. 400 feet length and 1,200 feet perimeter in the Residential District;

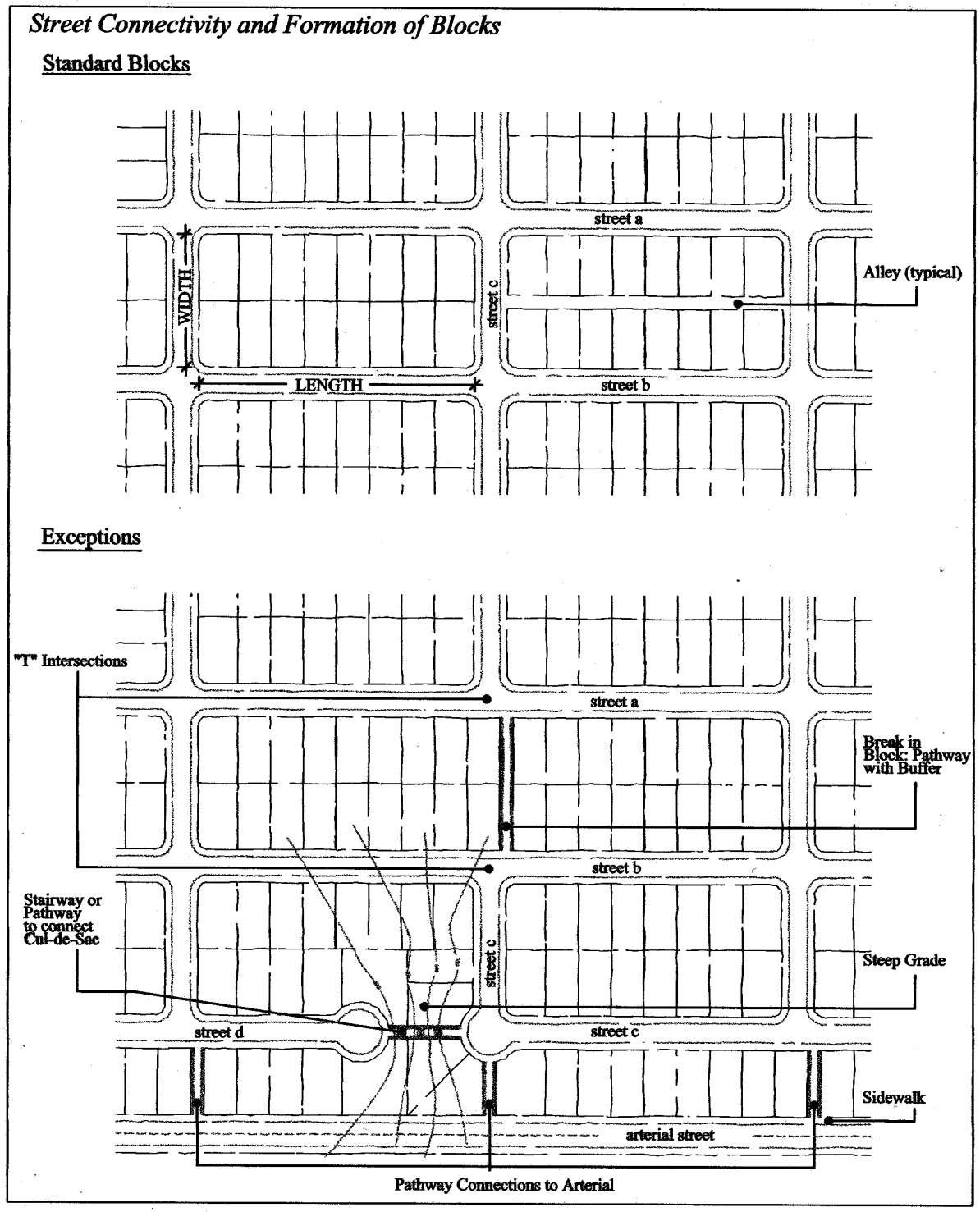
   b. 400 feet length and 1,200 feet perimeter in the Commercial District, except as provided by Subsection 2.2.150 – Block Layout and Building Orientation;

   c. Not applicable to the Industrial-Commercial District.

2. Street Standards. Public and private streets shall also conform to Section 3.4.100 - Transportation Standards, Section 3.1.300 - Pedestrian and Bicycle Access and Circulation, and applicable federal Americans with Disabilities Act (ADA) design standards.

3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 3.1.300. Pathways shall be located to minimize out-of-direction travel by pedestrians and should be designed to accommodate bicycles. Additional exceptions may be granted for issues of topography and existing development such as rail lines.

**Figure 3.1.200.J - Street Connectivity and Formation of Blocks**



**K. Driveway Opening Width.** Driveway openings (curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single family (detached and attached), two-family, and three-family uses shall have a minimum driveway opening width of 10 feet. One recreational vehicle pad driveway may be provided in addition to the standard driveway.

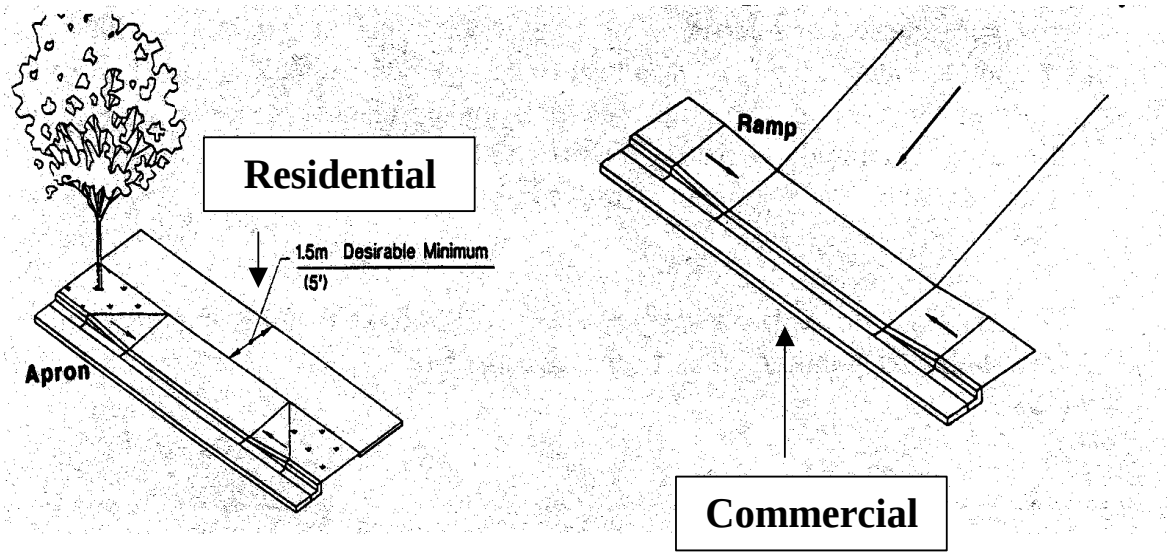
2. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3.

3. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.200.K below. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent. (See Figure 3.1.200.K. for examples of acceptable driveway aprons.)

4. Driveway Approaches. Driveway approaches shall be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts.

5. Loading area design. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and existing vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. (See also Chapter 3.8 – Loading Standards.)

**Figure 3.1.200.K - Examples of Acceptable Driveway Openings**



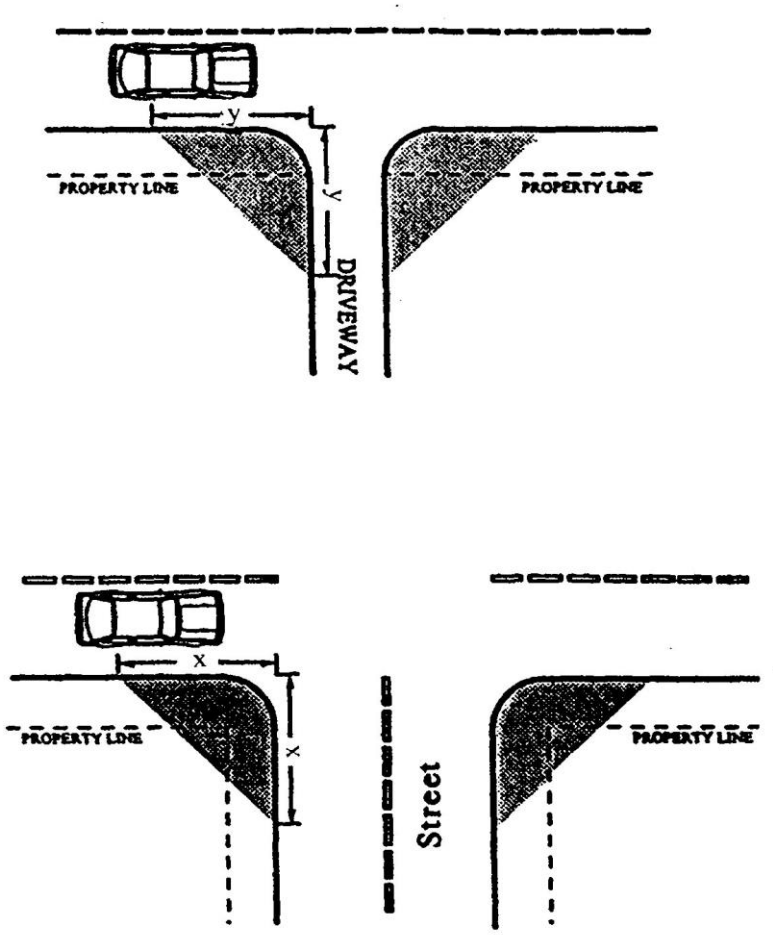

**L.** **Fire Access and Parking Area Turn-arounds.** A fire equipment access drive with a maximum width of 20 feet shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner (except for single-family dwellings). For requirements related to cul-de-sac turnarounds, see Subsection 3.4.100.M.

**M.** **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

**N.** **Vision Clearance.** No signs, structures or vegetation in excess of 3 feet in height shall be placed in "vision clearance areas", as shown in Figure 3.1.200.N, except for cyclone fences higher than 3 feet without privacy slats. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (e.g., due to traffic speeds, roadway alignment). This standard is applicable to driveways, streets, alleys and mid-block lanes.

In a residential zone, the vision clearance area shall extend 15 feet from the corner along both streets, or at alley intersections, 10 feet. In the Industrial-Commercial District, the required distance is 15 feet from the corner. No clear vision area is required in the Commercial District so as not to conflict with the sidewalk storefront form of development desired in the downtown area; instead, traffic control will be provided at all downtown area intersections.

**Figure 3.1.200.N. Vision Clearance**




**O. <u>Construction</u>.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

1. <u>Surface Options.</u> Driveways, parking areas, aisles, and turn-arounds may be surfaced with asphalt, concrete or comparable surfacing. A durable non-paving material, such as gravel, may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the City Engineer.

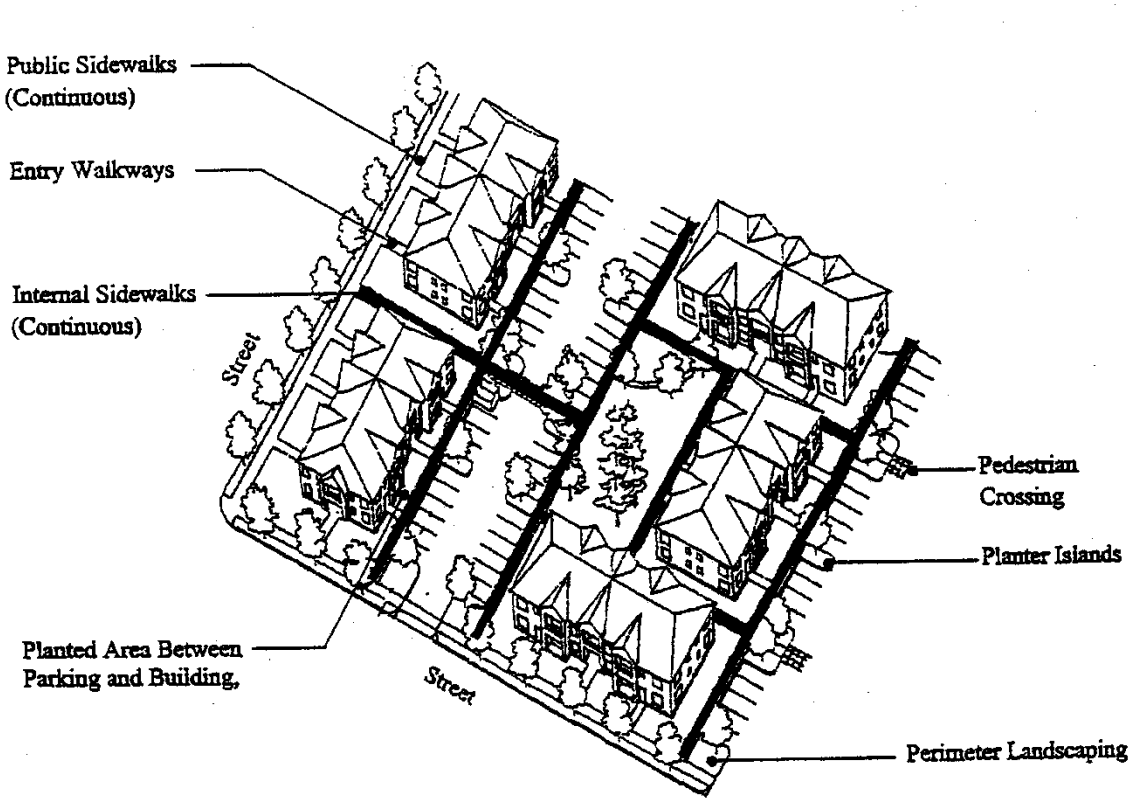
2. <u>Surface Water Management.</u> When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See Subsection 3.1.200.K.)

### 3.1.300 Pedestrian and Bicycle Access and Circulation

**A. Purpose.** To ensure safe, direct and convenient pedestrian and bicycle circulation, all new development, except single-family detached housing, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in Subsections 3.1.300.A.1 and 3.1.300.A.2, below:

**Figure 3.1.300.A - Multi-family housing pedestrian circulation (typical)**




1. Continuous Pathways. The pathway/multi-use pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.1.200 - Vehicular Access and Circulation, and Section 3.4.100 - Transportation Standards.

2. Safe, Direct, and Convenient Pathways. Pathways/multi-use pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
   a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

b. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

c. Primary entrance.

(1) For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

(2) For residential buildings, the "primary entrance" is the front door (i.e., facing the street). For multi-family buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway that serves as a common entrance for more than one dwelling.

3. Connections Within Development. For all developments subject to Site Design Review, pathways/multi-use pathways shall connect all building entrances to each another. In addition, pathways/multi-use pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site.

4. Street Connectivity. Multi-use pathways shall be provided at or near mid-block where the block length exceeds the length required by Section 3.1.200. Multi-use pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments. Multi-use pathways used to comply with these standards shall conform to all of the following criteria:

a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;

b. If streets within a subdivision or neighborhood are lighted, multi-use pathways shall also be lighted;

c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;

d. The City may require landscaping within the multi-use pathway easement/right-of-way, balancing the need for screening and the privacy of adjoining properties with the need for surveillance of the pathway from private property to promote public safety on the pathway;

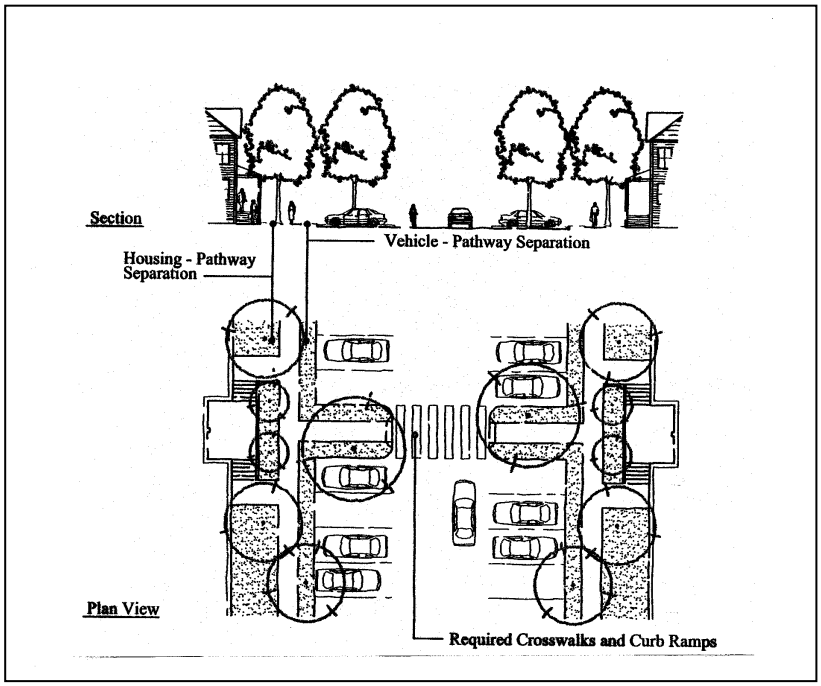
e. The Planning Commission or designee may determine, based upon facts in the record, that a multi-use pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the multi-use pathway connection.

5. Along arterials and collectors. Bikeways shall be required along arterials and collectors with Average Daily Traffic (ADT) counts greater than 3,000 vehicles. Sidewalks shall be required along arterials, collectors, and new local streets, except that sidewalks are not required along controlled access roadways (expressways and freeways).

6. Neighborhood activity centers. On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, shopping centers, and commercial and industrial districts, to adjacent residential areas and to

neighborhood activity centers with in one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Neighborhood activity centers include, but are not limited to: existing or planned schools, parks, shopping areas, or employment centers.

**Figure 3.1.300.B - Pathway Standards**




**B. Design and Construction.** Pathways shall conform to all of the standards in 1-5:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.2. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it should consist of thermo-plastic striping or similar type of durable application.

4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also, Section 3.4.100 - Transportation Standards for public, multi-use pathway standard.)

5. Accessible routes. Pathways shall comply with the federal Americans With Disabilities Act (ADA), which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with the following standards:

   a. Shall not contain curbs or stairs;

   b. Must be at least 3 feet wide;

   c. Is constructed with a firm, stable, slip resistant surface; and

   d. The slope shall not be greater than 1:12 in the direction of travel.

# Chapter 3.2 Landscaping, Street Trees, Fences and Walls

**Sections:**

**3.2.100 Purpose**
**3.2.200 New Landscaping**
**3.2.300 Street Trees**
**3.2.400 Fences and Walls**

**3.2.100 Purpose.**

The purpose of this Chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants also can buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The Chapter is organized into the following Sections:

**Section 3.2.200 -New Landscaping** sets standards for and requires landscaping of all development sites that require Site Design **or Development** Review. This Section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2 - Land Use Districts, for specific types of development.

**Section 3.2.300 - Street Trees** sets standards for and requires planting of trees along all streets for shading, comfort, safety and aesthetic purposes.

**Section 3.2.400 - Fences and Walls** sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

**3.2.200 New Landscaping.**

**A. Applicability**. This Section shall apply to all new development that requires Site Design **or Development** Review. **See 4.2.200 A. Site Design Review or 4.2.200 B. Development Review**

**B. Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Subsection 4.2.500.H - Landscape Plans.

**C. Landscape Area Standards.** The minimum percentage of required landscaping equals:

1. Residential Districts. 20 percent of the site.

2. Commercial District. 10 percent of the site.

3. Industrial-Commercial District. 10 percent of the site.

**D. Landscape Materials.** Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.

2. Plant Selection. 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. As necessary, soils shall be amended to allow for healthy plant growth.

3. "Non-native, invasive/noxious" plants. Plants which fall into this category shall be prohibited.

4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 15% percent of the required landscape area; except in the Commercial District where hardscape features may cover up to 25% percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Ground Cover Size. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, including grasses. Ground cover plants shall be sized and spaced in the following manner: planted at a rate of one plant per 12 inches on center, in triangular spacing.

6. Non-plant Ground Covers. Mulch as a ground cover (bark dust, chips, aggregate or other non-plant ground covers) must be confined to areas underneath plants and is not a substitute for ground cover plants. Mulch shall cover no more than 50 percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.

7. Shrub Size. Shrubs shall be planted from 1-gallon containers or larger.

8. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales shall be landscaped with water-tolerant, native plants.

**E. Landscape Design Standards.** All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of Chapter 3.2. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Yard Setback Landscaping. Landscaping in yard setbacks shall satisfy the following criteria:

   a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;

   b. Use shrubs and trees as wind breaks, as appropriate;

   c. Retain natural vegetation, as practicable;

   d. Define pedestrian pathways and open space areas with landscape materials;

   e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;

   f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;

   g. Use a combination of plants for year-long color and interest;

   h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

2. Parking areas. A minimum of 10 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped.

   a. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy.

   b. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area.

   c. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces.

   d. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.

3. Buffering and Screening Required. Buffering and screening are required under the following conditions:
   a. Parking/Maneuvering Area Adjacent to Street or Drive. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The height and design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height and a maximum of five (5) feet in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls and screening shall be maintained in good condition and at the required height, or otherwise replaced by the owner.

   b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 3 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles.

   c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage, manufacturing, and service and delivery areas shall be screened from view from all public streets and residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.~~5~~ 400 for standards related to fences and walls.)

**F. Maintenance and Irrigation.** Irrigation shall be provided, unless the applicant shows that the plantings are drought-resistant species in Adams's climate. 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.) within 6 months. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

**G.** **Trees.** At least 2 trees shall be planted for every 5,000 square feet of site area in all residential, commercial, and industrial zones for the express purpose of reducing energy consumption for summer cooling and winter heating, as well as for promoting a more attractive community.

**H.** **Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 4.4).

### 3.2.300 Street Trees.

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips and tree wells are provided in Section 3.4.100 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. This section is designed to apply to land divisions and new streets only. Street trees shall conform to the following standards and criteria:

**A.** **Growth Characteristics.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use lower-growing trees for spaces under utility wires.
3. Select trees that can be “limbed-up” where vision clearance is a concern.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, water needs, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Select trees for their seasonal color if desired.
9. Use deciduous trees for summer shade and winter sun.

**B.** **Caliper Size.** The minimum caliper size at planting shall be 2 inches at four feet high, based on the American Association of Nurserymen Standards. If this caliper size is not available at the time of planting, the Planning Commissioner or designee may accept replacement trees.

**C.** **Spacing and Location.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree planting shall be based upon the type of tree (s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

**D.** **Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, fertilization, and replacement as necessary) during the first two years after planting.

**E.** **Assurances**. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer or designee, to ensure the planting of the tree(s) and care during the first two years after planting.

**F.** **Utility Easements.** All street trees shall be placed outside utility easements. If the existing parking/planter strip, or sidewalk in the case of tree wells, contains such easements, the street tree location requirement may be adjusted with City approval.

**3.2.400 Fences and Walls.**

The following standards shall apply to all fences and walls:

**A.** **General Requirements.** All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.2 - Site Design Review or Chapter 4.4 - Conditional Use Permits. Walls built for required landscape buffers shall comply with Section 3.2.200.

**B.** **Dimensions.**

1. The maximum allowable height of fences and walls is 7 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 7 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks with City approval. A building permit is required for walls exceeding 7 feet in height, in conformance with the Uniform Building Code.

2. The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.

3. The height of fences and walls abutting a rear alley, shall not exceed 7 feet (except non-sight-obscuring decorative arbors, gates, etc.) as measured from the grade closest to the street right-of-way

4. Walls and fences to be built for required buffers shall comply with Section 3.2.200.

5. Fences and walls shall comply with the vision clearance standards of Subsection 3.1.200.N.

**C.** **Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

**D.** **Areas Where Fences Are Prohibited.** For purposes of safety, fences are prohibited from being built in the following districts:

1. Flood Hazard Overlay Zone (Chapter 3.7)
2. Floodway Zone (Chapter 3.7)

# Chapter 3.3 Vehicle and Bicycle Parking

**Sections:**


| | |
|---|---|
| **3.3.100** | **Purpose** |
| **3.3.200** | **Applicability** |
| **3.3.300** | **Vehicle Parking Standards** |
| **3.3.400** | **Bicycle Parking Standards** |


### 3.3.100 Purpose.

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, and have paved extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This Chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., "minimum and performance-based standards"). This Chapter also provides standards for bicycle parking because some people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

### 3.3.200 Applicability.

All developments subject to site design review (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

### 3.3.300 Vehicle Parking Standards.

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in the Vehicle Parking Standards Section (Section 3.3.300).

**A.** **Off-Street Parking Requirements**. The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway, yard setback, or landscape area. Credit shall be allowed for on-street parking, as provided in Section B Credit for On-Street Parking.

1. Exception for the Commercial District. Off-street parking for customers is not required of commercial uses located in the downtown area due to the small size of the lots in the area. Off-street parking shall be provided for employees. The number of required employee parking spaces shall be determined by consultation with the Planning Commission based on such factors as number of full and part-time employees projected, hours of operation, location of the business, etc. Required spaces may be reduced by available on-street parking per Section 3.3.300.B below.

| VEHICLE PARKING STANDARDS | |
|---|---|
| **Residential Uses** | |
| Use | Minimum Requirement |
| Single-family detached housing, including manufactured dwelling on individual lot | 2 parking spaces per dwelling unit |
| Two- and three-family housing (duplex and triplex) | 1.5 spaces per dwelling unit |
| Multi-family housing and single-family attached townhomes | a. Studio units or 1-bedroom units less than 500 square feet: 1 space per unit<br><br>b. 1-bedroom units 500 square feet or larger: 1.5 spaces per unit<br><br>c. 2-bedroom units: 1.75 spaces per unit<br><br>d. 3-or more bedroom units: 2 spaces per unit<br><br>e. Retirement complexes for seniors 55 years or older: 1 space per unit |
| Bed & breakfast inns | 2 spaces for each 3 guest rooms, or 1 space per 3 beds, whichever is more |
| Manufactured dwelling parks | 2 spaces per dwelling unit |
| Residential care homes and facilities | 1 space per dwelling unit |
| Accessory dwelling | 1 space |
| **Commercial Uses** | |
| Retail trade and services | a. General: 1 space per 350 square feet of gross floor area<br><br>b. Furniture and appliances: 1 space per 750 square feet of gross floor area |
| Retail trade and services, bulk and outdoor, including: auto, boat or trailer sales, retail nurseries, lumberyards, and similar bulk retail uses | 1 space per 1,000 square feet of the first 10,000 square feet of gross land area; plus 1 space per 5,000 square feet for the excess over 10,000 square feet of gross land area; plus 1space per every 2 employees |
| General offices | 1 space per 450 square feet of gross floor area |
| Medical and dental offices, clinics and laboratories | 1 space per 350 square feet of gross floor area |
| Banks (without drive-up windows)<br>(For banks with drive-ups, see "auto-oriented uses" below.) | 1 space per 350 square feet of gross floor area |
| Personal and professional services | 1 space per 350 square feet of gross floor area |
| Use | Minimum Requirement |
| Hotels and motels | 1 space for each guest room, plus 1 space for the manager |
| Restaurants and bars (except for "auto-oriented uses" below) | 1 space per 4 seats, or 1 space per 100 square feet of gross leasable floor area, whichever is less |

| VEHICLE PARKING STANDARDS | |
|---|---|
| Entertainment (e.g., theaters, clubs, and other completely enclosed amusement uses) | 1 space per 4 seats |
| Auto-oriented uses (fast food with drive-through, drive-up bank, similar uses) | 10 spaces per 1,000 square feet of gross leasable area |
| **Industrial Uses** | |
| Light manufacture (e.g., electronic equipment, printing, bindery, baked goods, crafts, furniture, and similar goods) | 1 space per 2 employees on the largest shift, or 1 space for each 700 square feet of gross floor area, whichever is less; plus 1 space per company vehicle |
| Heavy manufacture and industrial | 1 space per 750 square feet of floor area |
| Warehousing and distribution | 1 space per 1,000 square feet of gross floor area, or 1 space for every 2 employees, whichever is greater; plus 1 space per company vehicle |
| Public/private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities) | 1 space per 2 employees on the largest shift, plus 1 space per company vehicle. A minimum of 2 spaces is required. |
| **Public and Institutional Uses** | |
| Family daycare (12 or fewer children) | 1 space |
| Child care centers for 13 or more children | 1 space per 2 employees. A minimum of 2 spaces is required. |
| Places of worship | One space per four seats |
| Golf courses (excluding miniature golf) | 8 spaces per hole, plus additional spaces for auxiliary uses (e.g., restaurant, retail shop) as required elsewhere in this Section |
| Miniature golf courses | 4 spaces per hole, plus additional spaces for auxiliary uses (e.g., restaurant, retail shop) as required elsewhere in this Section |
| Public parks and recreational facilities, with less than 75,000 square feet of gross area | None required except as required for ADA compliance or as required by a Conditional Use Permit |
| Public parks and recreational facilities, with more than 75,000 square feet of gross area or containing a structure larger than 800 square feet in size | 1 space per 10,000 square feet of gross area or 1 space per 1,000 square feet of building floor area, whichever is greater, or as required by a Conditional Use Permit. |
| Hospitals | 2 spaces per patient bed |
| Nursing and convalescent homes | 1 space per 3 patient beds |
| Use | Minimum Requirement |
| Assisted living, residential care facilities | 1 space per 2 patient beds or 1 space per dwelling unit |
| Schools (public and private) – elementary, junior high, and middle schools | 1.5 spaces per classroom |
| Schools (public and private) – high schools | 1.5 spaces per classroom, plus 1 space per 10 students |

| VEHICLE PARKING STANDARDS | |
|---|---|
| | If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats. |
| Schools (public and private) – colleges, universities and trade schools | 1.5 spaces per classroom, plus 1 space per 5 students the school is designed to accommodate, plus requirements for on-campus student housing |
| **Unspecified Uses** | |
| Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to one of those listed in terms of parking needs. | |

**B. Credit for On Street Parking.** This section applies only to development in the Commercial and Industrial-Commercial Districts. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. The following constitutes on-street parking spaces:

1. Parallel parking, each with 24 feet of uninterrupted curb;
2. 45 degree diagonal, each with 14 feet of uninterrupted curb;
3. 90 degree (perpendicular) parking, each with 12 feet of uninterrupted curb;
4. Curb space must be connected to the lot that contains the use;
5. Parking spaces that will not obstruct a required clear vision area or violate any law or street standard; 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 actions limiting general public use of on-street spaces are permitted.

**C. Parking Location and Shared Parking.**

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See Chapter 3.1 - Access and Circulation).

2. Off-site parking. Except for single family attached and detached dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

3. Mixed use developments. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless the applicant shows that the peak parking demands are actually less that the combined minimum standards

(i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly. (See Subsection 3.3.300.C.4 - Shared Parking.)

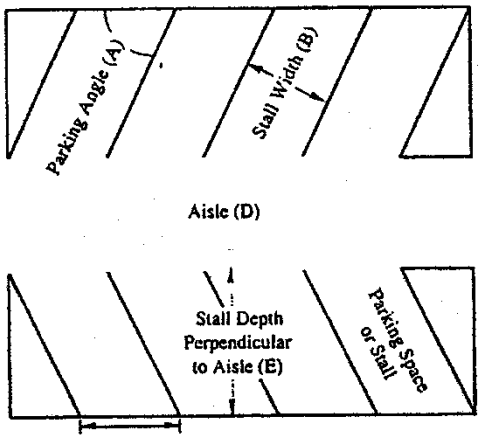
4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a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

5. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees. Signs shall conform to the standards of Section 3.6.~~5~~ 400.

D. **Maximum Number of Parking Spaces**. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 15 percent. Spaces provided on street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

**E. Parking Stall Standard Dimensions and Compact Car Parking.** All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping (see Chapter 3.4), and provide dimensions in accordance with the following table. (Disabled person parking shall be provided in conformance with Figure 3.3.300.F.)

Figure 3.3.300.E. - Parking Dimensions




**Minimum Parking Space and Aisle Dimensions**

| Angle (A) | Type | Width (B) | Curb Length (C) | 1 Way Aisle Width (D) | 2 Way Aisle Width (D) | Stall Depth (E) |
|---|---|---|---|---|---|---|
| 0° (Parallel) | Standard | 8 ft. | 22 ft. 6 in. | 12 ft. | 24 ft. | 8 ft. |
| | Compact | 7 ft. 6 in. | 19 ft. 6 in | 12 ft. | 24 ft. | 7 ft. 6 in. |
| | Disabled | | | | | |
| 30° | Standard | 9 ft. | 18 ft. | 12 ft. | 24 ft. | 17 ft. |
| | Compact | 7 ft. 6 in. | 15 ft. | 12 ft | 24 ft. | 14 ft. |
| | Disabled | | | | | |
| 45° | Standard | 9 ft. | 12 ft. 6 in. | 12 ft. | 24 ft. | 19 ft. |
| | Compact | 7 ft. 6 in. | 10 ft. 6 in. | 12 ft. | 24 ft. | 16 ft. |
| | Disabled | | | | | |
| 60° | Standard | 9 ft. | 10 ft. 6 in. | 18 ft. | 24 ft. | 20 ft. |
| | Compact | 7 ft. 6 in. | 8 ft. 6 in. | 15 ft. | 24 ft. | 16 ft. 6 in. |
| | Disabled | | | | | |
| 90° | Standard | 9 ft. | 9 ft. | 24 ft. | 24 ft. | 19 ft. |
| | Compact | 7 ft. 6 in. | 7 ft. 6 in. | 22 ft. | 24 ft. | 15 ft. |
| | Disabled | | | | | |

See also: Chapter 2 - Land Use Districts; Chapter 3.1 - Access and Circulation;
Chapter 3.2 – Landscaping, Street Trees, Fences and Walls; Chapter 3.5 - Surface Water Management.

**F.** **Disabled Person Parking Spaces.** The following parking shall be provided for disabled persons, in conformance with the federal Americans With Disabilities Act (ADA). Disabled parking is included in the minimum number of required parking spaces in Subsection 3.3.300.E.

**Figure 3.3.300.F – Disabled Person Parking Requirements**

**Minimum Number of Accessible Parking Spaces**
ADA Standards for Accessible Design 4.1.2 (5)

| Total Number of Parking spaces Provided (per lot) | Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles) | Van Accessible Parking Spaces with min. 96" wide access aisle | Accessible Parking Spaces with min. 60" wide access aisle |
|---|---|---|---|
| | Column A | | |
| 1 to 25 | 1 | 1 | 0 |
| 26 to 50 | 2 | 1 | 1 |
| 51 to 75 | 3 | 1 | 2 |
| 76 to 100 | 4 | 1 | 3 |
| 101 to 150 | 5 | 1 | 4 |
| 151 to 200 | 6 | 1 | 5 |
| 201 to 300 | 7 | 1 | 6 |
| 301 to 400 | 8 | 1 | 7 |
| 401 to 500 | 9 | 2 | 7 |
| 501 to 1000 | 2% of total parking provided in each lot | 1/8 of Column A* | 7/8 of Column A** |
| 1001 and over | 20 plus 1 for each 100 over 1000 | 1/8 of Column A* | 7/8 of Column A** |

* one out of every 8 accessible spaces ** 7 out of every 8 accessible parking spaces

### 3.3.400 Bicycle Parking Standards.

All uses that are subject to Site Design Review (Chapter 4.2) shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

**A. Number of Bicycle Parking Spaces.** A minimum of 2 bicycle parking spaces per use is required for all uses with more than 10 vehicle-parking spaces. The following additional standards apply to specific types of development:

1. Multi-Family Residences. Every residential use of 4 or more dwelling units shall provide at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

2. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

3. Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

4. Colleges and trade schools. Colleges and trade schools shall provide one bicycle parking space for every 10 motor vehicle spaces, plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

5. Public Facilities and Commercial Uses. At public facilities and commercial buildings, bicycle parking for customers shall be provided at a rate of at least 1 space per use, but it may be placed in clusters in appropriate locations. Spaces may be clustered to serve up to 6 bicycles; at least 1 cluster per block shall be provided. Bicycle parking spaces shall be located in front of the uses along the street, either on the sidewalk or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 5 feet. Customer spaces are not required to be sheltered. Sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of 1 space per 10 employees, with a minimum of 1 space per use.

6. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

**B. Exemptions.** This Section does not apply to detached and attached single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, or other developments with fewer than 10 vehicle parking spaces.

**C. Location and Design.** Bicycle parking shall be conveniently located to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It shall be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.

**D. Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides security from theft and damage.

**E. Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

**F. Lighting**. Bicycle parking should be at least as well lit as vehicle parking for security.

**G. Reserved Areas**. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

**H. Hazards**. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 3.1 - Access and Circulation).

# Chapter 3.4 Public Facilities Standards

**Sections:**


| | |
|---|---|
| **3.4.000** | **Purpose and Applicability** |
| **3.4.100** | **Transportation Improvements** |
| **3.4.200** | **Public Use Areas** |
| **3.4.300** | **Sewage Disposal Systems** |
| **3.4.400** | **Water Service Improvements** |
| **3.4.500** | **Storm Drainage Improvements** |
| **3.4.600** | **Utilities** |
| **3.4.700** | **Easements** |
| **3.4.800** | **Construction Plan Approval and Assurances** |
| **3.4.900** | **Installation** |


## 3.4.000 Purpose and Applicability.

**A. Purpose**. The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities, utilities, and other improvements. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic and provide a range of transportation options, including options for driving, walking and bicycling. This Chapter is also intended to implement the City's Transportation System Plan (TSP).

***Important cross-reference to other standards:*** The City requires that streets provide direct and convenient access, including regular intersections. Chapter 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to allow connections through long blocks.

**B. When Standards Apply**. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

**C. Standard Specifications**. The Planning Commission Chair or designee shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference.

**D. Conditions of Development Approval**. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

## 3.4.100 Transportation Improvements.

**A. Development Standards**. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.1 - Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter, including Table 3.4.100.

2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, including Table 3.4.100, and public streets shall be dedicated to the applicable City, county or state jurisdiction;

3. The City may accept a future improvement guarantee (e.g., by signing a waiver of remonstrance, the owner agrees not to remonstrate or object to the formation of a local improvement district (LID) in the future,) in lieu of street improvements if one or more of the following conditions exist:

   a. A partial improvement may create a potential safety hazard to motorists or pedestrians;

   b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

   c. The improvement would be in conflict with an adopted capital improvement plan; or

   d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

**B. Variances**. Variances to the transportation design standards in this Section may be granted by means of a Class B Variance, as governed by Chapter 5.1 - Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (Chapter 3.7).

**C. Creation of Rights-of-Way for Streets and Related Purposes**. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Engineer and shall name "the public," as grantee.

**D. Creation of Access Easements**. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

**E. Street Location, Width and Grade**. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the Planning Commission chair or designee in accordance with the design standards in Subsection 3.4.100.N, below; and

2. Where the location of a street is not shown in an existing street plan (See Subsection 3.4.100.H), the location of streets in a development shall either:

   a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or

b. Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

**F.** **Minimum Rights-of-Way and Street Sections**. Street rights-of-way and improvements shall be the widths in Table 3.4.100. A variance shall be required in conformance with Section 5.1.300 to vary the standards in Table 3.4.100. Transportation improvements are subject to the following standards.

1. Street Design Types. The selection of Residential Street design Type 3, from Table 3.4.100, is subject to Planning Commission approval during the review process consistent with the notes in Table 3.4.100 and the City's adopted Transportation System Plan.

2. Land Divisions. Land divisions creating more than three (4) lots shall use Residential Street Type 1 or Type 2 from Table 3.4.100.

**Table 3.4.100 – City of Adams Street Standards**

| Type of Street | # of Travel Lanes | Right of Way Width | Motor Vehicle Travel Lanes | Median and/or Center Turn Lane | Bike Lane (both sides) | On-Street Parking | Landscaping Strip (both sides) | Pedestrian facilities (both sides) |
|---|---|---|---|---|---|---|---|---|
| Arterial Street | | | | | | | | |
| Option 1 | 2 lanes | 80 feet | 12 feet | 12 feet | 5 feet | 7 feet, paved both sides | 5 feet | 5 feet |
| Option 2 | 2 lanes | 80 feet | 12 feet | None | 6 feet | 7 feet, paved both sides | 5 feet | 10 feet |
| Collector Street | | | | | | | | |
| Option 1 | 2 lanes | 60 feet | 11 feet | None | Optional or shared roadway | 8 feet, paved both sides | 5 feet | 6 foot sidewalk |
| Option 2 | 2 lanes | 52 feet | 11 feet | None | Optional or shared roadway | 8 feet, paved one side | 5 feet | 6 foot sidewalk |
| Residential Street | | | | | | | | |
| Type 1[1] | 2 lanes | 50 feet | Two, 8 foot paved lanes | None | Shared Roadway | 7 feet both sides paved or gravel at town discretion | 5 foot planting strip | 5 foot sidewalk |
| Type 2[2] | 2 lanes | 45 feet | Two, 8 foot paved lanes | None | Shared Roadway | 8 feet one side, paved or gravel at town discretion | 5 ½ foot planting strip | 5 foot sidewalk |
| Type 3[3] | 2 lanes | 50 feet | Two, 8 foot gravel lanes | None | Shared Roadway | 7 feet gravel swale both sides | 5 feet | 5 feet[3] |
| **Alley** | | | | | | | | |
| Option 1 | 2 lanes | 20 feet | Two, 8 foot gravel or paved lanes | None | None | None | None | None |

[1] Residential Street Type 1: This is the preferred development standard.

[2] Residential Street Type 2 is appropriate for new development or redevelopment in residential areas with low traffic volumes and that are not used by agricultural or other oversized equipment.

[3] Residential Street Type 3: These standards may be used only to bring existing gravel streets/roads into compliance where development abuts existing right-of-way that is improved as a gravel street. They shall not be used as a substitute for Residential Street Type 1 and 2 in a land division creating 3 or more residential lots. Type 3 may be approved by the Planning Commission. For example, when a road would be built to a single residence or near the periphery of the urban growth boundary.

[4] Pedestrian Facilities may include sidewalks or other hard surface paths

**G. Traffic Signals**.

1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval. Street plans shall be approved by the Planning Commission chair or designee.

2. Traffic signals on roads under State jurisdiction shall be determined by the Oregon Department of Transportation.

**H. Future Street Plan and Extension of Streets**.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Planning Commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to Subsections a-c, below:

   a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

   b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

   c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

**I. Street Alignment and Connections.**

1. Staggering of streets making "T" intersections at collectors and arterials shall be designed so that jogs are spaced to conform to the spacing standards contained in the TSP and Section 3.1.200 - Vehicular Access and Circulation.

2. Spacing between local street intersections shall conform to the spacing standards contained in the TSP and Section 3.1.200 - Vehicular Access and Circulation**,** except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

3. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

5. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in Chapter 3.1 - Access and Circulation. The maximum block length shall not exceed:
   a. 400 feet in the Residential District;

   b. 400 feet in the Commercial District, except as provided by Section 2.2.150 – Block Layout and Building Orientation;

   c. Not applicable to the Industrial-Commercial District.

Exceptions to the above standards may be granted when an access way is provided at or near mid-block, in conformance with the provisions of Section 3.1.300.

**J.** **Sidewalks, Planter Strips, Bicycle Lanes**. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.100, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

**K.** **Intersection Angles**. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;

2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and

3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

**L.** **Existing Rights-of-Way**. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Subsection 3.4.000.D.

1. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slope shall not be in excess of three to one.

**M.** **Cul-de-sacs**. A permanent dead-end street shall be less than 400 feet long and shall provide access to 20 or fewer dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius of no less than 48 feet, and not more than a radius of 200 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and

2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

**N.** **Grades and Curves**. Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on any other street (except that local or residential access streets may have segments with grades up to 15 percent for distances of no more than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

**O.** **Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, wheelchair and bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1 - Access and Circulation.

**P.** **Street Adjacent to Railroad Right-of-Way.** Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by the Oregon Department of Transportation and the rail service provider.

**Q.** **Development Adjoining Arterial Streets.** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;

2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Section 3.1.200;

3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial;

4. Other treatment suitable to meet the objectives of this Subsection;

5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 3.1.200.

**R.** **Alleys, Public or Private**. Alleys shall conform to the standards in Table 3.4.100. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

**S.** **Private Streets**. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets shall conform to the provisions of Table 3.4.100.

**T.** **Street Names**. No street name shall be used that will duplicate or be confused with the names of existing streets in Umatilla County, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

**U.** **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be re-established and protected. Monuments shall be placed in all locations as required by ORS Chapter 92.

**V.** **Street Signs.** The City, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

**W.** **Street Cross-Sections**. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways or to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the Planning Commissioner chair or designee. The final lift shall also be placed no later than when 50% of the structures in the new development are completed or 2 years from the commencement of initial construction of the development, whichever is less. The final lift of asphalt or concrete pavement shall conform to County Roadway Standards unless otherwise approved by the Planning Commission chair or designee.

### 3.4.200 Public Use Areas

**A.** **Dedication Requirements**.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a proposed subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.

2. If determined by the City Council to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.

3. All required dedications of public use areas shall conform to Subsection 3.4.000.D (Conditions of Approval).

**B.** **Acquisition by Public Agency**. If the developer is required to reserve land area for a park, playground, or other public use, the land shall be dedicated to the appropriate public agency within 6 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

**3.4.300 Sewage Disposal Systems.**

**A.** **On-site Septic Systems.** Prior to final approval of a partition or subdivision, each parcel or lot shall be required to obtain site evaluation approval for an on-site sewage disposal system by the Oregon Department of Environmental Quality and shall meet all local requirements. For specific approval criteria, see Section 4.3, Land Divisions and Lot Line Adjustments.

**3.4.400 Water Service Improvements.**

**A.** **Water Mains Required**. Water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

**B.** **Water Plan Approval**. Development permits for water improvements shall not be issued until the City Water Master has approved all water plans in conformance with City standards.

**C.** **Over-sizing**. Proposed water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. Findings in the development approval shall demonstrate how the over-sized water system is roughly proportional to the impact of the proposed development on public facilities and services.

**D.** **Inadequate Capacity.** Development permits may be restricted by the City where a deficiency exists in the existing water system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

**E.** **Fire Protection System.** Fire hydrants shall be required in all subdivisions. The location and design shall be approved by the City Council prior to installation.

**3.4.500 Storm Drainage Improvements.**

**A.** **General Provisions**. The City shall issue a development permit only where adequate provisions for storm water and floodwater runoff have been made in conformance with Chapter 3.5 - Surface Water Management.

**B.** **Accommodation of Upstream Drainage**. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the Planning Commission chair or designee.

**C.** **Effect on Downstream Drainage**. Where it is anticipated by the Planning Commission chair or designee that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

**D.** **Easements**. Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

### 3.4.600 Utilities

**A**. **Applicability.** This section applies only to proposed subdivisions in any land use district..

**B.** **Underground Utilities**. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface mounted transformers; surface mounted connection boxes and meter cabinets, which may be placed above ground; temporary utility service facilities during construction; and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All above ground equipment shall not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);

2. The City reserves the right to approve the location of all surface mounted facilities;

3. All underground utilities, including sewage and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

**C.** **Easements**. Easements shall be recorded for all underground utility facilities.

**D.** **Exception to Under-Grounding Requirement**. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

### 3.4.700 Easements

**A.** **Requirement.** Easements for storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions and Lot Line Adjustments.

**B.** **Provision.** The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

**C.** **Standard Width.** The City's standard width for public main line utility easements shall be 5 feet unless otherwise specified by the utility company, applicable district, or Planning Commission chair or designee.

### 3.4.800 Construction Plan Approval and Assurances.

**A.** **Plan Approval and Permit.** Public improvements, including storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall not be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council.

**B. Performance Guarantee.** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Section 4.2.400 and Section 4.3.180.

**3.4.900 Installation.**

**A. Conformance Required**. Improvements installed by the developer either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

**B. Adopted Installation Standards**. The *Standard Specifications for Public Works Construction,* Oregon Chapter American Public Works Association (APWA), shall be incorporated in the City's adopted installation standard(s); other standards may also be required upon recommendation of the Planning Commission chair or designee.

**C. Commencement.** Work shall not begin until the City has been notified in advance.

**D. Resumption**. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

**E. City Inspection**. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter 4.~~6~~ **5** - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

**F. Engineer's Certification and As-Built Plans**. A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 sets of "as-built" plans, in conformance with the Planning Commission chair or designee's specifications, for permanent filing with the City.

# Chapter 3.5 Surface Water Management

**Sections:**


| | |
|---|---|
| **3.5.100** | **Purpose** |
| **3.5.200** | **General Requirements** |
| **3.5.300** | **Grading and Excavation** |
| **3.5.400** | **Drainage** |


**3.5.100 Purpose.**

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

**3.5.200 General Requirements.**

**A.** **Design and Construction.** The design and construction of all developments shall make provision for the:

1. Maintenance of natural drainage courses and features of a site.
2. Protection of the soil surface from undue water and wind erosion.
3. Minimizing of additional runoff due to surfacing of the land for roads, houses, and accessory facilities.
4. Accommodation of runoff from the development in such a way that erosion or siltation is not induced on adjoining or downstream properties.

**B.** **Conservation Plan.** Upon reviewing the natural characteristics of a particular site, the Planning Commission 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 water courses, shall generally be required to develop a conservation plan.

**3.5.300 Grading and Excavation.**

All grading and excavation projects shall be designed and carried out according to the following standards, except for the use of land for home gardening:

**A.** **Development Permit.** All grading and excavation work shall be related directly to and necessary for the construction and maintenance of a project and shall be approved prior to commencement of work by a development permit.

**B.** **Grading Plan.** A grading plan shall be submitted as part of a proposed development plan at the time a development permit is applied for. The grading plan shall include the information required by Chapter 4.

**C.** **Smallest Practical Area.** The smallest practical area of land shall be distributed and exposed at any one time.

**D.** **Land Exposure.** When land is exposed during development, the exposure shall be kept to the shortest practicable period of time.

**E.** **Natural Topography and Soils.** 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.

**F.** **Natural Vegetation.** Wherever feasible, natural vegetation shall be retained and protected.

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

**H.** **Final Vegetation.** The permanent final vegetation and structures shall be installed as soon as practical.

**~~I.~~** **Topsoil.** 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 area intended for such improvements shall be redistributed within the boundaries of the lands in question so as to provide for such improvements shall be redistributed within the boundaries of the lands in question so as to provide a suitable base for seeding and planting vegetation.~~

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

**3.5.400 Drainage.**

All development 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:

**A.** **Minimization of Impervious Surface.** 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 the use of grass, shrubs, other vegetation, and pervious landscaping materials over the bulk of the site.

**B.** **Runoff.** 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.

**C.** **Swales and Diversion Ponds.** 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.

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

**E.** **Site Drainage.** Where possible, drainage from the site shall be directly connected to an adequate drainage channel or watercourse.

**F.** **Drainage Channel Obstruction.** Any watercourse, drainageway 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 shall be kept adequately wide and clear of brush and trees so as 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 shall be grassed and large rocks may be incorporated into the design to slow the water down on steep stretches.

**G.** **New Drainage Channels.** 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.

**H.** **Drainage Easements and Right-of-Way.** Drainage easements and rights-of-way shall be dedicated to the City. Such dedications shall be conditions attached to the permit for the project involved.

**I.** **Modification, Bridges and Culverts.** 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.

**J.** **Easement and Right-of-Way Width.** 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.

**K.** **Low-lying Lands.** 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.

**L.** **Review.** The Planning Commission 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 Planning Commission Chair or designee. The recommendations of these agencies may be attached as conditions to the granting of a 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.

# Chapter 3.6 Other Design Standards

**Sections:**


| | |
|---|---|
| **3.6.100** | **Telecommunication Facilities** |
| **3.6.200** | **Solid Waste Storage** |
| **3.6.300** | **Environmental Performance** |
| **3.6.400** | **Signs** |
| **3.6.500** | **Wind Turbines Standards** |


**3.6.100 Telecommunication Facilities.**

**A. Radio or Television Transmitter Tower, Utility Station or Substation.** When authorized as a conditional use, the following standards and limitations shall apply:

1. All equipment storage on the site shall be enclosed within a building;

2. The use may be required by the Planning Commission to be fenced and provided with landscaping to obscure visibility to adjacent occupants and the general public;

3. Coloring of structures, buildings and other permanent installations shall be of neutral colors or as otherwise required by the Planning Commission.

**3.6.200 Solid Waste Storage.**

*[Reserved for optional adoption of standards for solid waste storage and recycling facilities. Note: Chapter 3.2 requires landscaping or other screening of these facilities.]*

**3.6.300 Environmental Performance.**

*[Reserved for reference to state and federal standards for air quality, water quality, emissions, and similar environmental concerns.]*

**3.6.400 Signs.**

**A. Residences.**

1. One name plate or home occupation sign shall be allowed on each dwelling unit. These signs shall not be larger than 4 square feet in area.

2. House numbers shall be placed on the front of all dwelling units.

3. Signs not larger than 12 square feet may be placed on or at the entrances to apartments and manufactured dwelling parks.

4. One sign shall be allowed per lot advertising the property for sale, lease or rent and the sign shall not exceed 6 square feet. A “For Sale” sign shall not be allowed to remain on the property after the property is sold.

5. Signs may be illuminated by exterior lights.

6. One sign shall be allowed per subdivision, advertising lots or homes for sale. Such sign shall not exceed 50 square feet in area and shall be set back at least 20 feet from the nearest street.

**B. Commercial Buildings.**

1. Signs shall be set back at least 10 feet from any residential property.

2. Moving or flashing signs are prohibited.

3. Total area of all signs shall not exceed 1 square foot per 100 square feet of the building's ground floor area.

4. No sign shall project above the roof edge of the building containing the business which the sign identifies.

5. 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.

6. Street numbers shall be placed on the front and rear facades of each building or shop.

**C. Industrial Facilities.**

1. Signs shall be set back at least 10 feet from any residential property.

2. Moving or flashing signs are prohibited.

3. 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.

**D. Outdoor Advertising/Off-Premise Signs**

1. One (1) outdoor advertising/off-premise sign shall be allowed in the city limits of Adams and shall be limited to properties adjacent to Highwy 11.

2. Outdoor advertising/off-premise signs shall have a maximum area of 200 square feet per side.

3. Outdoor advertising/off-premise signs shall have a maximum overall height of 25'.

4. These signs shall only be allowed in the Industrial Zone.

5. All outdoor advertising/off-premise signs must be in compliance with Oregon Department of Transportation sign regulations.

**3.6.500 Wind Turbine Standards**

*[Reserved for optional adoption of standards for wind turbine facilities.]*

# Chapter 3.7 Sensitive Lands

**Sections:**


| | |
|---|---|
| **3.7.100** | **Purpose and Intent** |
| **3.7.200** | **Sensitive Lands Standards** |
| **3.7.300** | **Flood Hazard Overlay Zone** |
| **3.7.400** | **Floodway Zone** |


### 3.7.100 Purpose and Intent.

The purpose of this section is to promote public health, safety, and general welfare by protecting natural resources and conserving scenic, historic, and open space resources for present and future generations.

Additionally, its purpose is to minimize public and private losses due to flood conditions in specific areas by provisions designed to

- protect human life and health;
- minimize expenditure of public money and costly flood control projects;
- minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- minimize prolonged business interruptions;
- minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- ensure that potential buyers are notified that property is in an area of special flood hazard, and;
- ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

It is also the purpose of this section to protect and prevent the obstruction of critical floodways of Wildhorse Creek and Sand Hollow Creek, and maintain them as Permanent Open Space.

### 3.7.200 Sensitive Lands Standards.

*[Reserved for future standards regarding Goal 5 Sensitive Lands. This Section serves as a placeholder for ordinances to be located for reference for both staff and applicants.]*

### 3.7.300 Flood Hazard Overlay Zone (FH).

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

**C.** **Designated Flood Hazard Area - Wildhorse Creek and Sand Hollow Creek.** The Flood Hazard Area comprises the area within the 100-year floodplain boundary, excluding the "Floodway" as illustrated on the Flood Boundary and Floodway Map (410205 0001) included as part of the Flood Insurance Study for the City of Adams by the Federal Emergency Management Agency (FEMA) on November 15, 1983. The effective date of the mapping is May 15, 1984. The mapping includes the floodplains of Wildhorse Creek and Sand Hollow Creek, and was prepared by the Walla Walla District, US Army Corps of Engineers, between 1981 and 1983. NOTE: the "Floodway" is addressed in the special Floodway (Permanent Open Space) Zone, FW, Section 3.7.400.

**D.** **Permitted Development.** Permitted development within the Flood Hazard Overlay Zone shall comply with the following criteria:

1. A Development Permit from the City is needed for any construction project, grading, filling, or fence building within the flood hazard areas. Conditional use permit is required for any watercourse alteration.

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

3. 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.

   c. Mechanical and electrical equipment including heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the component during conditions of flooding. In any case all electrical outlets shall be installed at least one (1) foot above the 100-year flood elevation.

   d. Structures may be elevated on extended walls and 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 creek channel shall be designed to float up or easily break away during times of high water. Fences within the floodway or within 100' of the creek must either be of open construction (e.g. barbed wire, electric, high/tensile); or if chain link, or fixed boards as in a corral, they must be designed with gates or breakaway sections to allow the unobstructed passage of floodwaters.

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. No structure shall be located within 100' of the edge of Wildhorse Creek downstream of the formally designated "floodway", in the area for which a detailed study has not been conducted.

g. Manufactured home parks and subdivisions shall be designed to insure that individual manufactured homes can be easily elevated one foot above the 100-year flood elevation and that the complex can be easily evacuated during floods.

3. First Floor Elevations and Basements.

a. Residential structures, including manufactured homes: New construction and substantial improvements to any residential structure shall have the lowest floor, including the basement, elevated to at least one foot above the 100-year flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square foot subject to flooding shall be provided.

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

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. Non-residential structures: New construction or other non-residential structures shall either have the lower floor, including basement, elevated to at least one foot above the base flood elevation; and 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, specification and plans. Such certification shall be provided to the City.

(4) Non-residential structures that are elevated, not flood-proofed must meet the same standards for space below the lowest floor as described in Subsection 3.7.300**E**.3.b(1) above.

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

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 mechanical and electrical equipment and outlets must be elevated one foot above 100-year flood elevation.

4. Anchoring.

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

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 or substantially improved within the City's FIRM Map "A zone" shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base elevation, and shall be securely anchored to an adequately anchored foundation system in accordance with the provision of Subsection 3.7.300**E**.3.a.

**F. 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.

**G. Streets, driveways and bridges.** All new streets and driveways shall be elevated so that they are not more than one foot below the 100-year 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 100-year flood elevation and to accommodate at least a 20-year flood flow.

**H. Alteration of Watercourses.**

1. The City shall notify the Federal Emergency Management Agency (FEMA), Oregon Division of State Lands, Oregon Department of Fish and Wildlife, US Army Corps of Engineers, Umatilla County Planning Department, and immediate downstream jurisdiction and property owners of any proposed alterations to or relocations of watercourses.

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

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

**I. Enforcement and Interpretation.**

1. 100-year Flood Elevation. Within the detailed study area of the Flood Insurance Study, the 100-year flood elevation profiles and Flood Insurance Rate map (FIRM) contained therein constitute the legal 100-year flood elevations for the purposes of this zone. For the stretch of Wildhorse Creek downstream from the detailed study area, 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 new construction will be reasonably safe from flooding.

2. 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.

3. Development Permits. All Development Permits shall be reviewed to determine that the requirements of this Ordinance have been satisfied. Where elevation data is not available either through the Flood Insurance Study or by a study as required in Subsection 3.7.300.I.9 of this Ordinance, 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 above grade in these zones may result in higher insurance rates.

4. 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.

5. Certification of Flood Elevation and Flood-proofing.
   a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Subsection 3.7.300.I.9, the applicant shall obtain and 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 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 Ordinance.

6. Appeals to Federal Floodplain Mapping and 100-year Elevation Determination. Persons disputing the mapping of the 100-year flood elevations of the Wildhorse Creek and Sand Hollow Creek floodplains may file an appeal with the Federal Emergency Management Agency via Section 70 of the National Flood Insurance Program.

7. 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.

8. Evacuation Plans. Mobile home park or subdivision developers shall file evacuation plans with the City and the Umatilla County Emergency Management Department.

9. 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. Also, 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 more detailed information and planning from the applicant.

10. Conditions of Approval. The City may place conditions of approval of 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.

**3.7.400 Floodway Zone (Permanent Open Space) (FW).**

**A. Intent**. The Floodway Zone is intended to protect and prevent the obstruction of critical floodways of Wildhorse Creek and Sand Hollow Creek, and maintain them as Permanent Open Space.

**B. Floodway Mapping.** The Floodway Zone comprises the area designated as "floodway" on the flood boundary and floodway map (410205 0001) included as part of the Flood Insurance Study for the City of Adams. This study was issued on November 15, 1983, and the effective date of the mapping is May 15, 1984.

**C. Permitted Development.** Permitted development in the Floodway Zone includes the following:

1. Agricultural cropland and pastures.
2. Private landscaping and gardens.
3. Public or private parks, golf course, and other non-structural recreation development
4. Fencing.
5. Roads, streets, driveways, bridges and parking lots
6. Wildlife management.
7. Stream bank erosion control.
8. Channel improvement.

**D.** **Prohibited Development.** Prohibited development in the Floodway Zone includes the following:

1. Structures, including dwellings, mobile homes, out buildings, and farm buildings.
2. Land filling, unless balanced by an equal amount of excavation or in limited quantities as part of erosion control project.
3. Any potential channel or floodway blockage.
4. Substantial improvement to or replacement of existing non-conforming structures.

**E.** **Development Standards and Administration.** Subsections 3.7.300.B, 3.7.300.C, and 3.7.300.D shall apply in the FW, Floodway Zone.

**F.** **Destruction of Property in the Floodway Zone.** Nonconforming structures within the Floodway Zone may be replaced when damaged or destroyed beyond repair. Redevelopment of damaged or destroyed buildings in the Floodway Zone shall not expand the footprint of the origin

# Chapter 3.8 Loading Standards

**Sections:**

**3.8.100 Purpose and Intent**
**3.8.200 Loading Standards**

**3.8.100 Purpose and Intent.**

The purpose of this Section of the code is to provide standards: (1) for the minimum number of loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

**3.8.200 Loading Standards.**

**A. Number of Loading Spaces.**

1. Residential buildings. Buildings where all of the floor area is in residential uses must meet the following standards:

   a. No loading spaces are required where there are fewer than 50 dwelling units in the building and the site abuts a local street.

   b. One loading space is required for all other buildings.

2. Non-residential buildings. Buildings where any of the floor area is in non-residential uses must meet the following standards:

   a. No loading spaces are required for buildings with less than 20,000 square feet of non-residential floor area.

   b. One loading space is required for buildings with 20,000 or more square feet of non-residential floor area.

   c. Two loading spaces are required for buildings with more than 50,000 square feet of non-residential floor area.

**B. Size of Loading Spaces**. Required loading spaces must be at least 35 feet long, 10 feet wide, and have a height clearance of at least 13 feet.

**C. Placement, Setbacks and Landscaping**. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

# Chapter 4 Applications and Review Procedures


| | |
|---|---|
| **4.0** | **Administration of Land Use and Development Permits** |
| **4.1** | **Types of Applications and Review Procedures** |
| **4.2** | **Development Review and Site Design Review** |
| **4.3** | **Land Divisions and Lot Line Adjustments** |
| **4.4** | **Conditional Use Permits** |
| **4.5** | **Modifications to Approved Plans and Conditions of Approval** |
| **4.6** | **Land Use District Map and Text Amendments** |
| **4.7** | **Code Interpretations** |
| **4.8** | **Miscellaneous Permits** |
| **4.9** | **Traffic Impact Study** |


**Chapter 4.0 Applications and Review Procedures**

**Sections:**

**4.0.100 Introduction.**

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 4.1.200 in Chapter 4.1 for a key to determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application.

# Chapter 4.1 Types of Applications and Review Procedures

**Sections:**


| | |
|---|---|
| **4.1.100** | **Purpose** |
| **4.1.200** | **Description of Permit / Decision-making Procedures** |
| **4.1.300** | **Type I Procedure** |
| **4.1.400** | **Type II Procedure** |
| **4.1.500** | **Type III Procedure** |
| **4.1.600** | **Type IV Procedure** |
| **4.1.700** | **General Provisions** |
| **4.1.800** | **Special Procedures** |
| **4.1.900** | **Neighborhood Meetings** |


**4.1.100 Purpose.**

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

**4.1.200 Description of Permit / Decision-making Procedures.**

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this Chapter. General procedures for all permits are contained in Section 4.1.700. Specific procedures for certain types of permits are contained in Sections 4.1.200 through 4.1.600. The procedure "type" assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in Subsections 4.1.200.A-D below. In addition, Table 4.1.200 lists all of the City's land use and development applications and their required permit procedure(s).

**A.** **Type I Procedure (Ministerial)**. Type I decisions are made by the Planning Commission or designee without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval standards and criteria, and applying City standards and criteria requires no use of discretion. There is no appeal process for a Type I decision.

**B.** **Type II Procedure (Administrative)**. Type II decisions are made by the Planning Commission or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the City Council;

**C.** **Type III Procedure (Quasi-Judicial)**. Type III decisions are made by the City Council with public notice and a public hearing after Planning Commission review and recommendation, which takes place at a regular Planning Commission meeting; with appeals reviewed by the State Land Use Board of Appeals (LUBA). Type III decisions generally use discretionary approval criteria.

**D.** **Type IV Procedure (Legislative)**. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, revisions to the City's Transportation System Plan and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

| Table 4.1.200<br>Summary of Development Decisions / Permit by Type of Decision-making Procedure | | |
|---|---|---|
| **Action** | **Decision Type** | **Applicable Regulations** |
| Access Permit (public street) | Type I | Chapters 3.1, 4.2, 4.3 |
| Annexation | Type III/IV | Comprehensive Plan and City/County intergovernmental agreement(s) |
| Building Permit | N/A | Building Code |
| Code Interpretation | Type III | Chapter 4.7 |
| Code Amendment | Type IV | Chapter 4.6 |
| Comprehensive Plan Amendment | Type IV | Comprehensive Plan |
| Conditional Use Permit | Type III | Chapter 4.4 |
| Development Review | Type II | Chapter 4.2, Building Code |
| Flood Plain Development Permit | Type I | Chapter 4.8 |
| Significant Resource Area Review | Type II | Chapter 4.8 |
| Historic Building Permit | Type I | Chapter 4.8 |
| Home Occupation Permit | Type III | Chapter 4.8 |
| Modification to Approval (Type III only) | Type II/III | Chapter 4.6 |
| Land Use District Map Change | Type III/IV | Chapter 4.6 |
| Quasi-Judicial (no plan amendment required) | Type III | Chapter 4.6 |
| Legislative (plan amendment required) | Type IV | Chapter 4.6 |
| Lot Line Adjustment | Type I | Chapter 4.3 |
| Non-Conforming Use or Development Confirmation | Type II | Chapter 5.2 |
| Partition | Type II | Chapter 4.3 |
| Sensitive Lands Permit | Type III | Chapter 3.7 |
| Sign Permit | Type II | Chapter 3.6 |
| Site Design Review | Type III | Chapter 4.2 |
| Subdivision | Type III | Chapter 4.3 |
| Temporary Use Permit (Type III only) | Type II/III | Chapter 4.8 |
| Traffic Impact Study | Type I | Chapter 4.9 |
| Transportation System Plan Modification | Type IV | City's Transportation System Plan, Comprehensive Plan and Development Ordinance |
| Transportation System Facilities and Improvements | Type II | Chapter 4.4 |
| Tree Removal | Type I/II | Chapter 3.2 |
| Variance | | |
| Class A | Type I | Chapter 5.1 |
| Class B | Type II | Chapter 5.1 |
| Class C | Type III | Chapter 5.1 |
| Flood Variance | Type III | Chapter 5.1 |

**4.1.300 Type I Procedure (Ministerial).**

**A. Application Requirements**.

1. Application Forms. Type I applications shall be made on forms provided by the Planning Commission or their designee.

2. Application Requirements. Type I applications shall:

   a. Include the information requested on the application form;

   b. Address the criteria in sufficient detail for review and action; and

   c. Be filed with the required fee

**B. Administrative Decision Requirements**. The Planning Commission chair or their designee's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Commission or designee shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

**C. Final Decision**. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first.

**D. Effective Date**. The decision is effective the day after it is final. If an appeal is filed, the decision is effective when the appeal is decided.

**E. Notice of Decision.**

1. Within five days after the Planning Commission designee signs the decision, a Notice of Decision shall be sent by mail to:

   a. Any person who submits a written request to receive notice;

   b. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

   c. Any City-recognized neighborhood group or association whose boundaries include the site; and

   d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City.

2. The City Recorder or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and the names and addresses of the people to whom it was mailed.

3. The Type I Notice of Decision shall contain:
   a. A brief description of the applicant's proposal and the City's decision to approve or deny the proposal;

   b. The address or other brief geographic description of the property proposed for development;

   c. A statement of where the City's decision can be obtained;

   d. The date the decision shall become final, unless appealed;

e. A statement that the applicant and any persons who are adversely affected or aggrieved by the decision may appeal the decision; and

f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process.

**F.** **Appeal**. A Type I administrative decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal a Type I Administrative Decision:

   a. The applicant; and

   b. Any persons who are adversely affected or aggrieved by the decision.

2. Appeal procedure.

   a. *Notice of appeal*. Any person with standing to appeal, as provided in Subsection 4.1.300.~~G~~ **F**.1, above, may appeal a Type I Administrative Decision by filing a Notice of Appeal according to the following procedures;

   b. *Time for filing*. A Notice of Appeal shall be filed with the City Recorder or designee within 14 days of the date the Notice of Decision was mailed;

   c. *Content of Notice of Appeal*. The Notice of Appeal shall contain:

      (1) An identification of the decision being appealed, including the date of the decision;

      (2) A statement demonstrating that the person filing the Notice of Appeal has standing to appeal;

      (3) A statement explaining the specific issues raised on appeal; and

      (4) The filing fee.

3. Determination of Filing Fee. The City shall establish the amount of the filing fee. The maximum fee for an initial hearing shall be the City's cost for preparing for and conducting the hearing, or the statutory maximum, whichever is less.

4. Scope of appeal. The appeal of a Type I Ministerial Decision by a person with standing shall be through a public hearing *de novo* before the City Council. The City Council may allow evidence or testimony concerning any relevant issue.

5. Appeal procedures. Type III notice and hearing procedures shall be used for all Type I Ministerial Appeals, as provided in Subsections 4.1.500.C-E;

6. Final Decision and Effective Date. The decision of the City Council on a Type III appeal of a Type I Ministerial Decision is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

### 4.1.400 Type II Procedure (Administrative).

**A. Pre-application Conference**. A pre-application conference may be required for Type II applications. Pre-application conference requirements and procedures are in Subsection 4.1.700.C.

**B. Application Requirements**.

1. Application Forms. Type II applications shall be made on forms provided by the City Recorder or designee.

2. Submittal Information. The application shall:

   a. Include the information requested on the application form;

   b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;

   c. Be accompanied by the required fee;

   d. Include one set of pre-stamped and addressed envelopes for all real property owners of record who are required to receive a notice of the application in Subsection 4.1.400.C. The records of the Umatilla County Assessment and Taxation Department are the official records for determining ownership. The City shall produce the notice list. The City shall use the most current County real property assessment records to produce the notice list. The City shall mail the notice of application;

   e. Include an impact study for all land division applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewage disposal system, and the noise impacts of the development. (See Chapter 4.~~10~~ **9** Traffic Impact Study) For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.

**C. Notice of Application for Type II Administrative Decision**.

1. Before making a Type II Administrative Decision, the City Recorder or designee shall mail notice to:

   a. All owners of record of real property within 300 feet of the subject site;

   b. All City-recognized neighborhood groups or associations whose boundaries include the site;

   c. Any person who submits a written request to receive a notice; and

   d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. ODOT shall be notified when developments that could affect access management, and traffic volumes and movements on State facilities for review of, comment on, and suggestion of conditions of approval for, the application.

2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.

3. Notice of a pending Type II Administrative Decision shall:

   a. Provide a 14-day period for submitting written comments before a decision is made on the permit;

   b. List the relevant approval criteria by name and number of code sections;

   c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;

   d. Include the name and telephone number of a contact person regarding the Administrative Decision;

   e. Identify the specific permits or approvals requested;

   f. Describe the street address or other easily understandable reference to the location of the site;

   g. State that if any person fails to address the relevant approval criteria with enough detail, he/she may not be able to appeal to the State Land Use Board of Appeals or Circuit Court on that issue; and that only comments on the relevant approval criteria are considered relevant evidence;

   h. State that all evidence relied upon by the Planning Commission to make this decision is in the public record, available for public review; and that copies of this evidence can be obtained at a reasonable cost from the City;

   i. State that after the comment period closes, the Planning Commission shall issue a Type II Administrative Decision; and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;

   j. Contain the following notice: "Notice to mortgagee, lienholder, vendor, or seller: The City of Adams Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

**D.** **Administrative Decision Requirements**. The Planning Commission shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Commission shall approve, approve with conditions, or deny the requested permit or action.

1. Dolan Findings. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

**E.** **Notice of Decision**.

1. Within five days after the Planning Commission designee signs the decision, a Notice of Decision shall be sent by mail to:

   a. Any person who submits a written request to receive notice, or provides comments during the application review period;

   b. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

c. Any City-recognized neighborhood group or association whose boundaries include the site;

d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

2. The City Recorder or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the people and within the time required by law.

3. The Type II Notice of Decision shall contain:

a. A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;

c. A statement of where the City's decision can be obtained;

d. The date the decision shall become final, unless appealed;

e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision; and

f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process.

**F.** **Final Decision and Effective Date**. A Type II administrative decision is final for purposes of appeal, when the City mails it. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

**G.** **Appeal**. A Type II administrative decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

a. The applicant;

b. Any person who was mailed written notice of the Type II administrative decision;

c. Any other person who participated in the proceeding by submitting written comments.

2. Appeal procedure.

a. *Notice of appeal*. Any person with standing to appeal, as provided in Subsection 4.1.400.G.1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;

b. *Time for filing*. A Notice of Appeal shall be filed with the City Recorder or designee within 14 days of the date the Notice of Decision was mailed;

c. *Content of notice of appeal*. The Notice of Appeal shall contain:

(1) An identification of the decision being appealed, including the date of the decision;

(2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

(3) A statement explaining the specific issues raised on appeal;

(4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;

(5) The filing fee.

3. Determination of Filing Fee. The City shall establish the amount of the filing fee. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

4. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing *de novo* before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review. The City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

5. Appeal procedures. Type III notice and hearing procedures decision process shall be used for all Type II Administrative Appeals, as provided in Subsections 4.1.500.C - E;

6. Final Decision and Effective Date. The decision of the City Council regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

**4.1.500 Type III Procedure (Quasi-Judicial).**

**A. Pre-application Conference**. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Subsection 4.1.700.C.

**B. Application Requirements**.

1. Application forms. Type III applications shall be made on forms provided by the City Recorder or designee.

2. Content. Type III applications shall:

a. Include the information requested on the application form;

b. Be filed with copies of a narrative statement that explains how the application satisfies each and all of the relevant standards and criteria in sufficient detail for review and action;

c. Be accompanied by the required fee;

d. The City shall mail the notice of application. The records of the Umatilla County Assessment and Taxation Department are the official records for determining ownership.

e. Include an impact study for all Type III applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewage disposal system, and the noise impacts of the development. (See Traffic Impact Study, Chapter 4.~~10~~ **9**). For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.

**C. Notice of Hearing**.

1. Required hearing. A minimum of one hearing before City Council is required for all Type III applications. Planning Commission shall review and recommend action to City Council at a regular Planning Commission meeting.

2. Mailed notice. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Recorder or designee in the following manner:

   a. At least 20 days before the hearing date, notice shall be mailed to:

      (1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;

      (2) All property owners of record within 300 feet of the site;

      (3) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;

      (4) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

      (5) Any person who submits a written request to receive notice;

      (6) For appeals, the appellant and all persons who provided testimony; and

      (7) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

      (8) In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

   b. The City Recorder or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

   c. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the record.

3. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed and published per Subsection 4.1.500.C.1 above shall contain the following information:

   a. The nature of the application and the proposed land use or uses that could be authorized for the property;

   b. The applicable criteria and standards from the development code(s) that apply to the application;

   c. The street address or other easily understood geographical reference to the subject property;

   d. The date, time, and location of the public hearing;

   e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;

   f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;

   g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Adams City Hall at no cost and that copies shall be provided at a reasonable cost;

   h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

   i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

   j. The following notice: "Notice to mortgagee, lienholder, vendor, or seller: The City of Adams Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

**D. Conduct of the Public Hearing.**

1. At the commencement of the hearing, the City Council shall state to those in attendance:

   a. The applicable approval criteria and standards that apply to the application or appeal;

   b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

   c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

d. Before the conclusion of the initial evidentiary hearing, any participant may ask the City Council for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The City Council shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this Subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this Subsection.

2. If the City Council grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

3. If the City Council leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the City Council shall reopen the record.

   a. When the City Council reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;

   b. An extension of the hearing or record granted pursuant to Subsection 4.1.500.D is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;

   c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;

   d. The record shall contain all testimony and evidence that is submitted to the City and the hearings body has not rejected;

   e. The hearings body may take official notice of judicially cognizable facts under the applicable law. If the body takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;

   f. The hearings body shall retain custody of the record until the City issues a final decision.

4. Participants in the appeal of a Type II Administrative decision or a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see Subsection 4.1.500.D.5 below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

   a. At the beginning of the public hearing, City Council members shall disclose the substance of any pre-hearing *ex parte* contacts (as defined in Subsection 4.1.500.D.5 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter, and whether he or she shall participate or abstain accordingly;

b. A member of the City Council shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

c. Disqualification of a member of the City Council due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;

e. If a member of the City Council abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Subsection 4.1.500.D.4;

f. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the City Council shall reply in accordance with this Section.

5. *Ex parte* communications.

a. Members of the City Council shall not:

(1) Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Subsection 4.1.500.C above;

(2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

b. No decision or action of the City Council shall be invalid due to *ex parte* contacts or bias resulting from *ex parte* contacts, if the person receiving contact:

(1) Places in the record the substance of any written or oral *ex parte* communications concerning the decision or action; and

(2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. A communication between City staff and the City Council is not considered an *ex parte* contact.

6. Presenting and receiving evidence.

a. The City Council may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Subsection 4.1.500.D;

c. Members of the City Council may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the City Council may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

**E. The Decision Process.**

1. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;

2. Findings and conclusions. Approval, approval with conditions, or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

   a. Dolan Findings. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

3. Form of decision. The City Council shall issue a final written order containing the findings and conclusions stated in Subsection 4.1.500.E.2, which either approves, denies, or approves with specific conditions. The City Council may also issue appropriate intermediate rulings when more than one permit or decision is required;

4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Recorder or designee within ten (10) business days after the close of the deliberation;

5. Notice of Decision. Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

6. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the State Land Use Board of Appeals decides the appeal.

**4.1.600 Type IV Procedure (Legislative).**

**A. Pre-Application Conference**. A pre-application conference is required for all Type IV applications that are not initiated by the City. The requirements and procedures for a pre-application conference are described in Subsection 4.1.700.C.

**B. Timing of Requests**. The Planning Commission and City Council shall review proposed Type IV actions no more than twice yearly.

**C. Application Requirements**.

1. Application forms. Type IV applications shall be made on forms provided by the City Recorder or designee.

2. Submittal Information. The application shall contain:

   a. The information requested on the application form;

   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

   c. The required fee; and

   d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

**D. Notice of Hearing**.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.

2. Notification requirements. Notice of public hearings for the request shall be given by the City Recorder or designee in the following manner:

   a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
      (1) Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);

      (2) Any affected governmental agency;

      (3) Any person who requests notice in writing;

      (4) For a zone change affecting a manufactured home, mobile home or manufactured dwelling park, all mailing addresses within the park, in accordance with ORS 227.175;

      (5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

b. At least 10 days before the first scheduled Planning Commission public hearing date, and 14 days before the first City Council hearing date, notice shall be published in a newspaper of general circulation in the City.

c. The City Recorder or designee shall:

(1) For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection 4.1.600.D.2a; and

(2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in Subsection 4.1.600.D.2b.

d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.

e. Notifications for annexation shall follow the provisions of this Chapter.

3. Content of notices. The mailed and published notices shall include the following:

a. The number and title of the file containing the application, and the address and telephone number of the City Recorder or designee's office where additional information about the application can be obtained;

b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;

c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the City Council and available at City Hall (See Subsection 4.1.600.E); and

e. Each mailed notice required by Subsection 4.1.600.D shall contain the following statement: "Notice to mortgagee, lienholder, vendor, or seller: The Adams Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:

a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;

b. Published notice is deemed given on the date it is published.

**E. Hearing Process and Procedure.**

1. Unless otherwise provided in the rules of procedure adopted by the City Council:

a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:

(1) Regulate the course, sequence, and decorum of the hearing;

(2) Direct procedural requirements or similar matters; and

(3) Impose reasonable time limits for oral presentations.

b. No person shall address the Commission or the Council without:

(1) Receiving recognition from the presiding officer; and

(2) Stating their full name and address.

c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council, shall conduct the hearing as follows:

a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;

b. Applicable staff reports/Planning Commission recommendations shall be presented;

c. The public shall be invited to testify;

d. The public hearing may be continued to allow additional testimony or it may be closed; and

e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

**F. Continuation of the Public Hearing**. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

**G. Decision-Making Criteria**. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;

2. Approval of the request is consistent with the City's Comprehensive Plan; and

3. The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

**H. Approval Process and Authority.**

1. The Planning Commission shall:

a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Within 14 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Recorder or designee.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Recorder or designee before the Council public hearing on the proposal. The City Recorder or designee shall send a copy to each Council member and place a copy in the record;

3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 60 days of its first public hearing on the proposed change, the City Recorder or designee shall:

   a. Report the failure together with the proposed change to the City Council; and

   b. Provide notice and put the matter on the City Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by the Commission.

4. The City Council shall:

   a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

   b. Consider the recommendation of the Planning Commission; however, it is not bound by the Commission's recommendation; and

   c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

**I. Vote Required for a Legislative Change**.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

**J. Notice of Decision**. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Oregon Department of Land Conservation and Development, within five (5) business days after the City Council decision is filed with the City Recorder or designee. The City shall provide notice to all persons as required by other applicable laws.

**K. Final Decision and Effective Date**. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

**L. Record of the Public Hearing**.

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;

2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;

3. The official record shall include:

   a. All materials considered by the hearings body;

   b. All materials submitted by the City Recorder or designee to the hearings body regarding the application;

   c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;

   d. The final ordinance;

   e. All correspondence; and

   f. A copy of the notices that were given as required by this Chapter.

**4.1.700 General Provisions.**

**A.** **120-day Rule**. The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

**B.** **Time Computation**. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

**C.** **Pre-application Conferences**.

1. Participants. When a pre-application conference is required, the applicant shall meet with the Planning Commission or designee.

2. Information provided. At such conference, the Planning Commission or designee shall:

   a. Cite the Statewide Planning Goals, comprehensive plan policies, and map designations applicable to the proposal;

   b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;

   c. Provide available technical data and assistance that will aid the applicant;

   d. Identify other governmental policies and regulations that relate to the application; and

   e. Reasonably identify other opportunities or constraints concerning the application.

3. Disclaimer. Failure of the Planning Commission or designee to provide any of the information required by this Subsection 4.1.700.C shall not constitute a waiver of any of the standards, criteria or requirements for the application;

4. Changes in the law. The applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is accepted by the City in accordance with Sub-section D.3.9.(1) , below.

**D. Applications**.

1. Initiation of applications:

   a. Applications for approval under this chapter may be initiated by:

      (1) Order of City Council;

      (2) Resolution of the Planning Commission;

      (3) The City Recorder or designee;

      (4) A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.

   b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

   a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Recorder or designee.

   b. When proceedings are consolidated:

      (1) The notice shall identify each application to be decided;

      (2) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

      (3) Separate findings and decisions shall be made on each application.

3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

   a. Acceptance. When an application is received by the City, the City Recorder or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

(1) The required form;
(2) The required fee;
(3) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness.

(1) Review and notification. After the application is accepted, the City Recorder or designee shall review the application for completeness. If the application is incomplete, the City Recorder or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information.

(2) Application deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the City Recorder or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Recorder or designee in Subsection 4.1.700.D.3.b(1), above. For the refusal to be valid, the refusal shall be made in writing and received by the City Recorder or designee no later than 14 days after the date on the City Recorder or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on 31st day after the City Recorder or designee first accepted the application.

(3) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.

(4) Coordinated Review. The City shall also submit the application for review and comment to the City Engineer, ODOT, and other applicable County, State, and federal review agencies.

4. Changes or additions to the application during the review period. Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the City Recorder or designee at least seven (7) days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by City Recorder or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see Subsection 4.1.700.D.4(d), below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:

(1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;

(2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Subsection 4.1.700.A) on the existing application. If the applicant does not consent, the City shall not select this option;

(3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;

e. If the applicant submits a new application, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

**E. City Recorder/Planning Commission Duties**. The Planning Commission, City Recorder or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;

2. Accept all development applications that comply with Section 4.1.700;

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

4. Prepare a notice of the proposal decision:

a. In the case of an application subject to a Type I or II review process, the City Recorder or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

b. In the case of an application subject to a hearing (Type III or IV process), the City Recorder or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Subsections 4.1.400.C (Type II), 4.1.500.C (Type III), or 4.1.600.D (Type IV);

5. Administer the hearings process;

6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;

7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

**F. Amended Decision Process**.

1. The purpose of an amended decision process is to allow the City Recorder or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.

2. The Planning Commission may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures contained in Chapter 4.6. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

**G. Re-submittal of Application Following Denial**. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the State Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Council.

**H. Appeal Process.** An appeal by a person with standing shall be a hearing *de novo*. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the proceeding below. The Planning Commission or City Council may allow additional evidence, testimony or argument concerning any standard, criterion, condition, or issue relevant to the original application.

### 4.1.800 Special Procedures.

**A.** **Expedited Land Divisions**. An Expedited Land Division ("ELD") shall be defined and may be used as in ORS 197.360, which is expressly adopted and incorporated by reference here.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;

3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

### 4.1.900 Neighborhood Meetings.

Applicants are encouraged to meet with adjacent property owners and neighborhood representatives (if applicable) prior to submitting their application in order to solicit input and exchange information about the proposed development. In some cases, the Planning Commission or designee may require the applicant to meet with a City-recognized neighborhood association or group prior to accepting an application as complete. A Neighborhood Meeting may be required for development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the Planning Commission.

# Chapter 4.2 Development Review and Site Design Review

**Sections:**


| | |
|---|---|
| **4.2.100** | **Purpose** |
| **4.2.200** | **Applicability** |
| **4.2.300** | **Development Review - Approval Criteria** |
| **4.2.400** | **Site Design Review - Application Review Procedure** |
| **4.2.500** | **Site Design Review - Application Submission Requirements** |
| **4.2.600** | **Site Design Review - Approval Criteria** |
| **4.2.700** | **Bonding and Assurances** |
| **4.2.800** | **Development in Accordance With Permit Approval** |


**4.2.100 Purpose.**

**A. Purpose.** The purpose of this Chapter is to:

1. Provide rules, regulations and standards for efficient and effective administration of site development review;

2. Carry out the development pattern and plan of the City and its comprehensive plan policies;

3. Promote the public health, safety and general welfare;

4. Avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;

5. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for public facilities;

6. Encourage the conservation of energy resources; and

7. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

## 4.2.200 Applicability.

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments as described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt.

**A. Site Design Review**. Site Design Review is a discretionary review conducted by the City Council as a public hearing (Type III), with the Planning Commission as the advisory body. (See Chapter 4.1 for review procedures.) It applies to all Type III developments in the City, except those specifically listed under "B" below (applications subject to Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.

**B.** **Development Review**. Development Review is a non-discretionary or "administrative" review conducted by the Planning Commission without a public hearing (Type II). (See Chapter 4.1 for review procedures.) It is for less complex developments and land uses that do not require site design review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions of Chapter 2. Development Review is required for all of the types of development listed below, except that all developments in sensitive land areas shall also use the procedures for those districts.

1. Single-family detached dwellings (including manufactured dwellings on individual lots);

2. A single duplex, up to two single family attached units, or a single triplex that is not being reviewed as part of any other development, and accessory parking on the same lot;

3. Building additions up to 500 square feet, and Minor Modifications to development approvals as defined by Chapter 4.5;

4. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 - Conditional Use Permits;

5. Home occupations that are subject to the standards in Section 4.8.200;

6. Temporary uses, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter 4.8.100;

7. Accessory structures with ~~less than 600~~ **more than 200** square feet of floor area, including accessory dwellings;

8. Other developments, when required by a condition of approval.

**4.2.300 Development Review - Approval Criteria.**

Development Review shall be conducted only for the developments listed in Subsection 4.2.200.B, above and it shall be conducted as a Type II procedure, as described in Section 4.1.400. Prior to issuance of building permits, the following standards shall be met:

**A.** The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Review Procedures**.**

**B.** The proposed land use is permitted by the underlying land use district (Chapter 2);

**C.** The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any subdistrict(s) are met (Chapter 2);

**D.** The standards in Section 3.2.200 - New Landscaping; 3.2.400 - Fences and Walls, and Chapter 3.3 - Vehicle and Bicycle Parking are met;

**E.** All applicable building and fire code standards are met; and

**F.** The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Development Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

**4.2.400 Site Design Review - Application Review Procedure.**

Site Design Review shall be conducted as a Type III procedure as specified below, using the procedures in Chapter 4.1, and using the approval criteria contained in Section 4.2.600.

**4.2.500 Site Design Review - Application Submission Requirements.**

All of the following information is required for Site Design Review application submittal:

**A.** **General Submission Requirements**. The applicant shall submit an application containing all of the relevant general information required by Section 4.1.500 (Type III application).

**B.** **Site Design Review Information.** An application for site design review shall include the following additional information in subsections C-L, as deemed applicable by the Planning Commission or City Council:

**C.** **Site Analysis Map.** At a minimum, the site analysis map shall contain the following:

1. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;

2. Topographic contour lines at six inch intervals if near or adjacent to a floodway;

3. Identification of slopes greater than 25 percent;

4. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

5. Potential natural hazard areas, including any areas identified as floodways or subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;

6. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;

7. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;

8. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

9. The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;

10. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed;

11. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

**D. Additional information, as determined by the Planning Commission.** The City may require studies or exhibits prepared by qualified professionals to address specific site features.

**E. Proposed site plan.** The site plan shall contain the following information:

1. The proposed development site, including boundaries, dimensions, and gross area;

2. Features identified on the existing site analysis map which are proposed to remain on the site;

3. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

4. The location and dimensions of all proposed public streets, drives, rights-of-way, and easements;

5. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

6. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

7. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

8. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

9. Loading and service areas for waste disposal, loading and delivery;

10. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

11. Location, type, and height of outdoor lighting;

12. Location of mail boxes, if known;

13. Name and address of project designer, if applicable;

14. Locations, sizes, and types of signs;

15. Other information determined by the City Planning Commission or City Council. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

**F.** **Architectural drawings.** The Planning Commission or City Council may request architectural drawings showing one or all of the following:

1. One or more building elevations (as determined by the Planning Commission or City Council) with building height and width dimensions;

2. Building materials, colors and type;

3. The name, address, and telephone number of the architect or designer.

**G.** **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites ½ acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.4.400 – Storm Drainage.

**H.** **Landscape plan.** A landscape plan may be required, and at the direction of the Planning Commission or City Council shall show, the following:

1. The location and height of existing and proposed fences and other buffering or screening materials;

2. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

3. The location, size, and species of the existing and proposed plant materials (at time of planting);

4. Existing and proposed building and pavement outlines;

5. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;

6. Other information as deemed appropriate by the Planning Commission or City Council. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2 - Landscaping, Street Trees, Fences and Walls of this Code.

**I.** **Sign drawings.** Required in conformance with the City's Sign Code (Section 3.6.400).

**J.** **Deed restrictions.** Copies of all existing and proposed restrictions or covenants.

**K.** **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.600 – Site Design Review Approval Criteria.

**L.** **Traffic Impact Study.** See Chapter 4.9 for traffic impact study standards.

**4.2.600 Site Design 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 determined in accordance with Chapter 4.1 - Types of Applications and Review Procedures and Section 4.2.500, above**.**

**B.** The application complies with all of the applicable provisions of the underlying Land Use District (Chapter 2), 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;

**C.** The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2 - Non-Conforming Uses and Development;

**D.** The application complies with all Design Standards contained in Chapter 3. All of the following standards shall be met:

1. Chapter 3.1 - Access and Circulation;
2. Chapter 3.2 - Landscaping, Street Trees, Fences and Walls;
3. Chapter 3.3 - Vehicle and Bicycle Parking;
4. Chapter 3.4 - Public Facilities Standards;
5. Chapter 3.5 - Surface Water Management;
6. Chapter 3.6 - Other Design Standards (Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs), as applicable.

**E.** Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), or other approval shall be met.

**F.** Exceptions to criterion 4 (Subsection 4.2.600.D(1-6), above, may be granted only when approved as a Variance (Chapter 5.1).

**4.2.700 Bonding and Assurances.**

**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% of improvement costs 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 Council finds the completed project conforms to the site development approval, including all conditions of approval.

**C.** **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 Council or a qualified landscape architect is filed with the City Recorder or designee 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.

**4.2.800 Development in Accordance With Permit Approval.**

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all 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 with Section 4.2.700. Development Review and Site Design Review approvals shall be subject to all of the following standards and limitations:

**A.** **Modifications to Approved Plans and Developments**. Minor modifications of an approved plan or existing development, as defined in Chapter 4.5, shall be processed as a Type I procedure and require only Development Review. Major modifications, as defined in Chapter 4.5, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.5.

**B.** **Approval Period**. Development Review and Site Design Review approvals shall be effective for a period of one (1) year from the date of approval. The approval shall lapse if:

1. A building permit has not been issued within a one-year period; or

2. Construction on the site is in violation of the approved plan (see Chapter 1.4.200 Violation of Code Prohibited).

**C.** **Extension**. The City Council shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one (1) year; provided that:

1. No changes are made on the original approved site design review plan;

2. The applicant can show intent of initiating construction on the site within the one-year extension period;

3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and

4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

**D.** **Phased Development**. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.

2. The City Council 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 design review.

3. Approval of a phased site design 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 Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standards, 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 Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.5).

# Chapter 4.3 Land Divisions and Lot Line Adjustments

**Sections:**


| | |
|---|---|
| **4.3.100** | **Purpose** |
| **4.3.110** | **General Requirements – Land Divisions** |
| **4.3.120** | **Approval Process - Land Divisions** |
| **4.3.130** | **Preliminary Plat - Submission Requirements** |
| **4.3.140** | **Preliminary Plat - Approval Criteria** |
| **4.3.150** | **Variances Authorized** |
| **4.3.160** | **Final Plat - Submission Requirements and Approval Criteria** |
| **4.3.170** | **Public Improvements** |
| **4.3.180** | **Performance Guarantee** |
| **4.3.190** | **Filing and Recording** |
| **4.3.200** | **Replatting and Vacation of Plats** |
| **4.3.210** | **Lot Line Adjustments and Consolidations** |


**4.3.100 Purpose.**

**A. Purpose.** The purpose of this chapter is to:

1. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments, as defined below and in Chapter 1.3:

   a. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.

   b. Partitions are the creation of three or fewer lots within one calendar year.

   c. Lot line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (including consolidation of lots).

2. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.

3. Encourage efficient use of land resources, full utilization of urban services, and transportation options;

4. Promote the public health, safety and general welfare through orderly and efficient development of land;

5. Minimize traffic congestion, and secure safety from fire, flood, pollution and other dangers;

6. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage;

7. Encourage the conservation of energy resources; and

8. Facilitate creation and sales of lots and parcels.

**4.3.110 General Requirements – Land Divisions.**

**A.** **Subdivision and Partition Approval Through Two-step Process**. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and

2. The final plat must include all conditions of approval of the preliminary plat.

**B.** **Compliance With ORS Chapter 92**. All subdivision/partition proposals shall conform to state regulations in Oregon Revised Statutes (ORS) Chapter 92, Subdivisions and Partitions.

**C.** **Future Re-division Plan**. When subdividing or partitioning includes one or more large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted which identifies:

1. Potential future lot division(s) in conformance with the housing and density standards of Chapter 2;

2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;

3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

**D.** **Lot Size Averaging**. Single-family residential lot size may be averaged to allow lots less than the minimum lot size in the Residential district, as long as the average area for all lots is not less than the minimum allowed by the district. No lot created under this provision shall be less than 50% of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 5,000 square feet, the following three lots could be created from a 15,000 square foot parcel: 4,000 square feet, 5,000 square feet, and 6,000 square feet. Lot sizes may exceed 50% of the minimum if required by DEQ to adequately accommodate the prescribed on-site sewage disposal system.

**E.** **Temporary Sales Office**. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.8.100 - Temporary Use Permits.

**F.** **Minimize Flood Damage**. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat. See standards in Section 3.7.100.

**G.** **Determination of Base Flood Elevation**. Where a development site consists of 4 or more lots (subdivision), or is located in an area prone to inundation, and the base flood elevation has not been provided by the applicant or is not available from an authoritative source, it shall be prepared by a qualified professional, as determined by the Planning Commission.

**H.** **Need for Adequate Utilities**. All lots created through land division shall have adequate public utilities and facilities including gas, electrical, and water systems. All lots created through land division shall have an on-site or shared sewage disposal system and land for drainfield as required through the Oregon Department of Environmental Quality (DEQ). These systems shall be located and constructed to prevent or minimize flood damage to the extent practicable.

**I.** **Need for Drainage**. All subdivision and partition proposals shall have surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

**J.** **Floodplain, Park, and Open Space Dedications.** Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with Chapter 3.4, and Subsection 3.4.000.D in particular.

**4.3.120 Approval Process – Land Divisions.**

**A.** **Review of Preliminary Plat**. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed with a Type II procedure, per Section 4.1.400. Preliminary plats with 4 or more lots (subdivision) shall be processed with a Type III procedure per Section 4.1.500. All preliminary plats shall be reviewed using approval criteria in Section 4.3.140.

**B.** **Review of Final Plat**. Review of a final plat (done by a surveyor) for a subdivision or partition shall be processed as a Type I procedure under Section 4.1.300, using the approval criteria in Section 4.3.160.

**C.** **Preliminary Plat Approval Period**. Preliminary plat approval shall be effective for a period of 1 year from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within a one-year period (2 years if a 1-year extension is granted).

**D.** **Modifications and Extensions**.

1. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.5 – Modifications to Approved Plans and Conditions of Approval.

2. The City Recorder or designee shall, upon written request by the applicant and payment of the required fee, grant one (1) written extension of the approval period not to exceed one (1) year; provided that:

a. Any changes to the preliminary plat follow the procedures in Chapter 4.5;

b. The applicant has demonstrated written intent to file a final plat within the one-year extension period;
c. An extension of time will not prevent the lawful development of abutting properties;

d. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

e. The extension request is made before expiration of the original approved plan.

**E. Phased Development**.

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be more than 2 years without reapplying for a preliminary plat;

2. The criteria for approving a phased land division proposal are:

a. Public facilities shall be 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 permanent public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard;

c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and

d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat.

**4.3.130 Preliminary Plat - Submission Requirements.**

**A. General Submission Requirements.** For partitions (2 or 3 lots), the applicant shall submit an application containing all of the information required for a Type II procedure under Section 4.1.400. For all subdivisions (more than 3 lots), the application shall contain all of the information required for a Type III procedure under Section 4.1.500.

**B. Preliminary Plat Information.** In addition to the general information described in Subsection 4.3.130.A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) that provide the following information:

1. General information:

a. Name of subdivision (not required for partitions). This name must not duplicate, sound alike or resemble the name of another subdivision in Umatilla County (please check with County Surveyor before submitting application);

b. Date, north arrow, and scale of drawing;

c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;

d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and

e. Identification of the drawing as a "preliminary plat".

2. Site analysis:

a. Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;

b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;

c. Utilities: Location and identity of all utilities on and abutting the site. If water mains are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

(1) Water: All persons offering for filing an approved plan, plat or replat of subdivisions or partitions for a parcel of land outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the land of the subdivision or partition (i.e., not located within the site itself), the statement of water rights and a copy of the plan, plat, or replat must be submitted to the Oregon Water Resources Department prior to application for development review by the City. Submission of an acknowledgement from the Water Resources Department shall be a condition of tentative plan or plat approval. A copy of the acknowledgement from the Water Resources Department must be submitted to the Umatilla County Clerk for recording with the final plan, plat, or replat**.**

(2) On-site septic system: Certification that domestic water and septic systems are available to the lot line of each and every lot in a subdivision or partition, and assurance by the partitioner or subdivider that the systems will be installed or alternative systems shall be provided, in accordance with ORS 92.090(4&5).

d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to an established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;

e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

f. Potential natural hazard areas, including any floodways, flood plains, areas subject to high water table, landslide areas, and areas with high erosion potential;

g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 3.7 and relevant portions of the Comprehensive Plan.);

h. Site features, including existing structures, pavement, large rock outcroppings, areas with unique views, drainage ways, canals and ditches;

i. Designated historic and cultural resources on the site and adjacent parcels or lots;

j. The location, size and species of trees having a caliper (diameter) of six (6) inches or greater at four feet above grade in conformance with Chapter 3.2;

k. North arrow, scale, name and address of owner;

l. Name and address of project designer, if applicable;

m. Land use plan and zoning classification on and adjacent to the property proposed to be partitioned or subdivided.

n. Other information, as deemed appropriate by the City Recorder or designee. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed improvements:

a. Public and private streets, tracts, driveways, open space and park land, access points, location, names, right-of-way dimensions, approximate radius of street curves, and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements: location, width and purpose of all proposed easements;

c. Parcels or lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed parcels or lots and tracts;

d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, on-site sewage disposal systems, recreation, or other use; potential location of future buildings;

e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

f. Preliminary location of development showing that future buildings can meet dimensional standards of the base district.

g. The proposed source of domestic water;

h. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;

i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;

j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the Oregon Department of Transportation regarding proposed railroad crossing(s);

k. Changes to navigable streams, or other watercourses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;

l. Identification of the base flood elevation for development of more than 2 lots or ½ acre, whichever is less. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of City land use approval;

m. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and

o. Evidence of written notice to the applicable natural resource regulatory agency (or agencies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter 3.7.

p. Current and future (5-year) service capability of the school district.

**4.3.140 Preliminary Plat - Approval Criteria**

**A.** **General Approval Criteria.** The City may approve, approve with conditions or deny a preliminary plat based on the following criteria:

1. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2 (Land Use Districts) and Chapter 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5 (Exceptions);

2. For subdivisions only: The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and

5. Evidence that required State and federal permits have been obtained, or shall be obtained before approval of the final plat.

**B.** **Housing Density (subdivisions only).** The subdivision meets the City's residential density standards in Chapter 2, Section 2.1.150.

**C.** **Block and Lot Standards.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels shall conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Subsection 3.1.200.J - Street Connectivity and Formation of Blocks;

2. Setbacks shall be as required by the applicable land use district (Chapter 2);

3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation;

4. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapter 2 - Land Use Districts, and Chapter 3.2 – Landscaping, Street Trees, Fences and Walls;

5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation; and

6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

**D.** **Conditions of Approval**. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4.000.D (Public Facilities).

**4.3.150 Variances Authorized.**

Adjustments to the standards of this Chapter shall be processed in accordance with Chapter 5.1 - Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together.

**4.3.160 Final Plat - Submission Requirements and Approval Criteria.**

**A.** **Submission Requirements**. Final plats shall be reviewed and approved by the Planning Commission or designee prior to recording with Umatilla County. The applicant shall submit the final plat within one (1) year of the approval of the preliminary plat as provided by Section 4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the City Recorder or designee.

**B.** **Approval Criteria**. By means of a Type I procedure, the City shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer. Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3.180;

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private uses have been approved by the City as conforming to the preliminary plat;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, storm drainage and water supply systems;

6. The applicant has provided copies of all recorded homeowners association covenants, conditions and restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

8. Certification by the City or service district, as applicable, that water service and sewage disposal are available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 3.4 - Public Facilities, and the bond requirements of Section 4.3.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City; and

9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

10. All improvements shall be installed at the expense of the developer. If water, sewer, storm water or drainage, street or other improvement are required to be larger than necessary to serve the development in order to provide service to abutting area, if financially feasible, the City may agree to pay the cost of additional materials required.

**4.3.170 Public Improvements.**

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

**A.** **Public Improvements Required**. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.180.

**4.3.180 Performance Guarantee.**

**A.** **Performance Guarantee Required**. When a performance guarantee is required under Section 4.3.170, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. A notarized, irrevocable letter of credit executed by a financial institution authorized to transact business in the State of Oregon. The letter must be dated and include a contact name and telephone number from the financial institution;

2. A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated.

   a. Bond amounts shall be 25% greater than the estimated cost of construction. The Council shall notify the developer as to the amount of bond and other performance agreement conditions required, and as to any changes necessary for bond and agreement acceptance.

   b. Release of the bond may be made by Council action in response to a written request for such release, and upon determining that improvements have been completed in accord with the performance agreement.

3. Cash. Performance guarantee assurances provided in cash shall be held in an escrow account until all required public improvements are installed, inspected and approved. All interest generated in said escrow account shall be directed to the applicant.

**B.** **Determination of Sum**. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

**C.** **Itemized Improvement Estimate**. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

**D.** **Agreement**. An agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and Planning Commission or designee. The agreement shall contain all of the following:

1. The period within which all required improvements and repairs shall be completed;

2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;

3. The improvement fees and deposits that are required;

4. (Optional) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

**E.** **When Partitioner/Subdivider Fails to Perform**. In the event the developer fails to carry out all provisions of the agreement, and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

**F.** **Termination of Performance Guarantee**. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

**4.3.190 Filing and Recording.**

**A.** **Filing Plat with County**. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Umatilla County for signatures of County officials as required by ORS Chapter 92.

**B.** **Proof of Recording**. Upon final recording with the County, the applicant shall submit to the City a mylar copy and 5 paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

**C.** **Prerequisites to Recording the Plat**.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92; and

2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.

**4.3.200 Replatting and Vacation of Plats.**

**A.** **Replatting and Vacations.** Any plat or portion thereof may be replatted or vacated upon City receipt of application signed by all of the owners as appearing on the deed or deeds for all affected property.

**B.** **Procedure**. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.)

**C.** **Basis for Denial.** A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

**D.** **Recording of Vacations**. All approved plat vacations shall be recorded in accordance with 4.3.190 and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

**E.** **After Sale of Lots**. When lots or parcels have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots or parcels within the platted area consent in writing to the plat vacation.

**F.** **Vacation of Streets**. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.

**G.** **Circulation Requirement**. The City may require accessways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system.

**4.3.210 Lot Line Adjustments and Consolidations.**

Lot line adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approval process is as follows:

**A.** **Submission Requirements**. All applications for lot line adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Section 4.1.300. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of significant vegetation as defined and mapped in Subsections 3.2.200.B-C; existing fences and walls; and any other information deemed necessary by the City Recorder or designee for ensuring compliance with City codes.

**B.** **Approval Process**.

1. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Section 4.1.300, using approval criteria contained in Subsection 4.3.210.C below;

2. Time limit on approval. The lot line adjustment approval shall be effective for a period of one (1) year from the date of approval, during which time it must be recorded;

3. Lapsing of approval. The lot line adjustment approval shall lapse if:

   a. The lot line adjustment is not recorded within the time limit in Subsection 4.3.210.B(2);

   b. The lot line adjustment has been improperly recorded with Umatilla County without the satisfactory completion of all conditions attached to the approval; or

   c. The final recording is a departure from the approved plan.

**C.** **Approval Criteria**. The City Recorder or designee shall approve or deny a request for a lot line adjustment in writing based on all of the following criteria:

1. Parcel Creation. No additional parcel or lot is created by the lot line adjustment; however the number of lots or parcels may be reduced;

2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Chapter 2) including lot area and dimensions;

3. Access. All lots and parcels comply with the standards or requirements of Chapter 3.1 – Access and Circulation;

4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Chapter 2); and

5. Exemption from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

**D. Recording**.

1. Procedure. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Umatilla County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

2. Time limit. The applicant shall submit a copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

**E. Extension**. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one (1) year provided that:

1. No changes are made on the original plan as approved by the City;

2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period;

3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and

4. The extension request is made before expiration of the original approved plan.

# Chapter 4.4 Conditional Use Permits

**Sections:**


| | |
|---|---|
| **4.4.100** | **Purpose** |
| **4.4.200** | **Approval Process** |
| **4.4.300** | **Application Submission Requirements** |
| **4.4.400** | **Criteria, Standards and Conditions of Approval** |
| **4.4.500** | **Additional Development Standards for Conditional Uses** |


**4.4.100 Purpose.**

There are certain uses, which due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses" in Chapter 2 - Land Use Districts. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

**4.4.200 Approval Process.**

**A.** **Initial Application**. An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.500). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.

**B.** **Modification of Approved or Existing Conditional Use**. Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.5 - Modifications.

**4.4.300 Application Submission Requirements.**

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable. For a description of each item, see Section 4.2.500 - Site Design Review - Application Submission Requirements:

1. Existing site conditions;
2. Site plan;
3. Preliminary grading plan;
4. A landscape plan;
5. Architectural drawings of all structures;
6. Drawings of all proposed signs;
7. A copy of all existing and proposed restrictions or covenants;
8. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400.

**4.4.400 Criteria, Standards and Conditions of Approval.**
The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

**A. Use Criteria**.

1. The site size, dimensions, location, topography and access meet the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

2. The negative impacts of the proposed use on adjacent properties and on the public, if any, can be mitigated through application of other Code standards, or other conditions of approval (see sub-section C below); and

3. All required public facilities have capacity to serve the proposal.

**B. Site Design Standards**. The criteria for Site Design Review approval (Section 4.2.600) shall be met.

**C. Conditions of Approval**. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;

2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

3. Requiring larger setback areas, lot area, and/or lot depth or width;

4. Limiting the building height, size or lot coverage, and/or location on the site;

5. Designating the size, number, location and/or design of vehicle access points or parking areas;

6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

8. Limiting the number, size, location, height and/or lighting of signs;

9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

10. Requiring berms, diking, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7); and

13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.300 in particular.

**D. Transportation System Facilities and Improvements.**

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the City's adopted Transportation System Plan ("TSP"), or (2) not designed and constructed as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and satisfaction of all of the following criteria:

   a. The project and its design are consistent with the City's adopted TSP, or, if the City has not adopted a TSP, consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR");

   b. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties;

   c. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen;

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

   e. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP or TPR.

2. State transportation system facility or improvement projects. The State Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Subsection 4.4.400.D.1(b-e). Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

3. Proposal inconsistent with City TSP or TPR. If the City determines that the proposed use or activity or its design is inconsistent with the City's TSP or the State TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:

   a. If the City's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use permit application; or

   b. If the City's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or
   c. If the City's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete; or

d. If the City's determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.

4. Expiration. A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after three (3) years.

~~E. Livestock. Livestock may be allowed in Residential Districts subject to a Conditional Use Permit as well as City of Adams Ordinance 219, which provides additional approval criteria for the Conditional Use Permit.~~

**4.4.500 Additional Development Standards for Conditional Uses.**

**A. Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.

**B. Additional Development Standards.** Development standards for specific uses are contained in Chapter 2 - Land Use Districts.

# Chapter 4.5 Modifications to Approved Plans and Conditions of Approval

**Sections:**


| | |
|---|---|
| **4.5.100** | **Purpose** |
| **4.5.200** | **Applicability** |
| **4.5.300** | **Major Modifications** |
| **4.5.400** | **Minor Modifications** |


**4.5.100 Purpose.**

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

**4.5.200 Applicability.**

**A. Applicability.** This Chapter applies to all development applications approved through the provisions of Chapter 4, including:

1. Site Design Review approvals;
2. Subdivisions, Partitions, and Lot Line Adjustments;
3. Conditional Use Permits; and
4. Conditions of approval on any of the above application types.

**B. Where this Chapter does not apply.** This Chapter does not apply to land use district changes, text amendments, temporary use permits, or other permits.

**4.5.300 Major Modifications.**

**A. Major Modification Defined**. The Planning Commission shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in the number of dwelling units;
3. A change in the type and/or location of access-ways, drives or parking areas that affect off-site traffic;
4. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;
5. A reduction of more than 10 percent of the area reserved for common open space and/or usable open space;
6. A reduction to specified setback requirements by more than 10 percent, or to a degree that the minimum setback standards of the land use district cannot be met; or
7. Changes similar to those listed in Subsections 4.5.300.A.1-6, which are likely to have an adverse impact on adjoining properties.

**B.** **Major Modification Application**. An applicant may request a major modification as follows:

1. Upon the Planning Commission determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.

2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure in Chapter 4.1.

**4.5.400 Minor Modifications.**

**A.** **Minor Modification Defined**. Any modification to a land use decision or approved development plan which is not included within the description of a major modification as provided in Section 4.5.300, above, shall be considered a minor modification.

**B.** **Minor Modification Application**. An application for approval of a minor modification is reviewed using Type II procedure in Section 4.1.400. A minor modification shall be approved, approved with conditions, or denied by the Planning Commission based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the Development Code; and

2. The modification is not a major modification as defined in Section 4.5.300, above.

# Chapter 4.6 Land Use District Map and Text Amendments

**Sections:**


| | |
|---|---|
| **4.6.100** | **Purpose** |
| **4.6.200** | **Legislative Amendments** |
| **4.6.300** | **Quasi-Judicial Amendments** |
| **4.6.400** | **Scope of Decision** |
| **4.6.500** | **Record of Amendments** |
| **4.6.600** | **State Transportation Planning Rule Compliance** |


**4.6.100 Purpose.**

The purpose of this Chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

**4.6.200 Legislative Amendments.**

Legislative amendments are policy decisions made by City Council. They are reviewed using a Type IV procedure per Section 4.1.600 and shall conform to Section 4.6.600, as applicable.

**4.6.300 Quasi-Judicial Amendments.**

**A.** **Quasi-Judicial Amendments**. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type III procedure, as governed by Section 4.1.500, using standards of approval in Subsection 4.6.300.B. The approval authority shall be as follows:

1. Land use district map changes without comprehensive plan map amendments. The Planning Commission shall review and make a recommendation to City Council on land use district map changes that do not involve comprehensive plan map amendments. The City Council shall decide such applications.

2. Comprehensive plan map amendments. The Planning Commission shall review and make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide applications for comprehensive plan map amendments; and

3. Land use district map changes that require comprehensive plan map amendments. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide the application for the land use district change as well as the application for the comprehensive plan map amendment.

**B.** **Criteria for Quasi-Judicial Amendments**. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals. The City shall provide the applicant with the relevant Goals to address;

2. Approval of the request is consistent with the Comprehensive Plan. The City shall provide the applicant with the relevant Plan policies to address;

3. The property and affected area is presently provided with public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property; and

4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.6.600, as applicable.

**4.6.400 Scope of Decision.**

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

**4.6.500 Record of Amendments.**

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use. This record shall be located in Chapter ~~6.1~~ **6.0.200**.

**4.6.600 State Transportation Planning Rule Compliance.**

**A. Review of Applications for Effect on Transportation Facilities**. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – "TPR"), and the City's decision shall include findings regarding compliance with Section 4.6.600. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City's Transportation System Plan ("TSP"); or

2. Change the standards implementing a functional classification system; or

3. Allow 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

4. Reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

**B. Amendments That Significantly Affect Transportation Facilities**. Amendments to the comprehensive plan and land use maps and regulations which significantly affect transportation facilities shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility(ies) identified in the TSP. 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; or

2. Amending the TSP to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirements of the TPR; or,

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

**C. Traffic Impact Study**. A Traffic Impact Study shall be submitted with a plan amendment or land use district change application. See Chapter 4.9 for standards.

**D. Transportation Improvements.**

1. Uses Permitted Outright. Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
   a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities;
   b. Installation of improvements within the existing right-of-way;
   c. Projects identified in the adopted Transportation System Plan as not requiring further land use review and approval;
   d. Landscaping as part of a transportation facility;
   e. Removing vegetation and debris in the public right-of-way to maintain clear vision areas as defined in Chapter 3 (3.1.200.N - Vision Clearance);
   f. Emergency measures;
   g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
   h. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

2. Transportation Uses Subject to Conditional Use Approval.
   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 conditional use permit review.
   b. Development of the uses in subsection a. shall comply with the Transportation System Plan and other applicable City standards, and shall address and satisfy all of the following criteria:

      (1) The project is designed to be compatible with existing adjacent land use patterns. Compatibility factors include noise, 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 transportation facility through access management, traffic calming, or other design features.
      (4) The project provides bicycle and pedestrian circulation consistent with the comprehensive plan and other requirements of this ordinance.

   c. For State transportation projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the criteria in sub-section b.

   d. 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 4.7 Code Interpretations

**Sections:**

**4.7.100 Purpose**
**4.7.200 Code Interpretation Procedure**

**4.7.100 Purpose.**

Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text. Where a provision of this ordinance is less restrictive than a provision of another ordinance or requirement of the City, the more restrictive provision shall apply.

**4.7.200 Code Interpretation Procedure.**

**A.** **Requests**. A request for a code interpretation ("interpretation") shall be made in writing to the Planning Commission. No special City application form is required.

**B.** **Decision to Issue Interpretation**. The Planning Commission shall have the authority to review or decline to review a request for an interpretation. The Planning Commission shall advise the requester in writing within 14 days after the request is made, on whether or not the City will issue the requested interpretation.

**C.** **Declining Requests for Interpretations**. The Planning Commission is authorized to issue or decline to issue a requested interpretation. Basis for declining includes, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation and the interpretation does not support the request. The Planning Commission decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation.

**D.** **Written Interpretation**. If the Planning Commission decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the City advises the requester that an interpretation shall be issued. The interpretation decision shall become effective 14 days after it is issued, unless an appeal is filed in accordance with Subsections 4.7.200.F-G below.

**E.** **Interpretation Procedure.** Code Interpretations shall be conducted as a Type III procedure as described in Section 4.1.500.

**F.** **Appeals**. The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the City Council within 14 days after the interpretation was mailed or delivered to the applicant. The appeal shall be initiated by filing a notice of appeal with the City Recorder pursuant to Subsection 4.1.500.E.6.

**G.** **Appeal Procedure**. City Council shall hear all appeals of a Planning Commission interpretation as a Type III action pursuant to Section 4.1.500, except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person

who requested notice.

**H.** **Final Decision/Effective Date**. The decision of the City Council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the City Council's decision is filed, the decision remains effective unless or until it is modified by the Oregon Land Use Board of Appeals or a court of competent jurisdiction.

**I.** **Interpretations On File**. The City shall keep on file a record of all code interpretations.

# Chapter 4.8 Miscellaneous Permits

**Sections:**


| | |
|---|---|
| **4.8.100** | **Temporary Use Permit** |
| **4.8.200** | **Home Occupation Permit** |
| **4.8.300** | **Flood Plain Development Permit** |
| **4.8.400** | **Historic Building and Site Permit** |


**4.8.100 Temporary Use Permit.**

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Temporary use permits are not required for uses that last less than five days. Three types of temporary uses require permit approval (See Subsections 4.8.100.A-C)

**A.** **Seasonal and Special Events**. These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using the Type II procedure under Section 4.1.400, the City shall approve, approve with conditions or deny a temporary use permit based on all of the following criteria:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);

2. The applicant has written proof of the property owner's permission to place the use on his/her property;

3. No parking will be utilized by customers and employees of the temporary use that is needed by the property owner to meet their minimum parking requirement under Chapter 3.3 - Vehicle and Bicycle Parking;

4. The use provides vision clearance, as required by Subsection 3.1.200.N, and shall not obstruct pedestrian access on public streets;

5. Ingress and egress, when combined with the other uses of the property; meet the requirements of Section 3.1.200 - Vehicular Access and Circulation;

6. The proposed use does not create adverse off-site impacts lights that affect an adjoining use, including vehicle traffic, noise, odors, vibrations, glare or lights, to any greater extent than do other uses allowed outright in the district; and

7. The use is served by septic system and water in accordance with this Code, if applicable. (The applicant shall be responsible for obtaining any related permits.)

**B.** **Temporary Sales Office or Model Home**. Using a Type I procedure under Section 4.1.300, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:

   a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and

   b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

2. Model house:

   a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and

   b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code.

**C. Temporary Building**. Using a Type II procedure, as governed by Section 4.1.400, the City may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real residential, commercial or industrial property within the City as a temporary residential, commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on the following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which the primary use is located;

2. The primary use on the property to be used for a temporary trailer is already fully developed;

3. Ingress and egress, when combined with the other uses of the property; meet the requirements of Section 3.1.200 - Vehicular Access and Circulation;

4. There is parking for the customers or users of the temporary use as required by Chapter 3.3 – Vehicle and Bicycle Parking;

5. The use will not result in decreased level of service for transportation facilities within one quarter-mile.

6. The use will pose no hazard to pedestrians in the area of the use;

7. The proposed use does not create adverse off-site impacts lights that affect an adjoining use, including vehicle traffic, noise, odors, vibrations, glare or lights, to any greater extent than do other uses allowed outright in the district;;

8. The building complies with applicable building codes;

9. The use can be served by sewer or septic system and water in accordance with this Code, if applicable. (The applicant shall be responsible for obtaining any related permits); and

10. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

11. DEQ Approval. Temporary uses must comply with DEQ sewage disposal standards.

**D. Medical Hardship.** A temporary permit may be approved through a Type II process for accessory housing units that are either non-standard or for which standard site area is not available, in order to provide personal care for elderly or chronically ill individuals, provided that:

1. A medical doctor's statement of need is submitted with the original application and at each renewal;

2. The housing unit is removed within thirty (30) days after the hardship ceases;

3. Applicable fire, life, sewage disposal and safety standards are met;

4. The unit is maintained at the level in which it received the permit and does not create adverse impacts that affect surrounding uses, including vehicle traffic, noise, odors, vibrations, glare or lights, to any greater extent than do other uses allowed outright in the district.

**E. Renewals**.

1. Temporary Sales Office, Model Home, or Building. The City Recorder or designee may renew a temporary permit issued under section B or C above, up to a total approval period of no more than one (1) year, including any time elapsed between the initial approval and subsequent renewals, or between the renewals. After one year, a temporary use permit (initial plus renewals) expires and may be renewed only via a new Type I or II application with payment of another application fee

2. Medical Hardship. The City Recorder or designee may renew a temporary permit issued under section D above until the hardship ceases, or the City determines that the applicant or housing unit no longer comply with the temporary permit or other requirements of the Development Code. Submission of a renewal request shall include payment of the temporary permit fee.

### 4.8.200 Home Occupation Permit.

**A. Purpose.**

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the Special Standards for Certain Uses in Subsection 2.1.200.H - Home Occupation. Subsection 2.1.200.H allows qualifying home occupations as outright permitted uses that do not require Development Review or Site Design Review.

Section 4.8.200 provides a process for more intense home occupations to be allowed with Site Design Review by the Planning Commission. This process requires notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time “eyes on the street” at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

**B. Approval Process and Criteria.**

1. Home Occupation Permit. Applications for proposals that cannot meet all of the standards in Subsection 2.1.200.I shall be processed using a Type III procedure, as governed by Section 4.1.500, using the approval criteria in Subsection 4.8.200.B.2, below. In addition to the application requirements contained in Subsection 4.1.500.B., the applicant shall provide:

   a. A written narrative or letter:

      (1) describing the proposed home occupation;

(2) demonstrating compliance with those standards in Subsection 2.1.200.~~I~~ **H** that can be met, and explaining why the other standards in Subsection 2.1.200.~~I~~ **H** cannot be met, and

(3) demonstrating compliance with the criteria in Subsection 4.8.200.B.2 below.

b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:

(1) the property lines and their dimensions;

(2) outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;

(3) boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;

(4) outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and

(5) identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.

2. The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:

a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;

b. Impacts to surrounding properties may exist but can be mitigated;

c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with Subsection 2.1.200.~~I~~ **H** .

**4.8.300 Flood Plain Development Permit.**

**A.** **Development Permit Required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.7.~~1~~ **3**00. The permit shall be for all structures including manufactured dwellings and accessory structures, as described in Section 3.7.~~1~~ **3**00 and in Chapter 1.3, Definitions.

**B.** **Application for Development Permit.** Application for a development permit shall be made on forms prescribed and furnished by the City and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities, and the location of the foregoing. The following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Subsection 3.7.~~1~~ **3**00.F; and

4. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.

5. Demonstration that all standards and criteria in Chapter 3.7.**3**00 are satisfied.

6. Copies of all necessary permits required by federal, state, or local governmental agencies.

**C.** **Decision-making Authority .** The Planning Commission or designee is hereby appointed to administer and implement this Section by granting or denying development permit applications in accordance with the provisions hereof.

**D.** **Duties and Responsibilities of the Decision-maker.** The duties of the Planning Commission or designee include, but are not limited to:

1. Developments in the Flood Hazard Zone. Prior to granting approval for a development within the Flood Hazard Zone, and in addition to the usual Type III review requirements, the

2. Permit Application Review.

   a. Determine whether the requirements of this Code have been satisfied;

   b. Determine whether all necessary permits have been obtained from those federal, State, and local governmental agencies from which prior approval is required;

   c. Determine whether the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection 3.7.~~1~~ **3**00.H are met;

   d. Provide notice, hold a public hearing, make written findings on all applicable standards and criteria in this Code (including Sections 3.7.300 and 4.8.300), and issue a decision in accordance with the Type III procedure in Section 4.1.500; and

   e. Approve development proposals within a designated floodway only if certification by a registered engineer or architect demonstrates to the satisfaction of the Planning Commission or designee that the development will not cause an increase in flood levels in the floodway during a base flood occurrence.

3. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Subsection 3.7.~~1~~ **3**00.B ~~Applicability,~~ the Planning Commission may obtain, review, and utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Subsections 3.7.~~1~~ **3**00.F~~K~~ **I**.

4. Information to be Obtained and Maintained.

   a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Subsection 4.8.300.D, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

   b. For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level);

(2) Maintain the floodproofing certifications required in Subsections 3.7.~~1~~ **3**00.F and I; and

(3) Maintain for public inspection all records pertaining to the provisions of this Section.

5. Alteration of Watercourses.

a. Notify adjacent communities and the State Department of Land Conservation & Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Specify how maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished, based on the report of a professional engineer that is submitted by the applicant.

6. Interpretation of FIRM Boundaries. Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). An applicant contesting the location of the boundary shall be given an opportunity to appeal the interpretation in accordance with the procedure set by FEMA in Section 60.6 of the regulations of the National Flood Insurance Program (44 CFR 59-76).

**4.8.400 Historic Building and Site Permit.**

**A. Alteration/Demolition Permit.**

1. Applicability. A permit is required for alteration or demolition of any structure listed in the Comprehensive Plan as an historic resource. Alteration means any addition to, removal of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural detail of the exterior part of the structure, but shall not include paint color.

2. Exceptions. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered herein that does not involve a change in design, material, or external appearance thereof. Nor does this Section prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the City staff determines that such emergency action is required for public safety due to an unsafe or dangerous condition.

**B. Review Procedure.**

1. Application. A property owner or his/her authorized agent may apply for a permit for alteration or demolition of an historic structure by filing an application with the City Recorder or designee.

2. Procedure. A permit shall be reviewed by the Planning Commission in accordance with a Type II procedure per Section 4.1.400. The City Recorder shall forward the application to the Building Official for review, comment and recommendation prior to making a decision. The Planning Commission shall forward the application to the City Historical Review Committee or County Historical Society, or both, and to the State Historic Preservation Office (SHPO) for review and written recommendation prior to making a decision.

**C. Approval Criteria - Exterior Alteration.** The Planning Commission shall use the following guidelines to either: approve an application for exterior alteration if the proposed alteration is determined to be harmonious and compatible with the appearance and character of the historical building; or disapprove any application if found detrimental as being unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, or the educational or historical value of the building:

1. Retention. Retention of original construction so far as practicable, and the preservation of original exterior materials and details.

2. Height. Additional stories may be added to historic buildings provided that the following criteria are met:

   a. Zoning height limitations are met.

   b. Does not exceed that which was traditional for style of the building.

   c. Added height does not alter the traditional scale and proportions of the building style.

   d. Added height is visually compatible with adjacent historic buildings.

3. Bulk: Horizontal additions may be added to historic buildings provided that:

   a. The bulk of the addition does not exceed that which was traditional for the building style.

   b. The addition maintains the traditional scale and proportion of the building style.

   c. The addition is visually compatible with adjacent historic buildings.

4. Visual Integrity of Structure: The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

5. Scale and Proportion: The scale and proportion of altered or added building elements, the relationships of voids to solids (windows to walls) shall be visually compatible with the traditional architectural character of the historic buildings in the area.

6. Materials, Color and Texture: The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic buildings of the area.

7. Signs, Lighting and other Appurtenances: Signs, exterior lighting, and other appurtenances such as walls, fences, awnings and landscaping shall be visually compatible with the traditional architectural character of the historic buildings of the area.

**D. Approval Criteria: Demolition.** The Planning Commission shall approve an application for demolition if the following criteria have been met, and shall issue a decision in accordance with subsection E below.

1. Structure cannot be economically rehabilitated;

2. A program or project does not exist which may reasonably result in preservation of the structure;

3. Delay of the permit would result in unnecessary and substantial hardship to the applicant and/or property owner; and

3. Issuance will not act to the substantial detriment of the public welfare considering the significance of the structure and the economic, cultural and energy consequences of demolishing the structure.

**E. Decision.**

1. The Planning Commission shall render a decision on an application in accordance with the Type II (Administrative) procedure in Section 4.1.400. In addition to noticing requirements listed in 4.1.400, a copy of the decision shall be mailed to the State Historic Preservation Office (SHPO).

2. Demolition. In the case of an application for demolition of a historic structure, the Planning Commission decision shall either:

   a. Immediately issue a demolition permit; or

   b. Delay issuance of the permit for up to 90 days. During this period, the Planning Commission, the City Council, the City Historical Committee, the County Historical Society, and SHPO shall work together to determine whether public or private acquisition and preservation or an alternative action(s) could prevent demolition of the structure.

   c. If, at the expiration of 90 days, a plan to prevent demolition has not been submitted to and approved by the Planning Commission, the Commission shall immediately issue a demolition permit.

# Chapter 4.9 Traffic Impact Study

**Sections:**


| | |
|---|---|
| **4.9.100** | **Purpose** |
| **4.9.200** | **When Required** |
| **4.9.300** | **Traffic Impact Study Requirements** |
| **4.9.400** | **Approval Criteria** |


**4.9.100 Purpose.**

**A. Purpose.** The purpose of this Chapter is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule (TPR) that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts to and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application; what must be in a Traffic Impact Study; who is qualified to prepare the Study; and the criteria for approval of a development for which a Traffic Impact Study is required.

**B. Typical Average Daily Trips:** Standards by which to gauge average daily vehicle trips include: 10 trips per day per single family household, 5 trips per day per apartment; and 30 trips per day per 1,000 square feet of gross commercial floor area such as a new supermarket or other retail development.

**4.9.200 When Required.**

**A. When a Traffic Impact Study is Required**. A Traffic Impact Study may be required by the City, to be submitted to the City with the application, for review by the City and the Oregon Department of Transportation (ODOT), when any of the following apply:

1. The development application involves one or both of the following actions:

   a. A change in zoning or a plan amendment designation; or

   b. Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and

2. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

   a. An increase in site traffic volume generation by 100 Average Daily Trips (ADT) or more; or

   b. An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or

   c. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

d. The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

e. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

**4.9.300 Traffic Impact Study Requirements.**

**A. Preparation.** A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.

**B. Transportation Planning Rule Compliance.** See Section 4.6.600.

**4.9.400 Approval Criteria.**

**A. Criteria.** When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of all the following criteria:

1. The Traffic Impact Study was prepared by a professional engineer in accordance with OAR 734-051-180; and

2. If the proposed development shall cause one or more of the effects in Subsection 4.9.200.A above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures satisfactory to the City Engineer, and ODOT when applicable; and

3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

a. Have the least negative impact on all applicable transportation facilities; and

b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and

c. Make the most efficient use of land and public facilities as practicable; and

d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

e. Otherwise comply with applicable requirements of the City of Adams Development Code, including Chapters 3.1 - Access and Circulation, 3.2 – Landscaping, Street Trees, Fences and Walls, 3.3 - Vehicle and Bicycle Parking, 3.4 - Public Facilities Standards, 3.5 - Surface Water Management, and 3.8 - Loading Standards.

**B. Conditions of Approval.** The Planning Commission may deny, approve, or approve the proposal with appropriate conditions.

# Chapter 5.0 Exceptions to Code Standards

**5.0 Introduction**
**5.1 Variances**
**5.2 Non-Conforming Uses and Developments**

**5.0 Introduction.**

This Chapter provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the Code). This development code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other code provisions. The standards for non-conforming uses and development are intended to provide some relief from code requirements for older developments that do not comply.

# Chapter 5.1 Variances

**Sections:**

**5.1.100 Purpose**
**5.1.200 Class A Variances**
**5.1.300 Class B Variances**
**5.1.400 Class C Variances**
**5.1.500 Variance Application and Appeals**

**5.1.100 Purpose.**

The purpose of this Chapter is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. Because some variances are granted using "clear and objective standards," they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or III procedure because they involve discretionary decision-making.

**5.1.200 Class A Variances.**

**A. Class A Variances**. The following variances are reviewed using a Type I procedure, as governed by Section 4.1.300, using the approval criteria in Subsection 5.1.200.B, below:

1. Front yard setbacks. Up to a 10 percent change to the front yard setback standard in the base land use district.

2. Interior setbacks. Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.

3. Lot coverage. Up to 10 percent increase of the maximum lot coverage permitted in the base land use district.

4. Landscape area. Up to 10 percent reduction in required landscape area (overall area or interior parking lot landscape area).

**B. Class A Variance Approval Criteria.** A Class A Variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;

2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

3. The variance will not result in violation(s) of Chapter 3, or other design standards.

**5.1.300 Class B Variances.**

Due to their discretionary nature, the following types of variances shall be reviewed using a Type II procedure, in accordance with Section 4.1.400:

**A. Variance to Parking Standards (Chapter 3.3).**

1. The City may approve variances to the minimum or maximum standards for off-street parking in Section 3.3.300 upon finding that all of the following are satisfied:

   a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;

   b. If the requested variance is to the maximum parking standard, the need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and

   c. All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.

2. The City may approve a reduction of required bicycle parking per Section 3.3.400, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

3. The City may allow a reduction in the amount of vehicle stacking area required for drive-through and drive-in facilities if such a reduction is deemed appropriate after City review of a written analysis performed by a professional traffic or transportation engineer, that considers the size and location of the development and other pertinent factors. (See Chapter 4.~~10~~ 9 for Traffic Impact Study requirements)

**B.** **Variance to Vehicular Access and Circulation Standards (Chapter 3.1)**. The City may grant a variance to the access requirements after finding that all of the following are satisfied:

1. Vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular lot or parcel;

2. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;

2. There are no other alternative access points on the street in question or from another street;

3. The access separation requirements cannot be met;

4. The request is the minimum adjustment required providing adequate access;

5. The approved access or access approved with conditions will result in a safe access; and

6. The ~~visual~~ **vision** clearance requirements of Chapter 3.1 will be met.

**C.** **Variance to Street Tree Requirements (Chapter 3.2).** The City may approve a request for a variance to the street tree requirements in Chapter 3.2, after finding that the following are satisfied:

1. Installation of the tree would interfere with existing utility lines; or

2. The tree would cause visual clearance problems; or

3. There is not adequate space in which to plant a street tree; and

4. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area or front yard setback trees).

**D.** **Variance to Maximum or Minimum Yard Setbacks to Reduce Tree Removal or Impacts to Wetlands (Sensitive Lands, Chapter 3.7)**. The City may grant a variance to the applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development or avoiding wetland impacts. Modification shall not be more than is necessary for the preservation of trees or wetlands on the site.

**E.** **Variances to Transportation Improvement Requirements (Section 3.4.100)**. The City may approve, approve with conditions, or deny a variance to the transportation improvement standards of Section 3.4.100, based on the criteria for granting variances provided in Subsection 3.4.100.B. When a variance request cannot be supported by the provisions of that Chapter, then the request shall be reviewed as a Class C variance.

**F.** **Variances for Deviations Regarding Access to State Highways.** These variances are subject to review and approval by the Oregon Department of Transportation.

### 5.1.400 Class C Variances.

Due to their discretionary nature and review of special circumstances, the variances in this Subsection require a Type III process, as described in Subsection 5.1.400.C.

**A. Purpose**. The purpose of this Section is to provide standards for variances that exceed the Class A and Class B variance criteria in Sections 5.1.200 and 5.1.300.

**B. Applicability**.

1. The variance standards are intended to apply to individual platted and recorded lots or parcels only.

2. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use district (Chapter 2).

3. A Flood Plain variance shall be applied for and processed in accordance with Subsection 5.1.400.D - Approval Process and Criteria for Flood Plain Variances.

**C. Approval Process and Criteria**.

1. Class C variances shall be processed using a Type III procedure, as governed by Section 4.1.500, using the approval criteria in Subsection 5.1.400.C.2, below. In addition to the application requirements contained in Section 4.1.500, the applicant shall provide a written narrative or letter describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in Subsection 5.1.400.C.2.

2. The City shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

   a. The proposed variance will not be materially detrimental to the stated purposes of applicable Code requirements, to any other applicable policies and standards, and to other properties in the same land use district or vicinity. The City shall determine the applicable Code requirements, any other applicable policies and standards, and the boundaries of the vicinity;

   b. A hardship to development exists that is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

   c. The proposed use will be the same as permitted under this Code, and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

   d. Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with the subject Code standard;

   e. The hardship is not self-imposed; and

   f. The variance requested is the minimum variance that would alleviate the hardship.

**D. Flood Hazard Overlay Variances**

1. Variances to the requirements of the Flood Hazard Overlay Zone shall be processed in accordance with Section 60.6 of the National Flood Insurance Program (NFIP), 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

**5.1.500 Variance Application and Appeals.**

The variance application shall conform to the requirements for Type I, II, or III applications (Sections 4.1.300, 4.1.400, 4.1.500), as applicable. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1.

# Chapter 5.2 Non-Conforming Uses and Developments

**Sections:**

**5.2.100 Nonconforming Uses**
**5.2.200 Nonconforming Developments**

### 5.2.100 Nonconforming Uses.

Where, at the time of adoption of this Code, a use of land exists that would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided it complies with all of the following:

**A.** **Expansion Prohibited**. No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;

**B.** **Location**. No such nonconforming use shall be moved in whole or in part to any portion of its lot, or any other lot, other than that occupied by such use at the effective date of adoption or amendment of this Code;

**C.** **Discontinuation or Abandonment**. The nonconforming use of land is ~~not~~ discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

1. On the date when the use of land is physically vacated;

2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

**D.** **Application of Code Criteria and Standards**. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

### 5.2.200 Nonconforming Developments.

Where a development exists at the effective date of adoption or amendment of this title that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed; the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

**A.** **Enlargement or Alteration**. If a request is made for an enlargement or development of an existing nonconforming development, the applicant shall be required to complete a Conditional Use Permit application per Chapter 4.4. If an application is proposed that reduces its nonconformity, it shall be reviewed using the applicable review process (either Development Review or Site Design Review);

**B.** **Reconstruction after Damage or Destruction.** Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 80 percent of its current value as

assessed by the Umatilla County Assessor, it shall be reconstructed only in conformity with the Development Code;

**C. Location.** Should such development be moved for any reason and by any distance, it shall thereafter conform fully to the regulations of the Development Code.

**D. Non-Conforming Street Access Connections** that exist prior to the adoption of this code that do not conform with standards in Chapter 3.1 shall be brought into compliance when the following conditions exist:

1. When a new access connection permit is requested for the subject property; or

2. When a building permit or land use application is submitted that results in an increase of trip generation by 20 percent and at least 100 average daily trips (ADT).

# Chapter 6.0 Map Amendments

**Sections:**

**6.0.100 Purpose**
**6.0.200 Land Use District Map Amendments**

**6.0.100 Purpose.**

The purpose of this section of the code is to create a placeholder for existing and future map amendments for reference by staff and applicants.

**6.0.200 Land Use District Map Amendments.**

This section of the code does not amend the procedures for completing a land use district map or text amendment included in Chapter 4.7.

The map amendments shall be located in this section in chronological order based on date of adoption.