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## 1.1 How to Use the Development Code

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# ~~Chapter 1.0 Chapter 1.1 How to Use the~~

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

**Chapter 1.0** - In addition to this brief introduction, Chapter 1.0 provides definitions for selected terms and information on the legal construct of the code. It also explains the ~~city's~~ City's authority to enforce the Development Code.

**Chapter 2.0** - Every parcel, lot, and tract of land within the ~~city's~~ City's incorporated boundaries is also within a "land use district." (Land use districts are shown on the ~~city's~~ City's official zoning map.) Chapter 2.0 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 Weston Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

**Chapter 3.0** - The design standards contained in Chapter 3 apply throughout the ~~city~~ City. They are used in preparing development plans, and reviewing applications, to ensure compliance with ~~city~~ City standards for signs, access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

**Chapter 4.0** - Chapter 4.0 provides all of the application requirements and procedures for obtaining permits required by this ~~code~~ Code. Four types of permit procedures are covered: Type I (non-discretionary, ~~"ministerial"~~, "Ministerial" decision); Type II (~~discretionary, "administrative" decision~~ Quasi-Judicial); Type III (~~"quasi-judicial" administrative decision with public hearing~~); and Type IV (~~"legislative" decision by City Council~~), (Legislative).

**Chapter 5.0** - Chapter 5.0 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or ~~development~~ developments that do not comply with the ~~code~~ Code). This ~~code~~ Code cannot provide standards to fit every potential development situation. The ~~city's~~ City's varied geography, and the complexities of land development, require flexibility. Chapter 5.0 provides that flexibility, while maintaining the purposes and intent of the code.

**Chapter 6.0** - Chapter 6.0 creates a placeholder for the ~~Town's~~ City's map amendments. This chapter serves as a placeholder for ordinances to be located for reference for staff and applicants. Map amendments ~~would~~ will be located in this section in chronological order from when they were adopted.



# ~~Chapter 2.0 Chapter 1.2 General Administration~~

## Sections:

- ~~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~~

## ~~1.2.100 Severability.~~

## 1.2 General Administration

### 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 or of County, State, Federal, or building codes.

## ~~1.2.200 Compliance and Scope.~~

### 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, use or otherwise, only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded and no building permit shall be issued without compliance with the provisions of this Code.
- B. Applicability.** The area regulated by this Code includes the entire City of Weston and the urban growth boundary as delineated in the Weston Urban Growth Area Joint Management Agreement with Umatilla County (1978).
- ~~C.~~ 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.
- ~~D.~~ 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.
- ~~E.~~ Variances.** Variances shall be governed by the provisions of ~~Chapter~~ Section 5.1 - Variances.
- ~~F.~~ Transfer of development standards prohibited-Development Standards Prohibited.** No lot area, yard, or other open space or off-street parking or loading area ~~which~~ that is required by this Code for one use shall be a required

~~City of Weston~~ ~~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.~~ ~~Zoning Ordinance Text~~ ~~1.2.300~~

~~1.2.300 Consistency With Plan and Laws~~

**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~~ Comprehensive Plan of the ~~city~~ City of Weston as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed to be ~~in conformity~~ in conformity with the adopted ~~comprehensive plan~~ 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~~, Section 5.2 - Non-Conforming Uses and Developments) and is not prohibited by law.

~~1.2.500 Pre-Existing Approvals~~

1.2.500 Pre-Existing Approvals

- A. **Legality of Pre-existing Approvals.** Developments, including subdivisions, projects requiring ~~development review~~ Development Review or ~~site design review~~ 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~~ Section 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. **Subsequent Development Applications.** All development proposals and applications received by the City ~~Staff~~ staff 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~~ County, State, or Federal law.

~~1.2.600 Building Permit and Certificate of Occupancy~~

1.2.600 Building Permit and Certificate of Occupancy

- A. **Building Permit.** A building permit shall not be issued until the City ~~Staff~~ staff or designee has issued a development permit in accordance with the provisions of ~~Chapter 5 - Administration of Land Use and~~ Section 4.2 - Development Review, and Site Design Review, or otherwise found that a development permit is not required.
- B. **Prior to Final Completion.** Prior to the final completion of all work, a ~~certificate~~ Certificate of ~~occupancy~~ Occupancy may be issued for a portion of the structure conditioned upon further work being completed by a ~~date~~ certain date.

~~1.2.700 Official Action~~

1.2.700 Official Action

- A. **Official Action.** All officials, departments, and employees (including contractor-officials) of the ~~city~~ 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 that violates or fails to comply with conditions or standards imposed to carry out this Code.

- ~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~
- 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.

### 1.3 Definitions

# ~~Chapter 3.0~~ Chapter 1.3 Definitions

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

Access - A way or means of approach to provide pedestrian, bicycle, or motor ~~vehicular~~ vehicle entrance or exit to a property.

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 Chapter 3.1, Section 2.~~

Access ~~Point~~ point - Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

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

Accessory dwelling unit - An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. ~~See Chapter 2.1, Section 200.B.~~

~~Accessory use/Accessory structure - Accessory uses and structures are 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 and similar structures. See Chapter 2.1, Section 200.J.~~

Accessory storage building - A building originally constructed for the storage of materials and equipment accessory to a primary use located on the property. This does not include cargo containers, railroad cars, truck vans, converted manufactured dwellings, trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials.

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

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. ~~See Chapter 4.1, Section 4.~~

Adverse impact - Negative affect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

~~Affordable - Means 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, refer to the Federal Department of Housing and Urban Development or the Oregon Department of Housing and Community Services.~~

Agriculture - As used in this Code, "agriculture" is the same as "farm use." Also see Oregon Revised Statutes (ORS) 215.203(2)(a).

Alley - A narrow street ~~(16' to 20' (12-foot to 20-foot right-of-way))~~, usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings. ~~See Chapter 3.4, Section 1.F.~~

Alteration - An addition, removal, or reconfiguration that significantly changes the character of a historic resource, and that includes new construction in historic districts.

Ambient - Something that surrounds (e.g., light, dust or noise).

Appeal - A request for a review of the interpretation of any provision of this Code or a request for a variance.

Area of Special Flood Hazard - The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special Flood Hazard Area" is synonymous in meaning and definition with the phrase "Area of Special Flood Hazard."

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 roadways. See Chapter 3, 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, and auto and truck sales. See Chapter 2.2 Section 180.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 Chapter 2.2, Section 180.E.

Base Flood - Means the flood having a one percent chance of being equaled or exceeded in any given year.

~~Bed and breakfast inn~~ Base Flood Elevation - The elevation to which floodwater is anticipated to rise during the base flood.

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

Bed and Breakfast Inns (Short-term rentals/Vacation Rentals) - An operator- or owner-occupied home primarily used for the purpose of providing accommodations (three or more rooms) plus breakfast on a daily or weekly basis. This provision of lodging and food 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. Bed and breakfast inn Breakfast Inns shall include inns that operate restaurants offering meals to the general public as well as to overnight guests. Standards for this use apply to short-term rentals/vacation rentals (less than 30 days per year of occupancy).

Below-grade Crawl Space - An enclosed area below the base flood elevation in which the interior grade is not more than 2 feet below the adjacent exterior grade and the height measured from the interior grade of the crawlspace to the top of the crawlspace foundation does not exceed 4 feet at any point.

Berm - A small rise or hill in a landscape 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.~~

~~Block - A parcel of land or group of lots bounded by intersecting streets. See Chapter 3.1, Section 2.J.~~

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:

1. Multi-use Path. A paved way (typically 10 to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non- motorized users.
2. Bike Lane. A portion (typically 4 to 6-foot wide) of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas. Page 1-3-1
4. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
5. 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.

~~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 Chapter 3.4, Section 1.F.~~

**Building Breakaway Wall** - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - A construction made for purposes of shelter or habitation (e.g., house, barn, store, theater, train station, garage, school, etc.)

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

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

~~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.

~~**Bulkhead** - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).~~

Business Day - Monday through Friday, holidays and weekends excluded.

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities.

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

~~Child care~~ Cargo container - A standardized reusable vessel originally designed for shipping goods and is capable of being transported by rail, truck, or ship.

Childcare center, family ~~child care~~ childcare - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family ~~child care~~ childcare providers" provide care for not more than ~~12 children~~ 12 children in a home. See also, ORS Chapter 657A for ~~State~~ state certification requirements.

City - The City of Weston, Oregon.

City Council - The City Council of the City of Weston, Oregon.

~~**City Official** - The City Council, who is designated by the Mayor & City Council as the city employee responsible to administer the Zoning Ordinance by providing information regarding permits, issue certain non-discretionary permits, & assuring that all procedural requirements are followed in the issuance of permits (amended 5/5/08).~~

City Official - The City Recorder, whom the Mayor and City Council have designated as the individual responsible for providing applications and permit information. Duties include reviewing applications for completeness and procedural compliance, notifying applicants that they must submit materials one week before planning meetings, sending completed applications to the Planning Commission and/or the City Council, posting the Planning Commission's agenda for Type I reviews per Oregon Meeting Law, filing notices for Type II and III applications, typing minutes of planning meetings, and sending permit acceptance or denial letters to applicants.

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 ~~which that~~ serves traffic within the commercial, industrial, and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors are part of the grid system. ~~See Chapter 3.4, Section 1.F.~~ March 2001

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

Common area - Commonly owned land, including open space, landscaping, or recreation facilities (e.g., owned by homeowners associations).

Comprehensive Plan - The ~~comprehensive plan~~ Comprehensive Plan of Weston, Oregon.

Conditional use - A use ~~which that~~ requires a Conditional Use Permit. ~~See Chapter 4.4. Consensus Agreement or consent among 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.

Corner clearance - The distance from an intersection of a public or private street to the nearest driveway or other access connection, 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 Chapter 2.2, Section 160.~~

Cottage - ~~A small house that may be used as an accessory dwelling, in conformance with Chapter 2.1, Section 200.B.~~

~~Cottage Cluster~~ cluster - A group of two or more cottages on one lot. Cottage ~~Clusters~~ clusters are ~~2-4~~ two to four small, single-family dwellings on one lot, oriented to an alley or common green.

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

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

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 subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Demolition - The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

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~~ City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

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 floodplain management, development is defined as "any manmade change to improved or



unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.”

Development ~~Review~~ review - A non-discretionary or “ministerial” review conducted by the ~~city official without~~ Planning Commission ~~within a public hearing.~~ regular planning meeting usually done to discuss and review options prior to an actual application for a development. It is for complex developments and land uses that do not require ~~site design review~~ Site Design Review approval. Development ~~Review~~ review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as setbacks, lot coverage, building height, and similar provisions of Chapter 2.0 - Land ~~use~~ Use Districts.



~~compliance with the basic development standards of the land use district, such as setbacks, lot coverage, building height, and similar provisions of Chapter 2 Land use Districts.~~

~~Discontinued/abandoned use - See Chapter 5.2.~~

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

District - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites that are unified historically by plan or physical development (e.g., downtown, residential neighborhood, military reservation, ranch complex, etc.).

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.

Driveway - Areas that provide 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 3.1.2K.~~

~~Drought tolerant/drought resistant plants - Refer to Sunset Western Garden Book (latest edition).~~

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

Dwelling unit - A "dwelling unit" is 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 ten or fewer persons (UBC 205).

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

Elevation - Refers to 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 a land ordinance. See Chapter 2.1, Section 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.

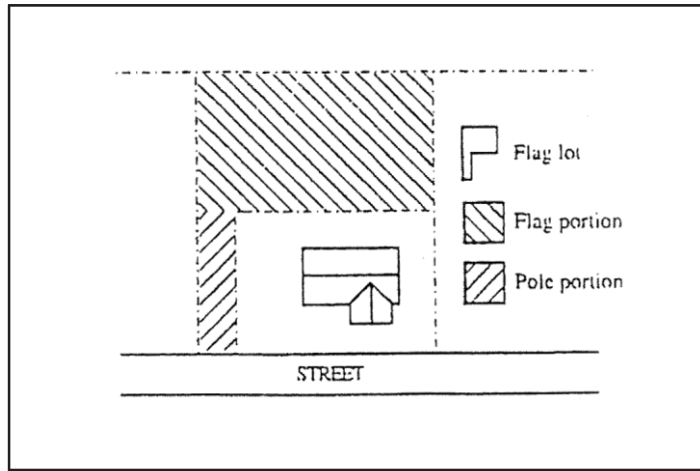
Extraordinary historic importance - The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Family ~~day care~~ daycare - See "Child care/Childcare center".

Farming, Farm use - The use of land for raising and harvesting crops, or for the feeding, breeding, and management of livestock, or for dairying, or for any other agricultural or horticultural use, or any combination thereof, including disposal of such products by marketing or otherwise. Farming also includes the use and construction of buildings customarily used in the above activities.

~~**Fire apparatus lane** – As defined by the Uniform Fire Code.~~

Flag lot - A lot or parcel ~~which~~ 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 Chapter 2.1, Section 140.~~



~~Flood area~~ area - The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached porches and balconies, excluding open courtyards and vent shafts.

~~Flood hazard boundary map~~ Insurance Rate Map (FIRM) - The official map of a community, on which the Federal Insurance and Mitigation Administration has delineated both the ~~areas of special flood hazards~~ hazard areas and the risk premium zones applicable to the community.

~~Flood insurance study~~ - The official report provided by the Federal Insurance Administration A FIRM that ~~includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.~~ has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

~~Flood~~ Flood Insurance Study (FIS) - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood or Flooding - (a) A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal water and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source (3) mudslides (i.e., mudflows) that are caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event, which results in flooding as defined in paragraph (a)(1) of this definition.

~~Floodway~~ elevation study - See "Flood Insurance Study."

Flood Proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

~~City of Weston~~ ~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2004~~  
~~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~~, a designated height. Also referred to as "Regulatory Floodway."

~~Floor area ratio~~ - ~~The relationship of a building's floor area to the total area of its lot. The floor area ratio (FAR) is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Chapter 2.2, Section 130.~~

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

Frontage street or road - A minor street ~~which~~ that parallels an arterial street ~~in order~~ to provide access to abutting properties and minimize direct access onto the arterial street.

Functionally dependent use - A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities. Under limited circumstances, variances may be issued for functionally dependent uses provided that the structure is protected by methods that minimize flood damage during the base flood and there are no additional threats to public safety.

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

Grade - The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within ~~five~~ 5 feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

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.~~

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.

~~Home~~ Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Resource - A building, structure, object site, or district that meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

1. Building - A construction made for purposes of shelter or habitation (e.g., house, barn, store, theater, train station, garage, school, etc.).
2. Structure - A construction made for functions other than shelter or habitation (e.g., bridge windmill, dam, highway, boat, kiln, etc.).
3. Object - A construction that is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g., statue, fountain, milepost, monument, sign, etc.).

~~4. Site - The location of a significant event, use, or occupation, ~~home occupation site~~ which may include associated standing, ruined, or underground features (e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.).~~

~~5. District - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites unified historically by plan or physical development (e.g., downtown, residential neighborhood, military reservation, ranch complex, etc.).~~

~~Historic Resources of Statewide Significance - Buildings, structures, objects, sites, and districts which are listed on the National Register of Historic Places (NRHP).~~

~~Historic structure: Any structure that is:~~

- ~~1. Listed individually in the NRHP (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the NRHP ;~~
- ~~2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or~~
- ~~4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:~~
  - ~~a. By an approved state program as determined by the Secretary of the Interior or~~
  - ~~b. Directly by the Secretary of the Interior in states without approved programs.~~

~~Home occupation, home occupation site - Small commercial ventures ~~which~~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. ~~See Chapter 4.9, Section 2.~~~~

~~**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 downtowns and 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 motor vehicle traffic.~~

~~**Impervious surface** - Development that does not allow for water infiltration (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.~~

~~Infill - A dwelling that is proposed on land ~~that is~~ zoned for residential use where at least 75% percent of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a structure is removed to make way for a new house, manufactured home, duplex, and attached house. These standards do not apply to a dwelling that is proposed on land ~~that is~~ large enough that it can be divided into four or more lots.~~

~~Land division - The process of dividing land to create parcels or lots. [Text](#)~~

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 revegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design. ~~See Chapter 2.1, Section 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 Chapter 4, Section 1.6.~~

~~**Light manufacture** - Light Manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods) See Chapter 2, Section 4.11-0.~~

Livestock - Domestic animal types customarily raised or kept on farms.

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local 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 Chapter 3, Section 4.1.~~

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.01 0(3)). A lot or parcel under the same ownership as mapped and referenced by the Umatilla County Assessor’s Office. ~~See Chapter 4.3.~~

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

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

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

~~Lot Depth~~ - Lot depth - The average distance measured from the front lot line to the rear lot line.

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. In this Code, lot line adjustment also includes the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

~~**Main/Primary entry/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. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open 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. Buildings may also have main entrances opening directly into a reception or sales areas a courtyard or plaza.~~

~~Maneuvering area/aisle - Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.~~

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

Manufactured dwelling - ~~A~~ A manufactured dwelling can include ~~of~~ the following residences defined below: a residential trailer, a mobile home, or a manufactured home.

~~Manufactured dwelling park - Four or more units located on one lot allowing.~~ For the purposes of the Flood Hazard section, a manufactured dwelling is a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

Manufactured ~~Home~~ home - A manufactured home is a portable residence constructed after 1976. A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the ~~US Dept.~~ U.S. 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. ~~See Section 2.1.700 and 2.1.200(c)~~

Manufactured ~~Structure~~ structure - A manufactured structure includes the following residence types: a recreational vehicle, residential trailer constructed prior to 1962, a mobile home constructed between 1962 and 1976, or a manufactured home constructed after 1976. For the purposes of this Code, ~~Manufactured Structure~~ manufactured structure also includes structures built and installed as temporary classrooms or other ~~on~~ non-residential uses.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit ~~is~~ such an action. ~~See Chapter 4, Section 1.4.~~

Mitigation - To avoid, rectify, repair, or compensate for negative impacts ~~which~~ that result from other actions (e.g., ~~Improvements,~~ improvements, to a street may be required to mitigate for transportation impacts resulting from development.)

~~Mixed-use building/development/horizontal/vertical - Mixed-use refers to residential with commercial or public/institutional use. Vertical mixed-use is housing above the ground floor, and horizontal mixed-use is housing on the ground floor. See Chapter 2.2, Section 180.A.~~

Multi-family housing - Housing that provides more than three dwelling units on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). ~~See Chapter 2.1, Section 200F.~~

Multi-use pathway - Pathways for pedestrian and bicycle use. ~~See Chapter 3.1, Section 3.A.4.~~

~~Natural resource areas/natural resources - Same as "Sensitive lands". See Chapter 3.7.~~

~~City of Weston~~ ~~Natural hazard~~ - Natural areas that can cause dangerous or difficult development situations such as steep slopes, unstable soils, landslides, and flood areas. ~~Zeigler Danger Test~~ ~~Mar 28 2001~~

Neighborhood - A geographic area that is primary residential and usually has a distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those ~~which are~~ primarily intended to accommodate motor vehicle traffic.

~~Neighborhood commercial - Small scale commercial uses allowed within the residential neighborhood commercial district. See Chapter 2.1, Section 200.K.~~

New construction - 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 of Weston and includes any subsequent improvements to such structures.

Non-conforming use/non-conforming development - An existing land use, structure, or property access that would not be permitted by the regulations imposed by the Code and was lawful at the time it was established. ~~See Chapter 5.2.~~

Non-native invasive plants - See Oregon State University Extension Service Bulletin ~~for your area.~~

Object - A construction that is primarily artistic or commemorative in nature and not normally movable or part of a building or structure (e.g., statue, fountain, milepost, monument, sign, etc.).

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 ~~which~~ 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 - Faced toward a particular point of reference (e.g., ~~"A building"~~ "A building oriented to the street").

Oriented to a street - See "Orientation" ~~"~~ "

Outdoor commercial use - A use supporting a commercial activity ~~which~~ that provides goods or ~~ser-vices~~ 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, lumber yards, and equipment rental businesses.

~~Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.~~

~~Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See Chapter 2.6.~~

Parcel - A parcel is a unit of land ~~that is~~ created by a partitioning of land (ORS 92.01 0(6)). ~~See Chapter 4.3.~~

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

Parking ~~Space~~space - An area adequately sized, having access to a public street, used or intended to be used for the parking of a vehicle.

~~Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is the area used for placing or leaving a motor vehicle in a location for maintenance, repair, sale, rental, or future use.~~

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 also, ORS 92.010(8)).

~~Pathway/walkway/access way - See Chapter 3.1, Section 3. - A. As defined in this Code, a pathway or multi-use pathway may be used to satisfy the requirements for "accessways" in the Transportation Planning Rule (Oregon Administrative Rule [OAR] 660-012012-045).~~

~~Pedestrian amenity(ies) - Pedestrian areas and objects that serve as places for socializing and enjoyment of the City's City's downtown/main street. Examples include benches or public art or sculpture. See Chapter 2.2, Section 170.~~

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

~~Performance Standards - 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).~~

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

Planter strip or tree cut-out/tree well - An area for street trees and other plantings within the public right-of-way. A planter strip is located between the street and a sidewalk. A tree cut-out/well is within the sidewalk area.

Plat - A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Umatilla County Assessor's Office. ~~All plats shall also conform to Chapter 4.3 - Land Divisions.~~

Plaza - A public square or extra-wide sidewalk (e.g., as on a street ~~corner~~ corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. ~~See Chapter 2.2, Section 170.~~

Pocket park - A small park, usually less than one-half acre.

Portable Storage Container (PSC) - Any box-like container that can be transported by truck or trailer.

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 Figure 2.1-130. - Boundary line between two pieces of property.~~

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 - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. ~~See Chapter 4.1, Section 5. This usually pertains to Type II and/or Type III procedures.~~

Recreational Vehicle - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

Relocation - The removal of a resource from its historic context.

Residence - Same as "Dwelling Unit".

Residential ~~caretaker unit - See Chapter 2.3, Section 160.B.~~

~~Residential care home/~~ care home/ Residential care facility - Residential treatment or training homes or adult foster homes licensed by the State of Oregon. ~~See Chapter 2.1, Section 200.G.~~

~~Ridge line (building) - The top of a roof at its highest elevation.~~

~~Right-of-way~~ Residential caretaker unit - A dwelling unit for caretakers living on-site in the industrial district.

Right-of-way - Land that is owned in ~~fee simple~~ Fee Simple by the public, usually for transportation facilities and/or utilities.

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

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

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

~~Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)~~

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

Setback - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side, and rear yards.

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

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. (~~daytime~~ Daytime versus nighttime primary uses. ~~See Chapter 3.3, Section 3.C.4.~~)

~~Shopping street - A street or drive designed with the elements of a good pedestrian-oriented street: buildings with close orientation to the street, on-street parking, wide sidewalks, street trees, pedestrian-scale lighting. See Chapter 2.2, Section 140.C.~~

~~City of Weston~~  
~~Sign~~ - An identification, description, or device ~~which~~ ~~Zone Ordinance Text~~ directs attention to a product, place activity, person, ~~institution~~ or business and which is affixed to or represented upon a building structure or land. Each display surface of a sign structure shall be considered a separate sign.

~~Each display surface of a sign structure shall be considered a separate sign.~~

Significant trees, significant vegetation - Trees and shrubs with a trunk diameter of 8 inches or more, as measured 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". ~~Also any trees and shrubs that have been designated as "Sensitive Lands", in accordance with Chapter 3.7. See Chapter 3.2, Section 2.B.1."~~

Single-family attached housing (townhomes) - Two or more single-family dwellings with common end-walls. ~~See Chapter 2.1, Section 110 and Section 200.~~

Single-family detached house - A single-family dwelling that does not share a wall with any other building. ~~See Chapter 2.1, Section 110.~~

~~Single family detached zero lot line house Site - A single family detached house with one side yard setback equal to zero. See Chapter 2.1, Section 110 and Section 200.~~

~~Site~~ - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code. For the purposes of historic preservation a site is defined as, the location of a significant event, use, or occupation which may include associated standing, ruined, or underground features (e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.)

Site design review - A discretionary review that applies to all developments in the ~~city~~ City, except those specifically listed under 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. ~~For Site Design Review and Development Review see Chapter 4.2.~~

Solar Energy System - An assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

Special flood hazard area: See "Area of Special Flood Hazard" for this definition.

Specific Area Plan - Describes in more detail the type of development planned for a specific area (not just one site) than is typically found in a comprehensive plan, zone map, or public facilities plan. ~~See Chapter 2.5.~~

Standards and criteria - Standards and criteria are Code requirements. Criteria are the elements required to comply with a particular criterion.

~~Standards and criteria - Standards and criteria are Code requirements. Criteria are the elements required to comply with a particular criterion.~~

Start of construction - Includes substantial improvement and 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 from the date of the permit. 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 dwelling 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 foundations 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.

State Building Code - The combined specialty codes.

Steep slopes - Slopes ~~of~~ greater than 25 percent.

Storefront character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (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/road - A public or private way for travel by vehicles, bicycles and pedestrians, that meet the city standards in Chapter 3.4, Section 1.~~

~~Street access - See Chapter 3.1, Section 2.~~

~~Street connectivity - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds.~~  
Passage for pedestrians and vehicles to circulate through neighborhoods; a connected street system.

Street furniture/~~/~~furnishings - Benches, lighting, bicycle racks, drinking fountains, ~~mail boxes~~ mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way. ~~See also, Chapter 2.2, Section 170.~~

Street stub ~~- A - A~~ temporary street ending ~~;~~ (i.e., where the street will be extended through adjacent property in the future, as those properties develop). Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cut-out.

~~Structure - A~~ Street/road - A public or private way for travel by vehicles, bicycles, and pedestrians that meets the City standards.

Structure - For floodplain management purposes, a walled and roofed building or "manufactured structure" (see definition above), including a gas or liquid storage tank, that is principally above ground; an open air, non-enclosed construction, e.g., a patio roof or a gazebo, as well as a manufactured dwelling.

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

~~Surface water management - See Chapter 3.5.~~

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

Substantial Improvement - Any 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 which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living conditions; or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Surface water management - Protective actions and design features to minimize impact to waterbodies from construction or development.

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

~~Usually a broad, shallow depression with plants that filter and process contaminants.~~

Tangent - Meeting a curve or surface in a single point.

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

Topographical constraint - Where existing slopes prevent conformance with a ~~code~~ Code standard.

Tracts: private/public - A piece of land set aside for dedication to the public, a homeowner’s 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 (e.g., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:

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

~~Transportation Facilities and Improvements require a Conditional Use Permit (CU) under Section 4.4.4000. Transportation improvements include the following:~~

- ~~1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.~~

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

3. Projects specifically identified in the ~~City’s~~ City’s adopted ~~Transportation System Plan~~ TSP as not requiring further land use review and approval.

4. Landscaping as part of a transportation facility.

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

~~4.1. as part of a transportation facility.~~

~~5.1. Emergency measures necessary for the safety and protection of property.~~



- 6. Construction of a street or road as part of an approved subdivision or partition as designated in the ~~City of Weston~~ City of Weston adopted ~~Transportation System Plan TSP~~, except for those ~~that are~~ located in exclusive farm use or forest zones.
- 7. Construction of a street or road as part of an approved subdivision or land partition ~~approved~~ consistent with the applicable land division ordinance.

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.).

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

~~Urban growth area~~ - ~~The urban growth area designated for the City of Weston, Oregon.~~

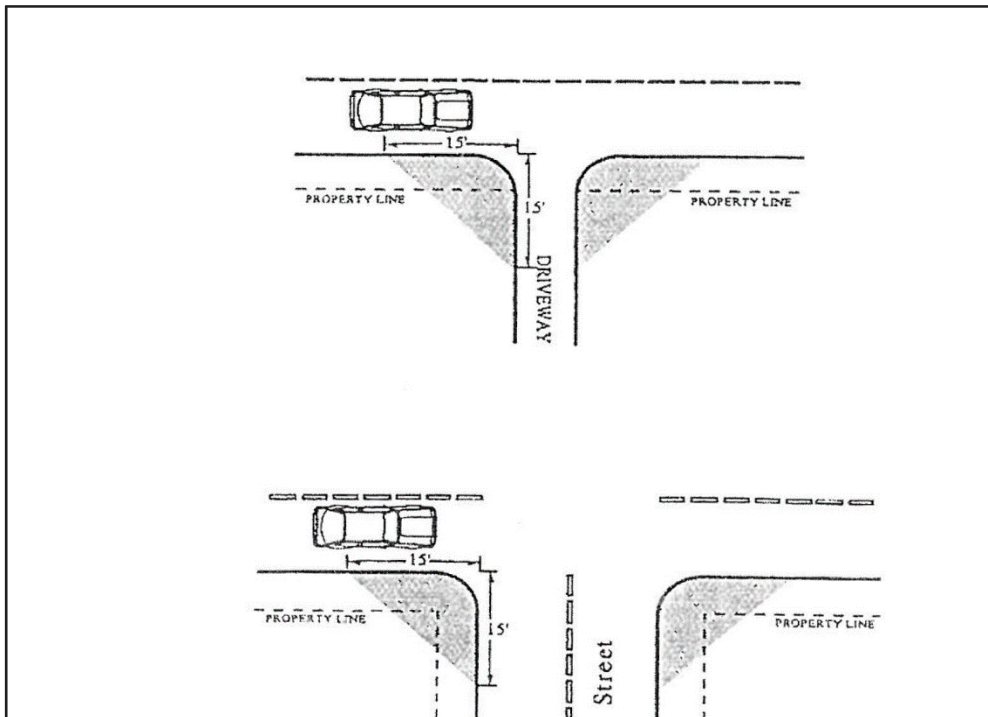
~~Urban growth boundary~~ boundary - The urban growth boundary designated for the City of ~~Weston~~ Weston, Oregon.

~~Vacate plat/street~~ - ~~To abandon a subdivision 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. A plat may be vacated, returning the property to an undivided condition.~~

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1 See Section 5.1 - Variances. For floodplain purposes, a variance is a grant of relief by the City from the terms of a floodplain management regulation.

Vision clearance area - The ~~shaded~~ vision clearance area ~~as shown on the figure below is the Vision Clearance Area. The Vision Clearance Area includes~~ Corner Clearance, corner clearance, which is the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

~~The Vision Clearance area is regulated and further described in Section 3.1.2.N of the Code.~~



Wetland - Wetlands are land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more specifically by the Federal Clean Water Act (Section 404) and ~~Oregon Administrative Rules (OAR 141-85-010)~~.

Excavation, filling, or development of wetlands generally requires a permit from the Oregon ~~Division~~Department of State Lands and/or the ~~US~~U.S. Army Corps of Engineers. For more information, contact the Oregon ~~Division~~Department of State Lands.

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

Wireless communication equipment - Facilities used for radio signal transmission and receiving, includes cell 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~~s~~).

~~Zero-lot line house~~Zero-lot line house - Single-family courtyard home that is not subject to side yard setbacks on one side of a typical lot. ~~See Chapter 2.1, Section 200.A.~~

1.4. Enforcement

1.4.100 Provisions of this Code Declared to be Minimum Requirements.

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

# ~~Chapter 4.0 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.
- ~~B.A. 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~~

### 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~~

### 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.

~~City of Weston~~ ~~City of Weston~~ ~~Zoning Ordinance~~ ~~March 2001~~  
**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~~ City.

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

## ~~1.4.400 Complaints Regarding Violations.~~

### 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 Council.** Such complaints, stating fully the ~~causes~~cause and basis thereof, shall be filed with the City Council. The City Council shall properly record such complaints, ~~and~~ and investigate and take action thereon as provided by this Code.

## ~~1.4.500 Abatement of Violations.~~

### 1.4.500 Abatement of Violations

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

## ~~1.4.600 Stop Order Hearing.~~

### 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 Council 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 Council shall schedule a hearing before the Planning Commission on the stop order for the earliest practicable date, but not more than 30 days after the effective date of any required notice. At the discretion of the City Council 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 Council shall hold this hearing and shall make written findings as to the violation within 30 days. 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 ~~Chapter~~ Section 4.1.500 - Type III Procedure (Legislative).

## ~~4.1.5 Type III (Public Hearing) Procedure.~~

# ~~Chapter 1.0~~

## ~~Chapter 5.0 Chapter 2 Land Use Districts~~

- ~~2.1 Residential (R) District~~
- ~~2.2 Downtown (D) District~~
- ~~2.3 General Industrial (GI) District~~
- ~~2.4 Light Industrial (LI) District~~
- ~~2.5 Historic Preservation Ordinance~~

# ~~Chapter 2.0 Chapter 2.1 Residential (R) District~~

**Sections:**

~~2.1.100 Purpose~~

~~2.1.110 Permitted~~



- ~~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 Design Standards~~
- ~~2.1.200 Special Standards for Certain Uses~~

# ~~Chapter 3.0~~ Chapter 2.0 ~~2.1.300 Residential Sub-~~ Use Districts

- ~~2.1.400 Farm Residential (FR)~~
- ~~2.1.500 Residential Commercial (RC)~~ ~~2.1.600~~
- ~~Residential Multi-Family (RM)~~ ~~2.1.700~~
- ~~Residential Suburban (RS)~~

~~2.1.100 Purpose:~~

<u>Chapter 2.0 - Land Use Districts</u>
<u>2.1 Residential (R)</u>
<u>2.1.100 Purpose</u>
<u>2.1.110 Permitted Land Uses</u>
<u>2.1.120 Building Setbacks</u>
<u>2.1.130 Lot Area and Dimensions</u>
<u>2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes</u>
<u>2.1.150 Residential Density and Building Size</u>
<u>2.1.160 Maximum Lot Coverage</u>
<u>2.1.170 Building Height</u>
<u>2.1.180 Building Orientation</u>
<u>2.1.190 Design Standards</u>
<u>2.1.200 Special Standards for Certain Uses</u>
<u>2.1.300 Residential Sub-Districts</u>
<u>2.1.400 Farm Residential (FR) Sub-Districts</u>
<u>2.1.500 Residential Commercial Sub-District</u>
<u>2.1.600 Residential Suburban Sub-District</u>
<u>2.2 Commercial (C) District</u>
<u>2.2.100 Purpose</u>
<u>2.2.110 Permitted Land Uses</u>
<u>2.2.120 Building Setbacks</u>
<u>2.2.130 Lot Coverage</u>
<u>2.2.140 Building Orientation</u>
<u>2.2.150 Building Height</u>
<u>2.2.160 Design Standards</u>
<u>2.2.170 Pedestrian Amenities</u>

<a href="#">2.2.180 Special Standards for Certain Uses</a>
<a href="#">2.3 Industrial (I) District</a>
<a href="#">2.3.100 Purpose</a>
<a href="#">2.3.110 Permitted Land Uses</a>
<a href="#">2.3.120 Development Setbacks</a>
<a href="#">2.3.130 Lot Coverage</a>
<a href="#">2.3.140 Development Orientation</a>
<a href="#">2.3.150 Building Height</a>
<a href="#">2.3.160 Special Standards for Certain Uses</a>

## 2.1 Residential (R) District

### 2.1.100 Purpose

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

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- 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 schools, parks, and neighborhood services.
- Maintain and enhance the ~~city's~~City's historic characteristics.

### ~~2.1.110 Permitted Land Uses~~

### 2.1.110 Permitted Land Uses

- 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~~chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as "similar" to those in Table 2.1.110.A, may be permitted. Land uses identified as "Sub-district Only" are permitted only within the applicable sub-district. 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~~Section 4.4 - Conditional Use Permits.
- Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in ~~Chapter 4.8~~Section 4.8 - Code Interpretations.

Table 2.1.10A Land Uses and Building Types Permitted in the Residential District

1. Residential:

Single-Family

- ~~a.~~ Single-family detached housing
- ~~a.~~ a. Single family detached
- ~~b.~~ b. Single-family detached zero-lot line\*
- ~~c.~~ c. Accessory dwellings\* dwelling unit\*(CU)
- ~~b.~~ b. Manufactured homes
- ~~d.~~ d. homes - individual lots\*
- ~~e.~~ e. Single-family attached townhomes\*
- ~~f.~~ f. Cottage Clusters (2-4 clusters (two to four small single-family dwellings on one lot, oriented to an alley or common green.)\* (CU)\*

Two- and Three-Family

- ~~f.g.~~ f. Two- and three-family housing (duplex and triplex)\*

Multi-family

- ~~g.h.~~ g. Multi-family housing (RM Sub-district only)\* (CU)

Residential care

- ~~i.~~ i. Residential care homes and facilities\*
- ~~j.~~ j. Family daycare

5. Public and Institutional (CU)\*:

- a. Churches and places of worship
- b. Clubs, lodges, and similar uses
- c. Government offices and facilities (administration, public safety, utilities, and similar uses)
- d. Libraries, museums, community centers, and similar uses
- e. Private utilities
- f. Public parks and recreational facilities
- g. Schools (public and private)
- h. Telecommunications equipment (including wireless)
- i. 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 (TSP) 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\*\* TSP\*\* (CU); and
  - 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition\*\*\* (CU)
  - 9. Uses similar to those listed above

6. Residential Commercial (RC Sub-district only)\*:

Each of the following uses is "size limited" and subject to provisions in Section 2.1.200 - Special Standards for Certain Uses:

- a. All uses listed as ~~1.~~ 1. Residential in this Table
- b. Child Care Center (care for more than 12 children)
- ~~c.~~ c. Food services, excluding automobile-oriented uses
- ~~d.~~ d. Laundromats and dry cleaners
- ~~e.~~ e. Light manufacturing, conducted entirely within building
- ~~f.~~ f. Retail goods and services
- ~~g.~~ g. Medical and dental offices, clinics and laboratories
- ~~h.~~ h. Personal services (e.g., barber shops, salons, and similar uses)
- ~~i.~~ i. Professional and administrative offices
- ~~j.~~ j. Repair services, conducted entirely within a building; auto-repair, similar services excluded
- ~~k.~~ k. Mixed use building (residential with other permitted use)
- ~~l.~~ l. Other similar uses
- 7. Bed and Breakfast Inns (short-term rentals/vacation rentals) (CU)\*
- ~~e.d.~~ d. Laundromats and dry cleaners
- 8. e. Light manufacture, conducted entirely within building
- ~~f.d.~~ f. Retail goods and services
- 9. g. Medical and dental offices, clinics and laboratories
- ~~h.~~ h. Personal services (e.g., barber shops, salons, similar uses)

2. ~~2~~ Home occupations Occupations \*

3. Accessory Uses and Structures Accessory Dwelling Units (ADUs) are included under "single-family" (This this does not include Accessory Dwelling Units ADUs, which are included under "single family" in section 1, above)

4. Agricultural (Permitted only in Farm Residential Sub-district)

10. ~~i. Professional and administrative offices~~

~~j. Repair services, conducted entirely within building; auto-repair, similar services excluded~~

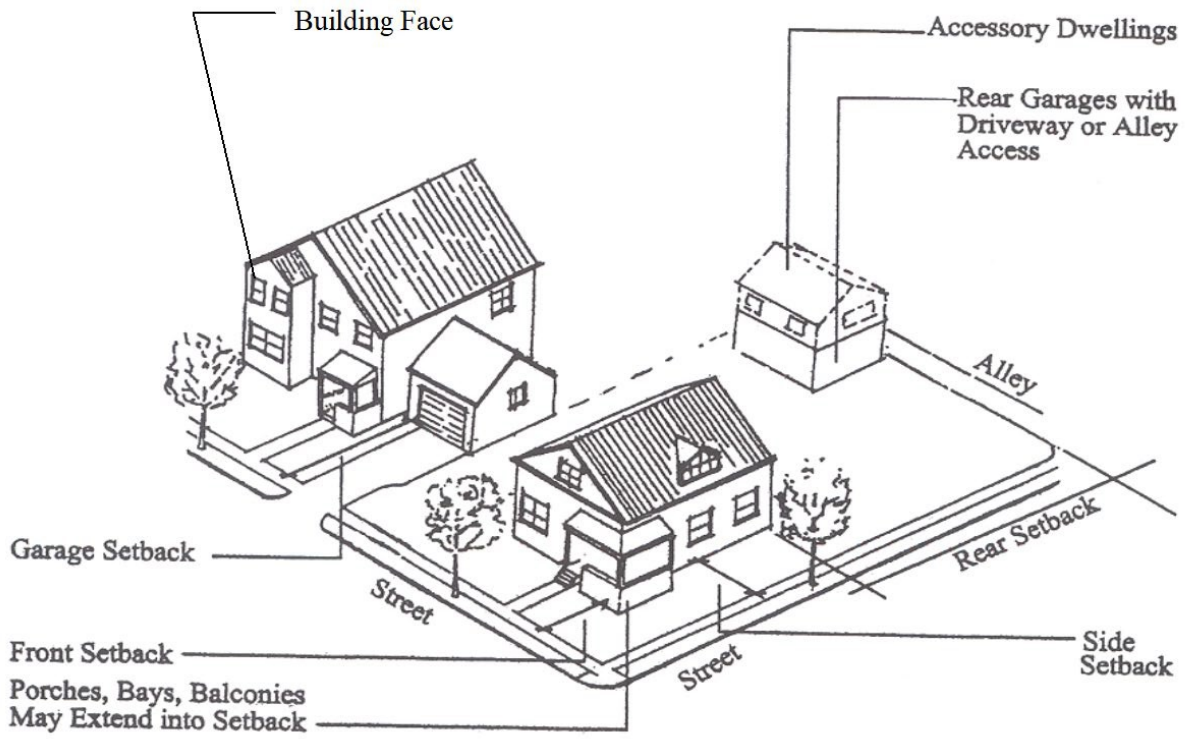
~~k. Mixed use building (residential with other permitted use)~~

~~l. Other similar uses~~

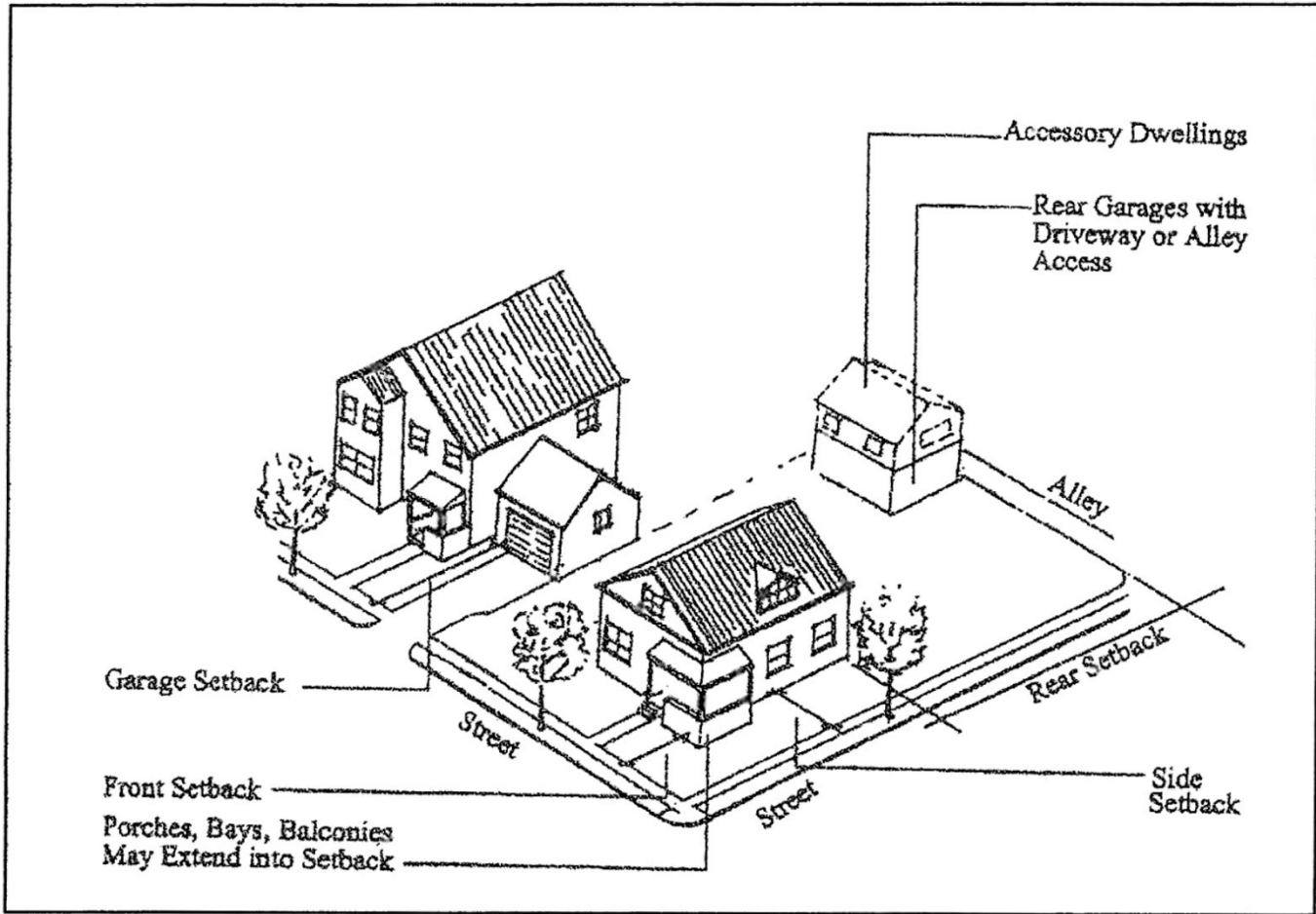
11. ~~6-Bed & Breakfast inns and vacation rentals (CU)\*~~

\* - Uses marked with an asterisk are subject to the standards in Section 2.1.200 - Special Standards for Certain Uses. \*\* - Uses marked with two asterisks are subject to the standards in Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D. (CU) - Uses marked with CU require a Conditional Use Permit. Temporary uses are subject to the standards in Section 4.9 - Miscellaneous Permits. 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.

**Figure 2.1.120 - Setback Standards**



**2.1.120 – Building Setbacks**



**120 Building Setbacks**

Building setbacks provide space for private yards and building separation for fire protection/ security, building maintenance, ~~sun light~~sunlight, and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the face of the building, excluding 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~~variance is required in accordance with ~~Chapter~~Section 5.41 - Variances to modify any setback standard.

~~2.1.120 – Building Setbacks (continued)~~

**A. Front Yard Setbacks.**

1. Residential Uses (single-family, duplex and triplex, multi-family housing types).

a. A minimum setback of 15 feet is required, except that an unenclosed porch may be ~~within 10~~ within 10 feet, as long as it does not encroach into a public utility easement. See also, Section F, which provides standards for ~~Setbacks~~ setbacks for ~~Established Residential Areas~~ established residential areas.

~~a. 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 may be built flush with the front building elevation when the building is set back by at least 20 feet.~~

b. Garages and carports

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

~~2. Residential Commercial Buildings~~

2. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in ~~Chapter~~ Section 3.1. 214 - Vision Clearances.

~~3. Public and Institutional Buildings~~

3. The standards in subsection 2 above (Residential Commercial Buildings) shall also apply to ~~Public~~ public and ~~Institutional Buildings~~ institutional buildings.

**B. Rear Yard Setbacks.**

The minimum rear yard setback shall be 15 feet for street-access lots, and 6 feet for alley-access lots.

**C. Side Yard Setbacks.**

The minimum side yard setback shall be 7 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, and no setback shall be required on the opposite side. (See standards for zero-lot line housing in Section 2.1.200 - Special Standards for Certain Uses.)

**D. Setback Exceptions.**

The following architectural features are allowed to encroach into the setback: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than ~~3~~ than 3 feet. Porches, decks, and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in “2.1.120 Building Setbacks, A”. Walls and fences may be placed on property lines, subject to the standards in ~~Chapter~~ Section 3.2 - Landscaping and Street Trees. Fences and Walls.





~~2.1.120 - Building Setbacks (continued)~~

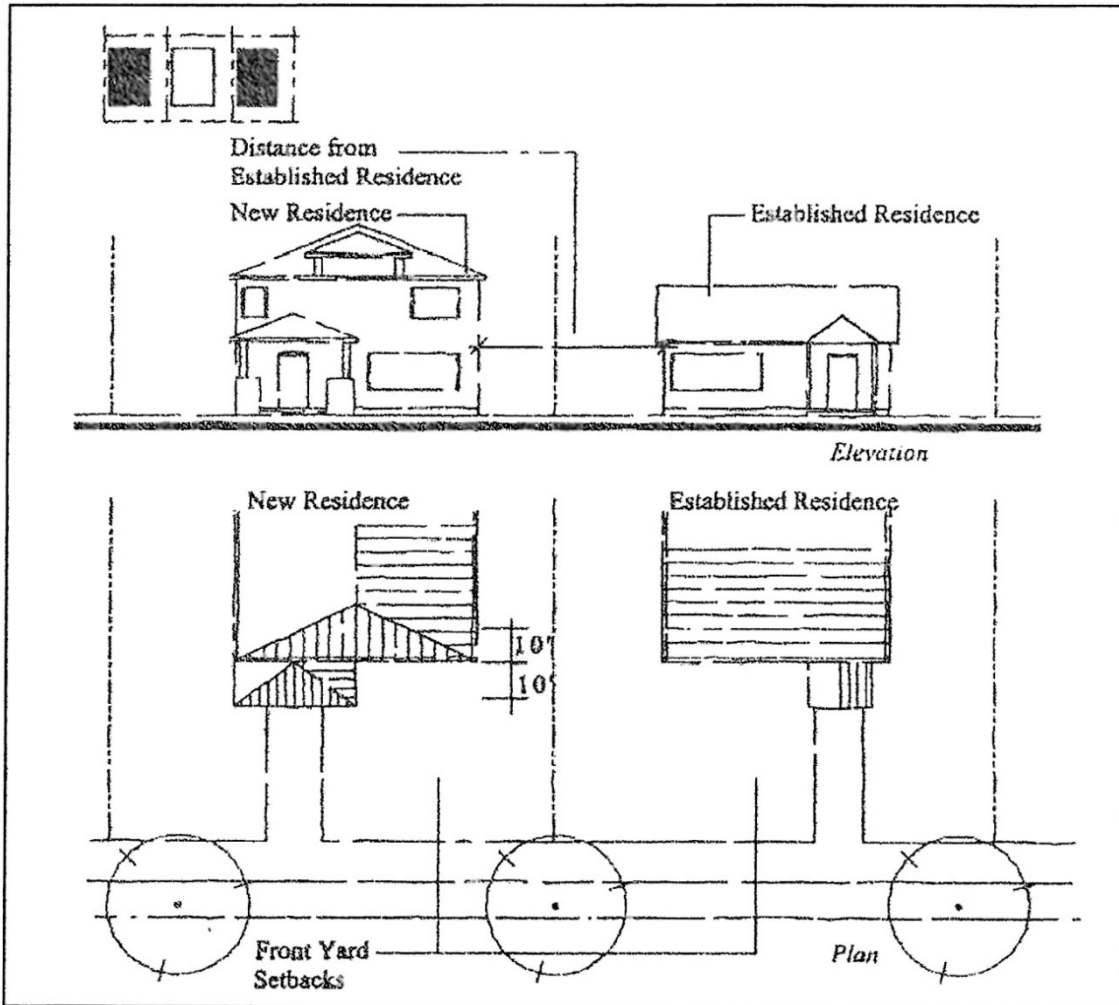
**E. Special Yards - Distance Between Buildings on the Same Lot.**

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 ~~(1/2)~~ 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.

**F. Setbacks for Infill ~~/~~ 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:

**Figure 2.1.120F= Infill ~~/~~ Established Residential Area Setbacks**



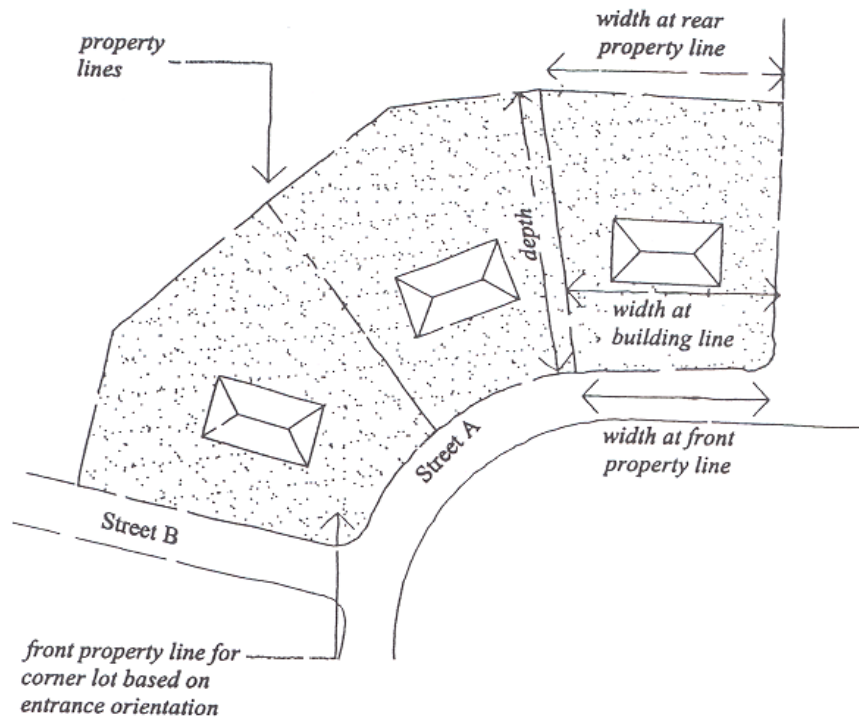
**2.1.120 Building Setbacks (continued)**

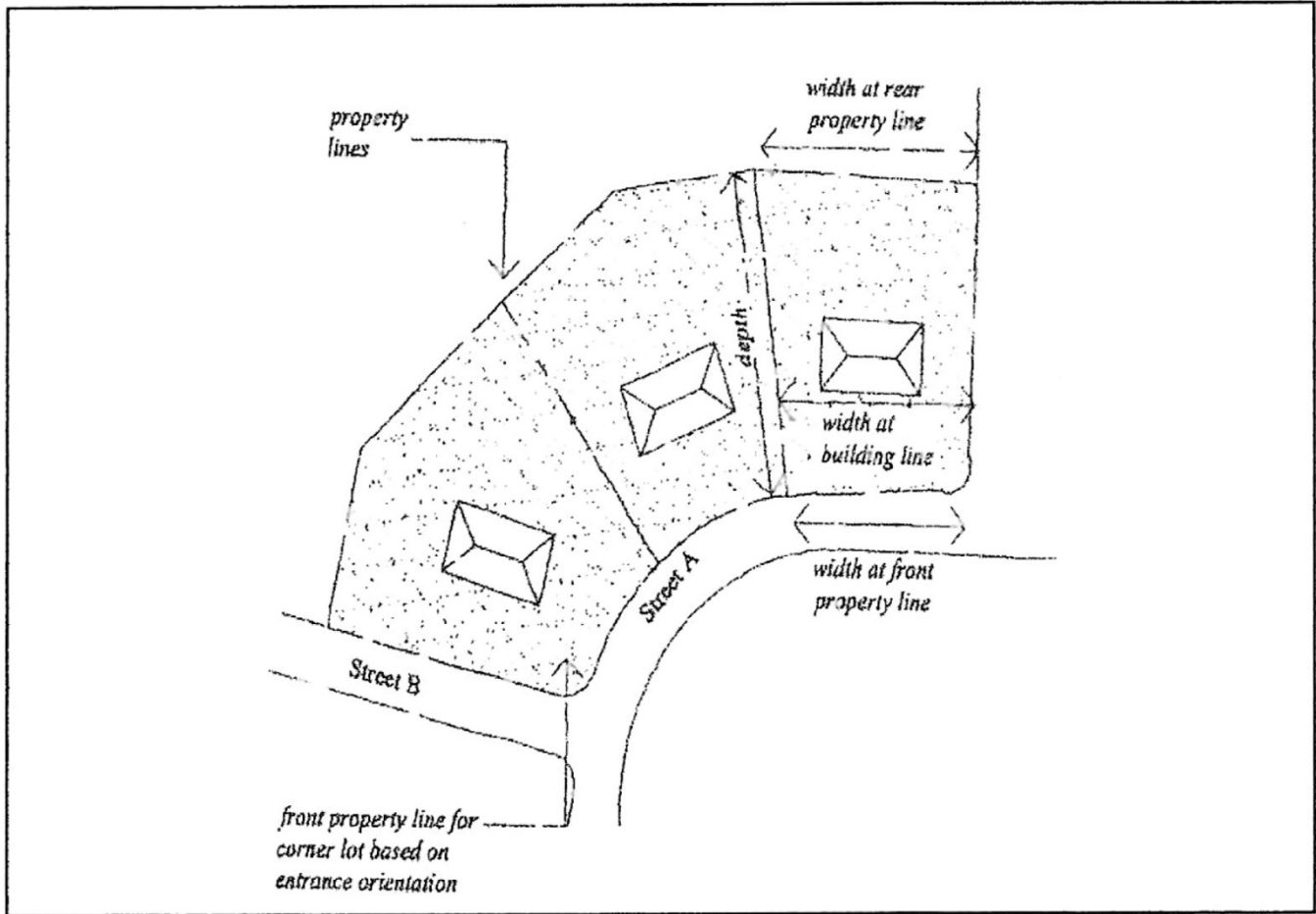
1. When an existing single-family residence on the same street is located within 40 feet of the subject site, a front yard setback similar to that of the nearest single-family residence shall be used. "Similar" means the setback is within 5 feet of the setback provided by the nearest single-family residence 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 ~~15 feet~~ 15 feet and 25 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.
2. In no case shall a front yard setback be less than 15 feet. Zero-lot line ~~houses~~ houses shall comply with the standards for zero-lot line housing in Section 2.1.200 - Special Standards for Certain Uses.
3. The standards in subsections 1 and 2 above shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints, or other sensitive lands).

**2.1.130 Lot Area and Dimensions**

**2.1.130 Lot Area and Dimensions**

Figure 2.1.130 Lot Dimensions





~~**2.1.130 – Lot Area and Dimensions (continued)**~~

**A. Permitted Lot Areas and Dimensions**

For each permitted land use within the Residential District, minimum and maximum lot ~~areas~~ [areas](#) and dimensions are [as](#) listed in Table 2.1.130.A.

**Lot Area and Dimensions Permitted in the Residential District**

Lane Use	Lot Area	Lot Width/Depth	Related Standards
<b>Detached Single-Family Housing; Manufactured Homes on Lots</b>	Minimum: 7,200 square feet  Maximum: 10,000 square feet  Minimum in Residential Suburban Sub-District <del>15,000</del> <a href="#">district: 10,001</a> square feet Maximum in Residential Suburban Sub-District <del>district:</del> None	Minimum Width: 30 feet at front property line, except for flag <del>lots</del> <a href="#">lots</a> and lots served by private lanes (See Section 2.1.140 - <a href="#">Flag Lots and Lots Accessed by Mid-Block Lanes</a> )  Maximum Depth: Three <del>(3)</del> times the lot width; except as may be required otherwise by this <del>code</del> <a href="#">Code</a> (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
<b>Cottage Cluster <del>(2-4)</del> <a href="#">(Two to four)</a> single-family dwellings on one lot, oriented to an alley or common green)</b>	Minimum area for cottage clusters: <del>7,200</del> <a href="#">7,200</a> square feet  Maximum area: 10,000 square feet	Minimum lot width: 60 feet.  Maximum lot depth: <del>three</del> <a href="#">Three</a> times the lot width; except as may be required by this <del>code</del> <a href="#">Code</a> (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
<b>Two-and Three-Family Housing (duplex and triplex)</b>	Minimum area for <del>two</del> <a href="#">Two</a> -family: 7,200 square feet Minimum area for Three-family: 7,200 square feet Maximum: 10,000 square feet	Minimum Width: 60 feet at front property line, except for flag <del>lots</del> <a href="#">lots</a> and lots served by private lanes ( <del>See</del> <a href="#">see</a> Section 2.1.140 <a href="#">Flag Lots and Lots Accessed by Mid-Block Lanes</a> )  Maximum Depth: Three <del>(3)</del> times the lot width; except as required to protect sensitive lands, etc.	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
<b>Attached Single-Family Housing (Townhome)</b>	Minimum area: 3,000 square feet  Maximum area: 4,500 square feet	Maximum Width: 30 feet at front property line, except for flag <del>lots</del> <a href="#">lots</a> and lots served by private lanes ( <del>See</del> <a href="#">see</a> Section 2.1.140 <a href="#">Flag Lots and Lots Accessed by Mid-Block Lanes</a> )  Maximum Depth Three <del>(3)</del> times the lot width; except as may be required by this <del>code</del> <a href="#">Code</a> (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
<b>Multi-Family Housing (more than <del>3</del><a href="#">three</a> units)</b>	Minimum area: 10,000 square feet  Maximum area: None (see "related standards")	Minimum Width: 60 feet at front property line  Maximum Depth: None	The maximum lot <del>/</del> parcel area is controlled by the Block Area standards in <del>Chapter</del> <a href="#">Section 3.1</a> <del>0</del> <a href="#">Access and Circulation</a>
<a href="#">Lane Use</a>	<a href="#">City of Weston Development Code</a>	<a href="#">Lot Width/Depth</a>	<a href="#">Related Standards</a>

**Lot Area and Dimensions Permitted in the Residential District**

<p><b><a href="#">Public and Institutional Uses</a></b></p>	<p><u>Minimum area:</u> None</p> <p><u>Maximum area:</u> None (see <a href="#">Section 2.1.200 - Special Standards for Certain Uses</a>)</p>	<p><u>Minimum Width:</u> <a href="#">60 feet at front property line</a></p> <p><u>Maximum Depth:</u> None</p>	<p><a href="#">The maximum lot/parcel area is controlled by the Block Area standards in Section 3.1 - Access and Circulation</a></p>
<p><b><a href="#">Residential Commercial Uses</a></b></p>	<p><u>Minimum area:</u> None</p> <p><u>Maximum area:</u> None (see <a href="#">Section 2.1.200 - Special Standards for Certain Uses</a>)</p>	<p><u>Minimum Width:</u> <a href="#">60 feet at front property line</a></p> <p><u>Maximum Depth:</u> None</p>	<p><a href="#">The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200 - Special Standards for Certain Uses.</a></p>

~~2.1.130 – Lot Area and Dimensions (continued)~~

~~Table 2.1.130.A (continued)  
Lot Area and Dimensions Permitted in the Residential District~~

<del>Lane Use</del>	<del>Lot Area</del>	<del>Lot Width/Depth</del>	<del>Related Standards</del>
<del>Public and Institutional Uses</del>	<del>Minimum area: None  Maximum area: None (see Special Standards for Certain Uses 2.1.200)</del>	<del>Minimum Width: 60 feet at front property line.  Maximum Depth: None</del>	<del>The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 – Access and Circulation</del>
<del>Residential Commercial Uses</del>	<del>Minimum area: None  Maximum area: None (see Special Standards for Certain Uses 2.1.200)</del>	<del>Minimum Width: 60 feet at front property line.  Maximum Depth: None</del>	<del>The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200.</del>

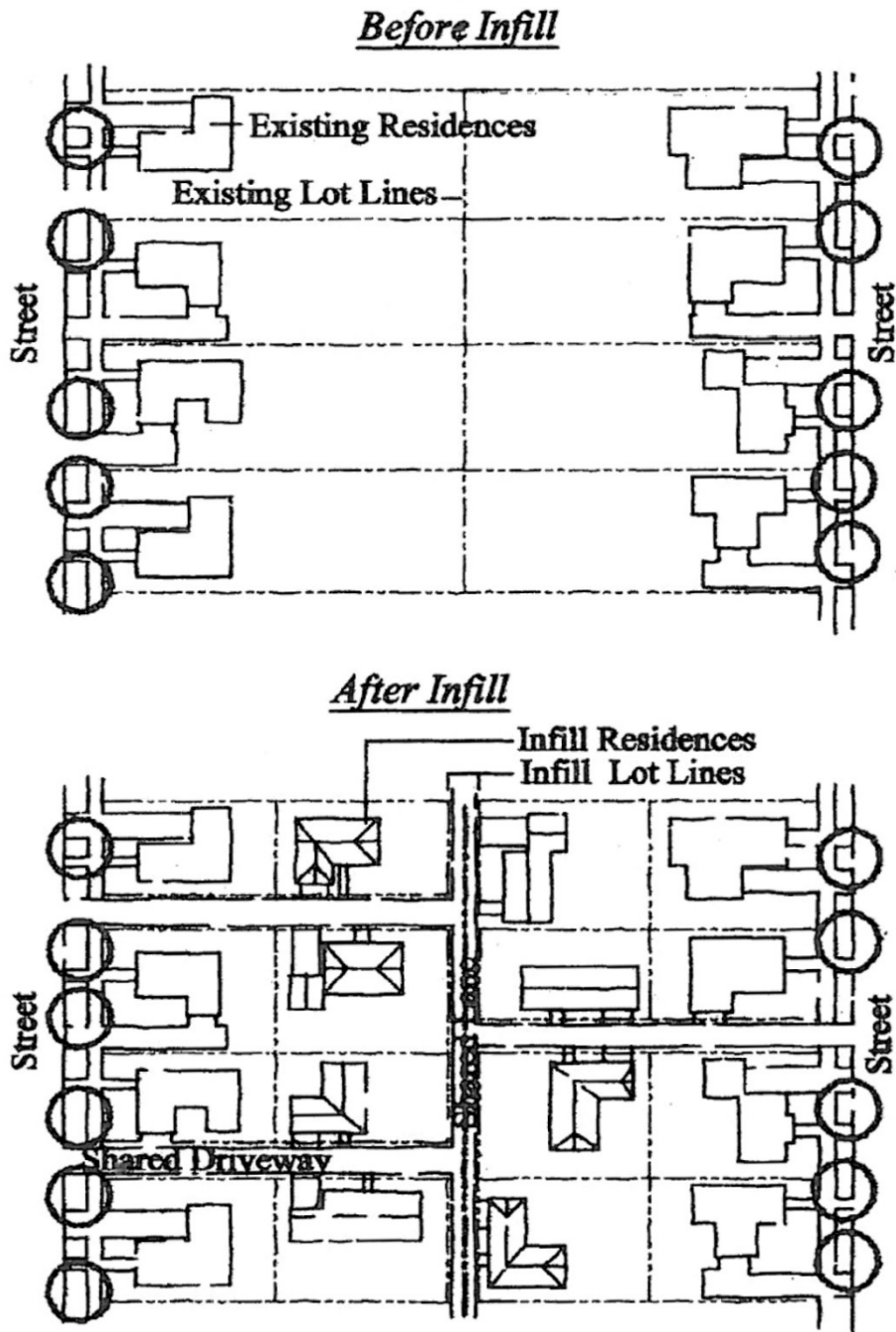
~~2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes~~

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

As shown ~~below~~ on Figure 2.1.140A, 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. Infill lots may be developed as “flag lots” or “mid-block developments,” as illustrated below.

~~as illustrated below:~~

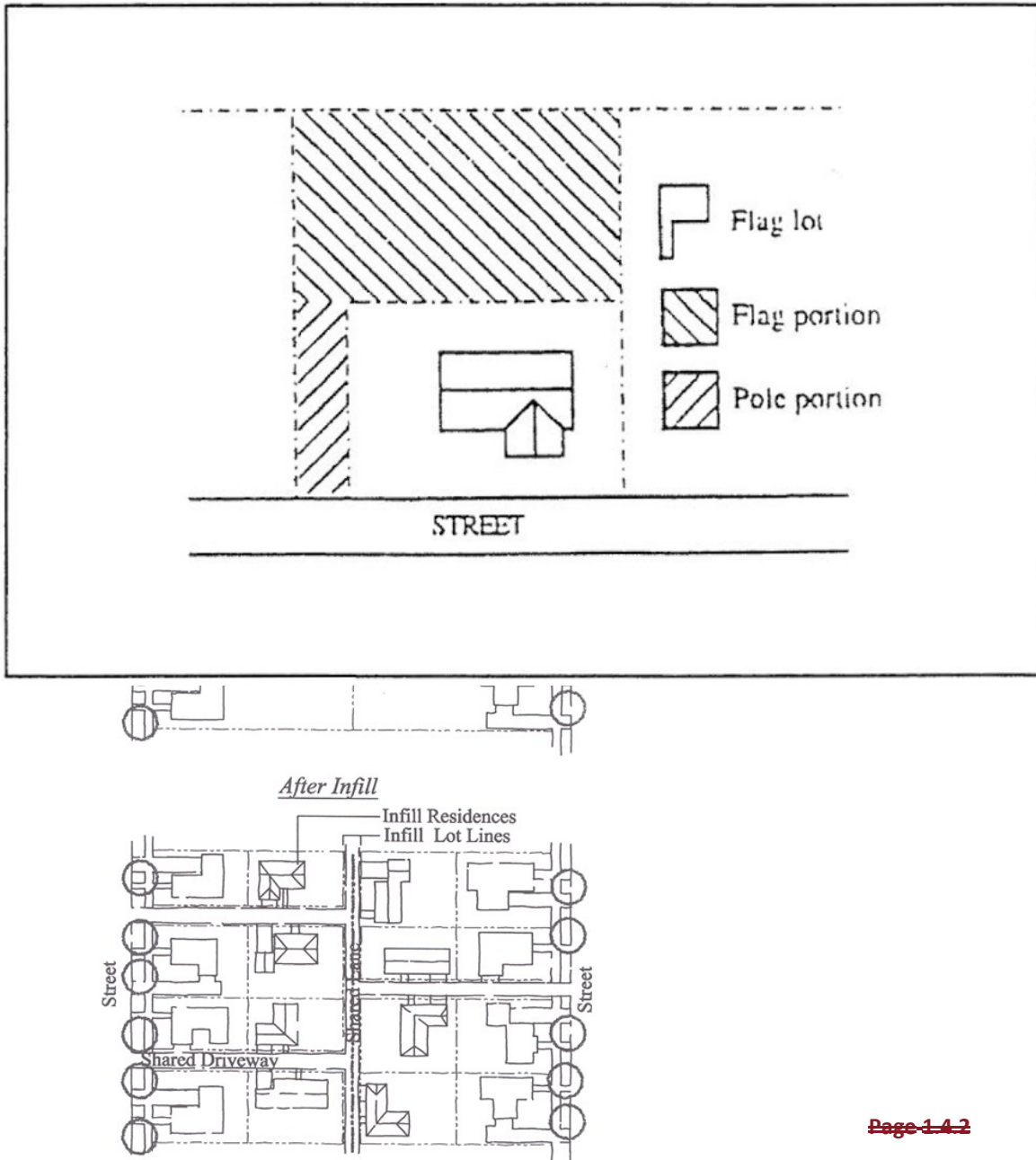
Figure 2.1.140A - Mid-block infill

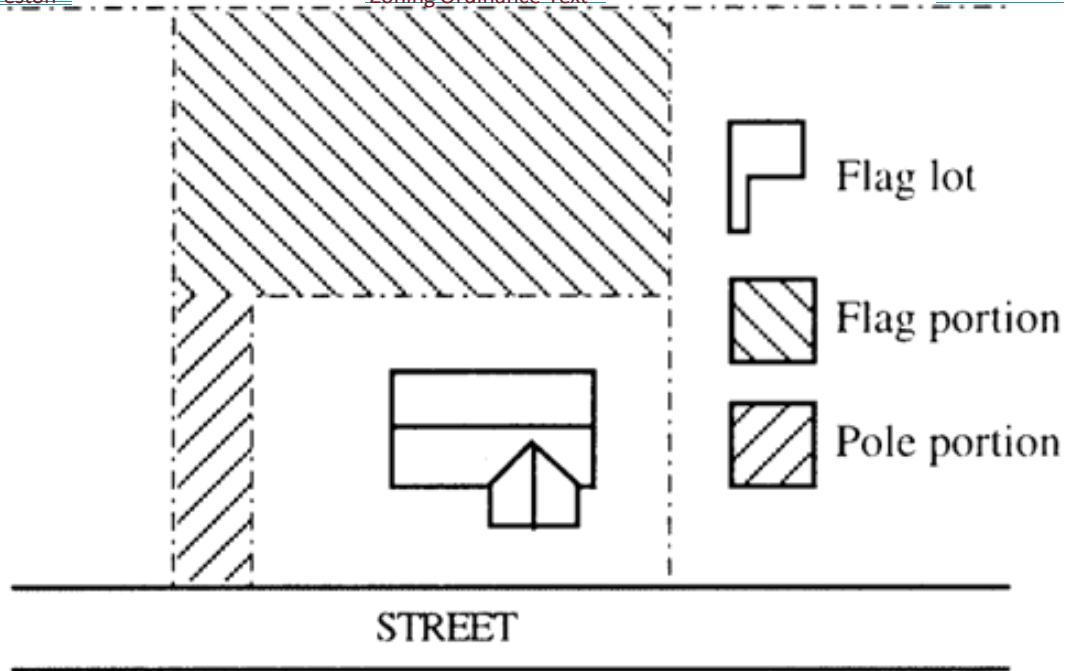




- A. **Mid-block Lanes.** Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, shown as the vertical lane in Figure 2.1.140A. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per ~~Chapter~~ Section 3.4.100 - Transportation Standards, and ~~subsections~~ 2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes, C through F, below.

~~Figure~~ Figure 2.1.140B - Flag Lot (Typical)





- B. Flag Lots.** Flag ~~lots~~ lots may be created only when mid-block ~~lanes~~ lanes cannot be extended to serve future development. A flag lot driveway may serve no more than two ~~(2)~~ dwelling units, including accessory ~~dwellings~~ dwelling units 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 six ~~(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.
- C. Driveway and Lane Width.** The minimum width of all shared drives and lanes shall be 15 feet; the maximum width is 20 feet, except as required by the ~~Uniform Fire Code~~ UFC.
- D. Dedication of Drive Lane.** The owner shall dedicate 15 feet of right-of-way or record a 15-foot easement for vehicle access similar to an alley. This may be accomplished with two ~~7~~<sup>7</sup>-1/2-foot easements for properties sharing a drive. 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~~ UFC, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

~~2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes (continued)~~

- 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 ~~the preceding graphic~~ [Figure 2.1.140B](#)).
- G. **Flag Lots Shall Not Be Permitted ~~when~~.** [When](#) the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

~~2.1.150 Residential Density and Building Size~~[2.1.150 Residential Density and Building Size](#)

- A. Minimum and maximum housing densities are calculated by multiplying the parcel or lot area by the applicable density standard. For example, if the total site area is ~~five (5)~~ acres, and the maximum allowable density is ~~7~~ [seven](#) dwelling units per acre, then a minimum of 35 units is required. The equivalent average lot size (i.e., for single-family dwellings) is determined by subtracting street right-of-way, water quality facilities, and other non-buildable areas from the 5-acre site, then dividing the remaining (net) area by the number of units; assuming 25 percent for streets and other non-buildable areas, this equals an “average single-family lot size” as follows: (217,800 square feet x 0.75) / 7 = 4,667 square feet. This is only one example; actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.1.130 - [Lot Area and Dimensions](#). Flag poles on flag ~~lots~~ [lots](#) shall be considered not buildable for the purpose of calculating densities. See Figure 2.1.140B.
- B. **Minimum Residential Density Standard.** The following density standards apply to all new subdivisions. The standards are intended to ensure efficient use of buildable lands and provide ~~for~~ [for a](#) range of needed housing, in conformance with the Comprehensive Plan.
1. New subdivisions shall provide for housing at densities between [4four](#) dwelling units per net acre minimum and ~~6~~ [six](#) units per [net] acre maximum (based on the 7,200 square ~~feet~~ [foot](#) minimum ~~and 10~~ [and 10](#),000 square foot maximum lot area standards). Development within the Multi-family Sub-district shall provide housing at densities between [4four](#) units per net acre minimum and ~~7~~ [seven](#) units per net acre maximum.
  2. The density standards may be averaged over more than one development phase (i.e., as in a ~~master-planned development~~ [Master Planned Development](#)). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
  3. The following types of housing are exempt from the minimum density standards: Partitions of two or three lots, residential care ~~homes~~ [homes](#)/facilities, and bed and breakfast inns.
  4. Development that is not a subdivision, such as a partition of three lots or fewer, or construction of a single-family home, shall be located on the site so that land is used efficiently and future development can occur at minimum densities.

~~2.1.160 Maximum Lot Coverage~~

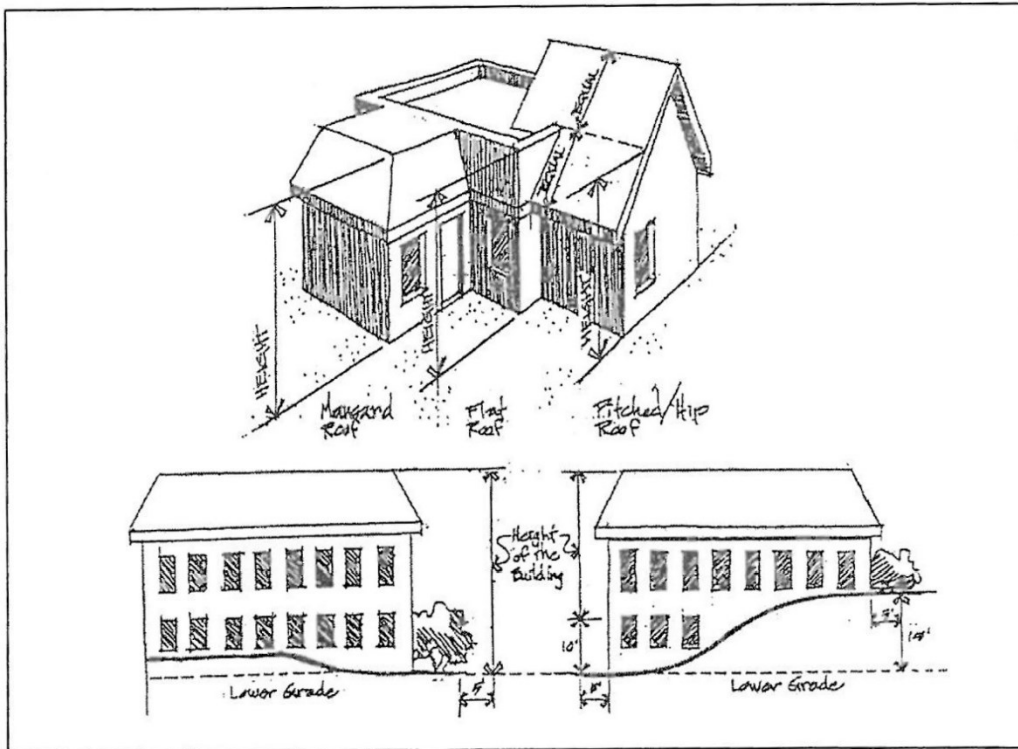
**2.1.160 Maximum Lot Coverage**

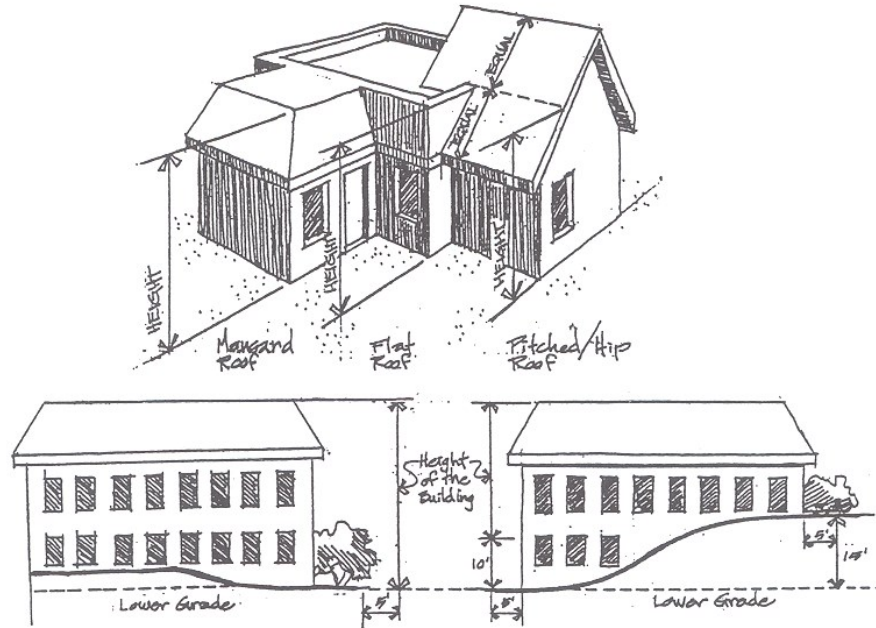
- A. Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all development in this district:
1. Single-Family Detached Houses - 40 percent
  2. Duplexes and Triplexes - 60 percent
  3. Single-Family Attached Townhomes - 60 percent
  4. Cottage Clusters - 40 percent for two dwellings; 60 percent for three or four dwellings
  5. ~~Multiple Family~~ Multi-family Housing - 60 percent
  6. Residential Commercial and Public/Institutional Uses - 80 percent
- B. Lot Coverage Defined.** “Lot Coverage” means all lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.
- C.** Compliance with other sections of this ~~code~~ Code may preclude development of the maximum lot coverage for some land uses.

**2.1.170 – Building Height**

**Figure 2.1.170 – Building Height**

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

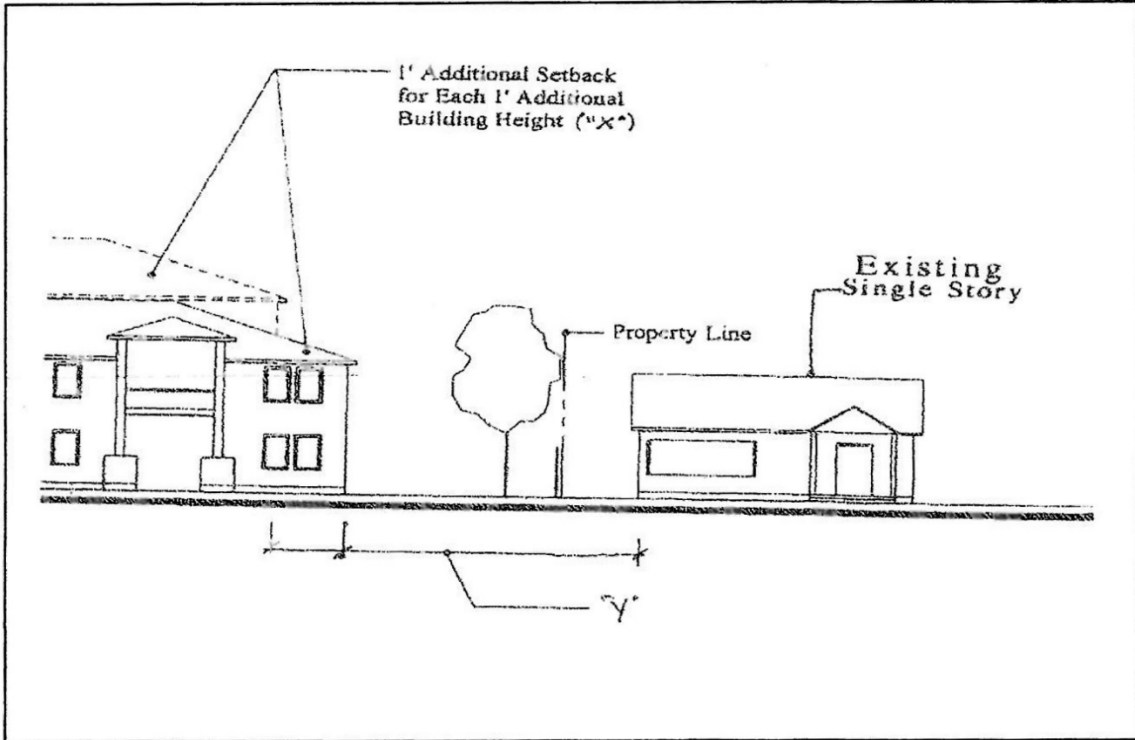


~~2.1.170 - Building Height (continued)~~

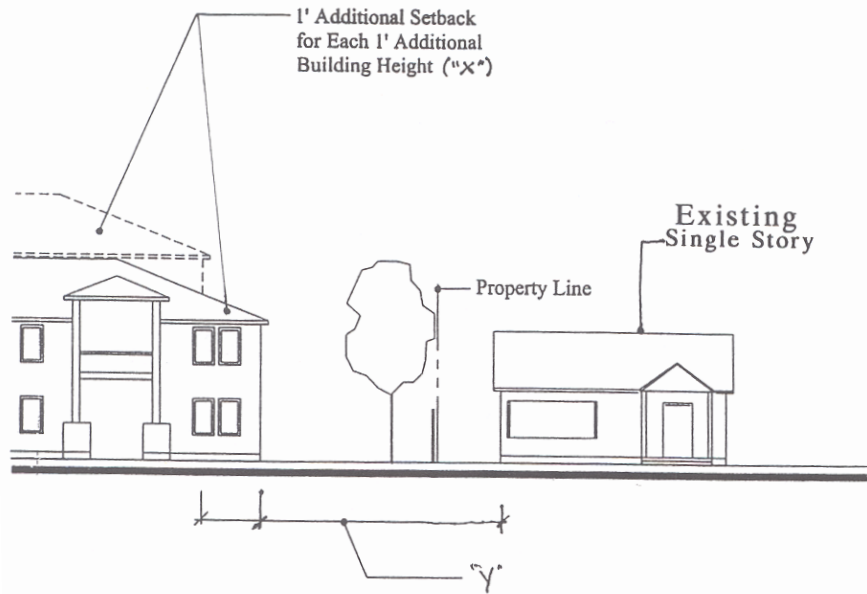
The following building height standards are intended to promote land use compatibility and support the principle of neighborhood scale design.

- A. Building Height Standard.** Buildings within the Residential District shall ~~be~~ no more than 30 feet or 2 and 1/2 stories in height, whichever is greater, and buildings within the Multi-family Sub-district may be up to 35 feet or three stories. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in “2.1.170 - Building Height, C”, below. ~~Not~~ Items not included in the maximum height are ~~chimneys, bell towers, steeples, roof equipment, flagpoles, solar energy systems, and similar features which that~~ are not for human occupancy.
- 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~~ see above examples). 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~~ 5-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet ~~above~~ above the lowest grade.
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in ~~subsection ‘a’~~ “2.1.170 - Building Height, 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.

Figure 2.1.170C - Building Height Transition





~~2.1.170 – Building Height (continued)~~

- C. Building Height Transition.** To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).
1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
  2. The building height transition standard is met when the difference between the height of the taller building (“x”) does not exceed ~~one (1)~~ 1 foot of height for every ~~one (1)~~ 1 foot separating the two buildings (“y”), as shown above.

~~2.1.180 – Building Orientation~~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 down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street.”
- B. Applicability.** This section applies to ~~Single Family Dwellings~~ single-family dwellings including ~~Manufactured Houses, Two~~ manufactured houses, two and ~~Three Family Housing, Attached~~ three family housing, attached townhomes which are subject to Site Design Review (three or more attached units); ~~Multi-Family Housing;~~ multi-family housing; ~~Residential Commercial~~ residential commercial buildings; and ~~(Public~~ public and ~~Institutional~~ institutional buildings.
- C. Building Orientation Standards.** All developments listed in “2.1.180 - Building Orientation, B”, shall be oriented to ~~City of Weston Street.~~ The building orientation standard is met when all of the following criteria are met: ~~Page 2-1-3~~



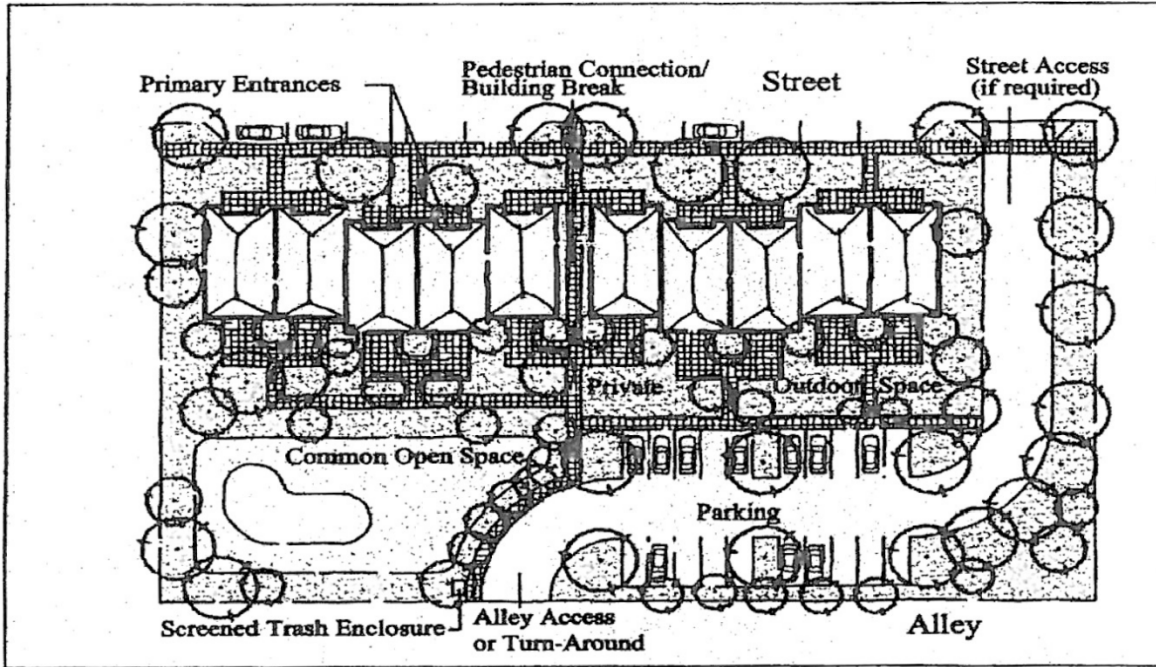
- ~~2.~~ All buildings shall have their primary entrance(s) oriented to the street. Multi-family and ~~Residential Commercial~~residential commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial 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~~Section 3 ~~1~~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 development, duplexes, manufactured ~~homes~~homes, and attached ~~townhouses~~townhomes.
- D. The standard shall not apply to buildings ~~which~~that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment, and similar uses.)

~~2.1.170 – Building Orientation (continued)~~

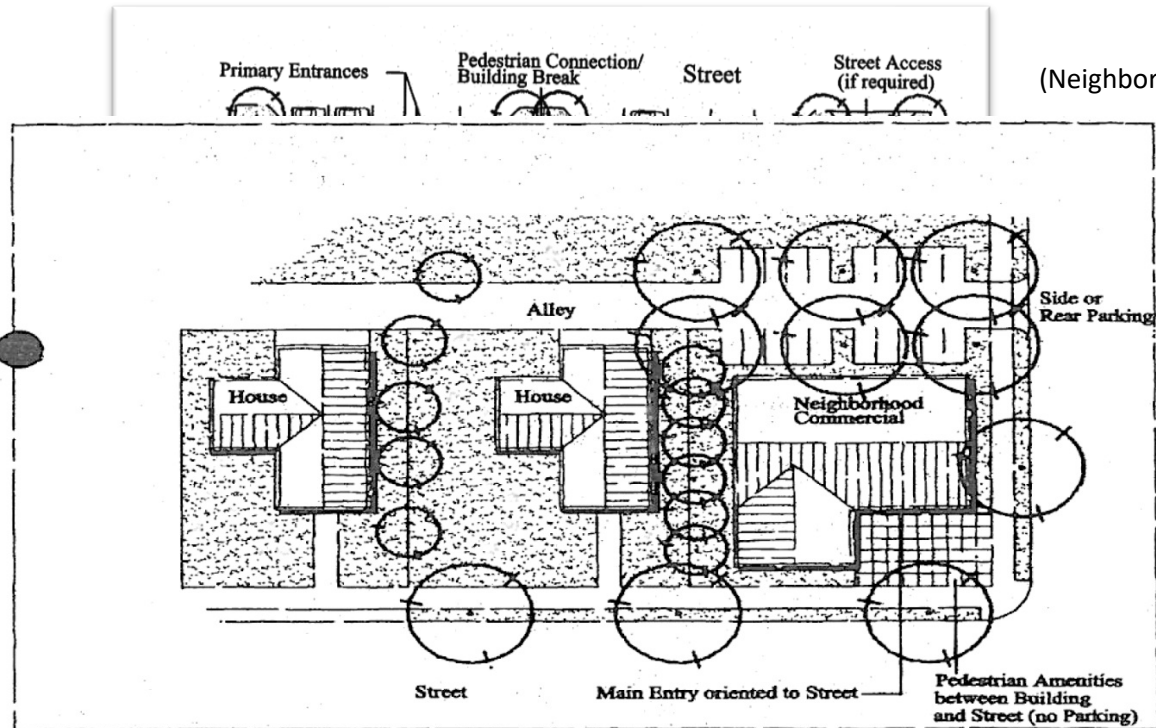
- E. Manufactured ~~Homes~~ homes may have the door facing the side yard if there are windows, making up at least 30% percent of the street= facing wall.

**Figure 2.1.180 - Typical Building Orientation (Multi-Family/Attached Housing and Neighborhood Commercial)**

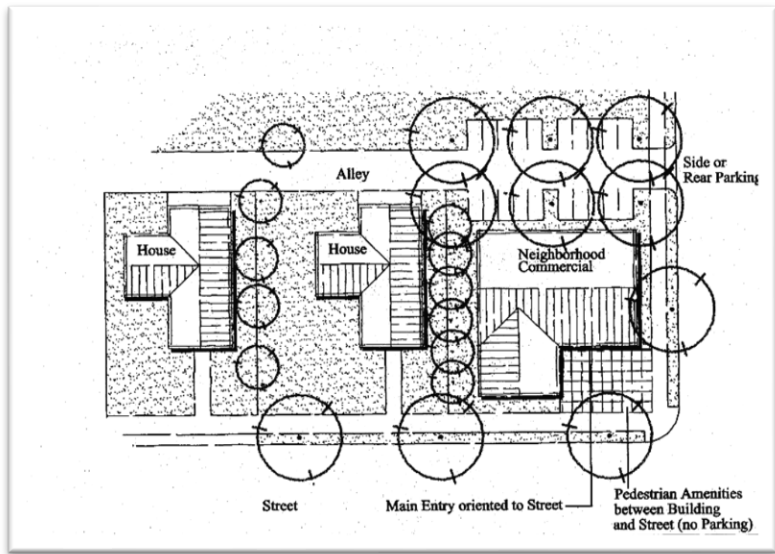
(Multi-Family/Attached Housing)



(Neighborhood Commercial Building)

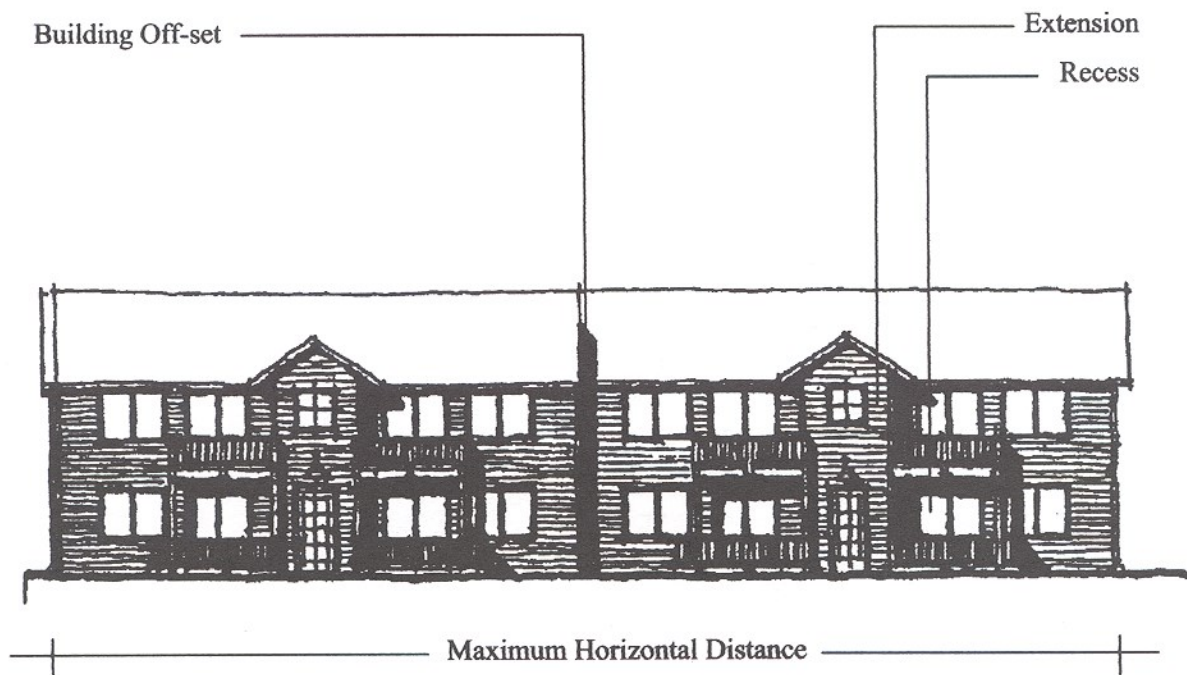


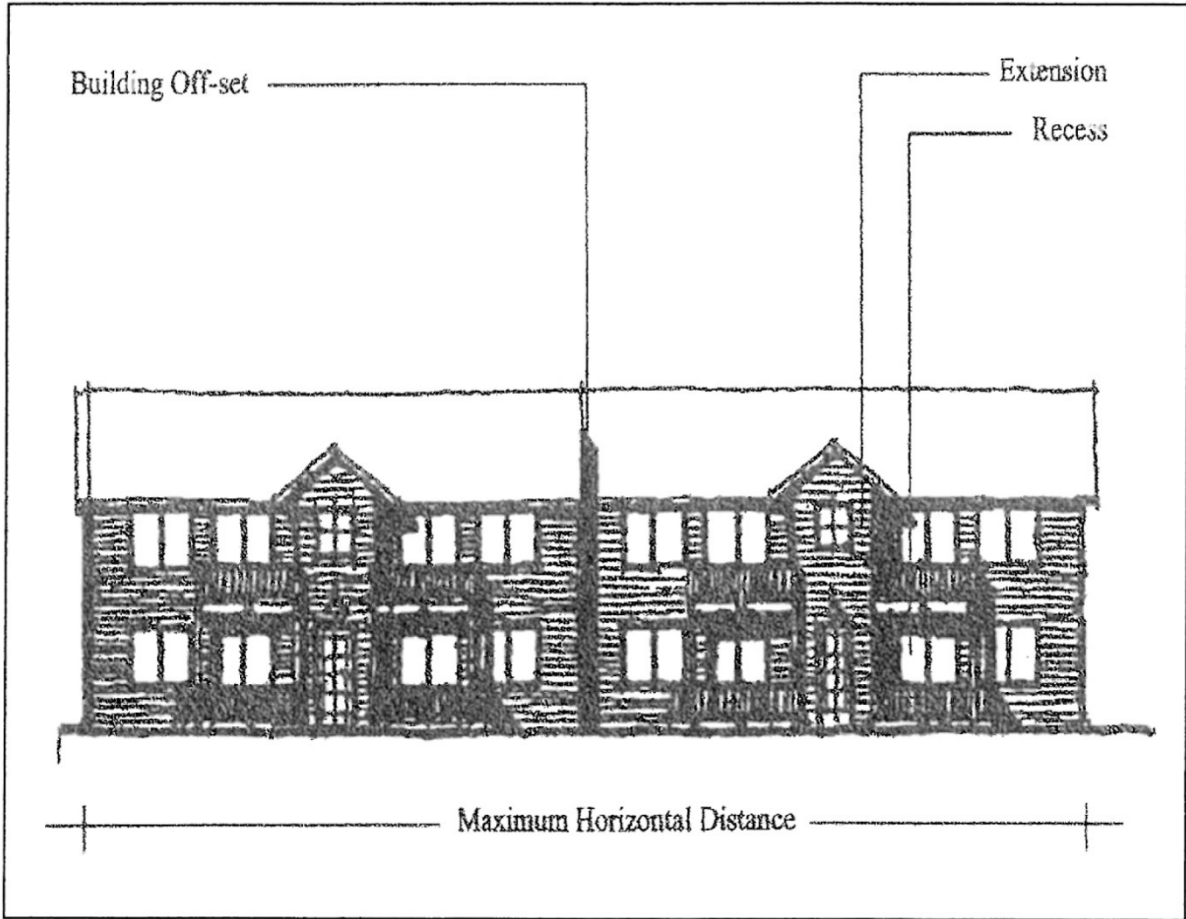
**2.1.190 - Design Standards**



- A. **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles.
- B. **Applicability.** This section applies to ~~all of~~ the following types of buildings, and shall be applied during Site Design Review~~;~~:
  1. Duplexes and ~~Triplexes~~ triplexes
  2. Single-family attached townhomes ~~which that~~ are subject to Site Design Review ~~3~~ (three or more attached units ~~17~~);
  3. Multi-family housing~~;~~
  4. Public and institutional buildings; and
  5. Residential ~~Commercial~~ commercial and mixed use buildings.
- C. **Standards.** All buildings ~~which that~~ are subject to this ~~Section~~ section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. 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.

Figure 2.1.190C(1) ~~)-~~ - Building Form (Multi-~~family~~ Family Housing Example)



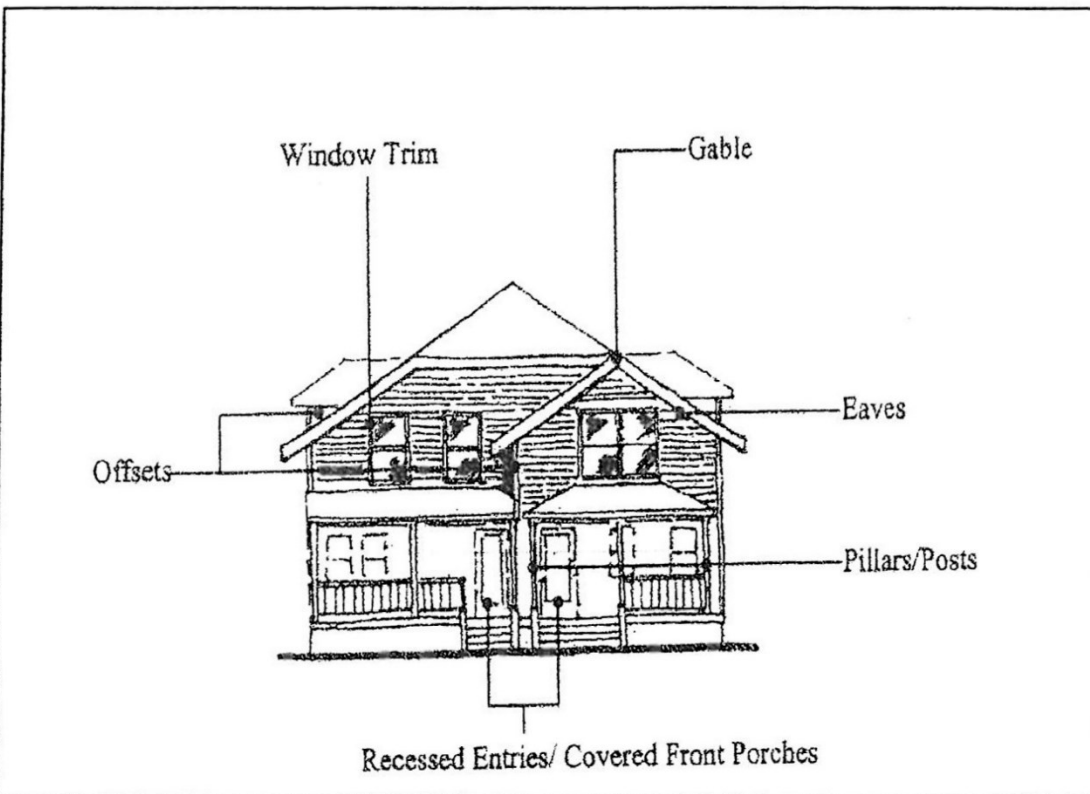


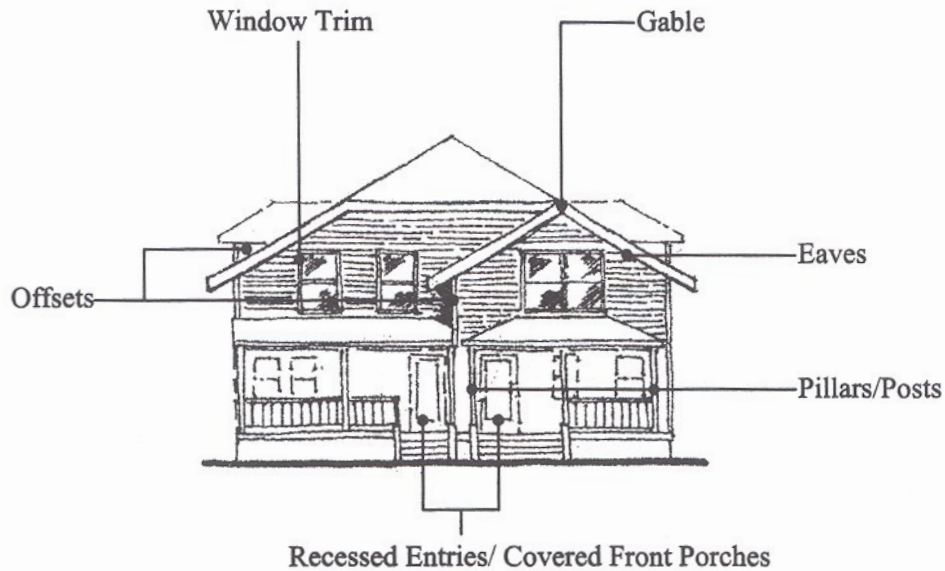


### 2.1.190 Design Standards Cont.

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 ~~the above~~ Figure ~~2.1.190C(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 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.
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 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 (linear feet) containing doors, porches, balconies, terraces, and/or windows. The standard applies to each full and partial building story.

Figure 2.1.190C(32) - Examples of Architectural Details





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 two of the following 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 (~~with~~ minimum 6-inch projection)
  - h. Off-sets in building face or roof (minimum 16 inches)
  - i. Window trim (minimum 4 ~~=~~ inches wide)
  - j. Bay windows
  - k. Balconies
  - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

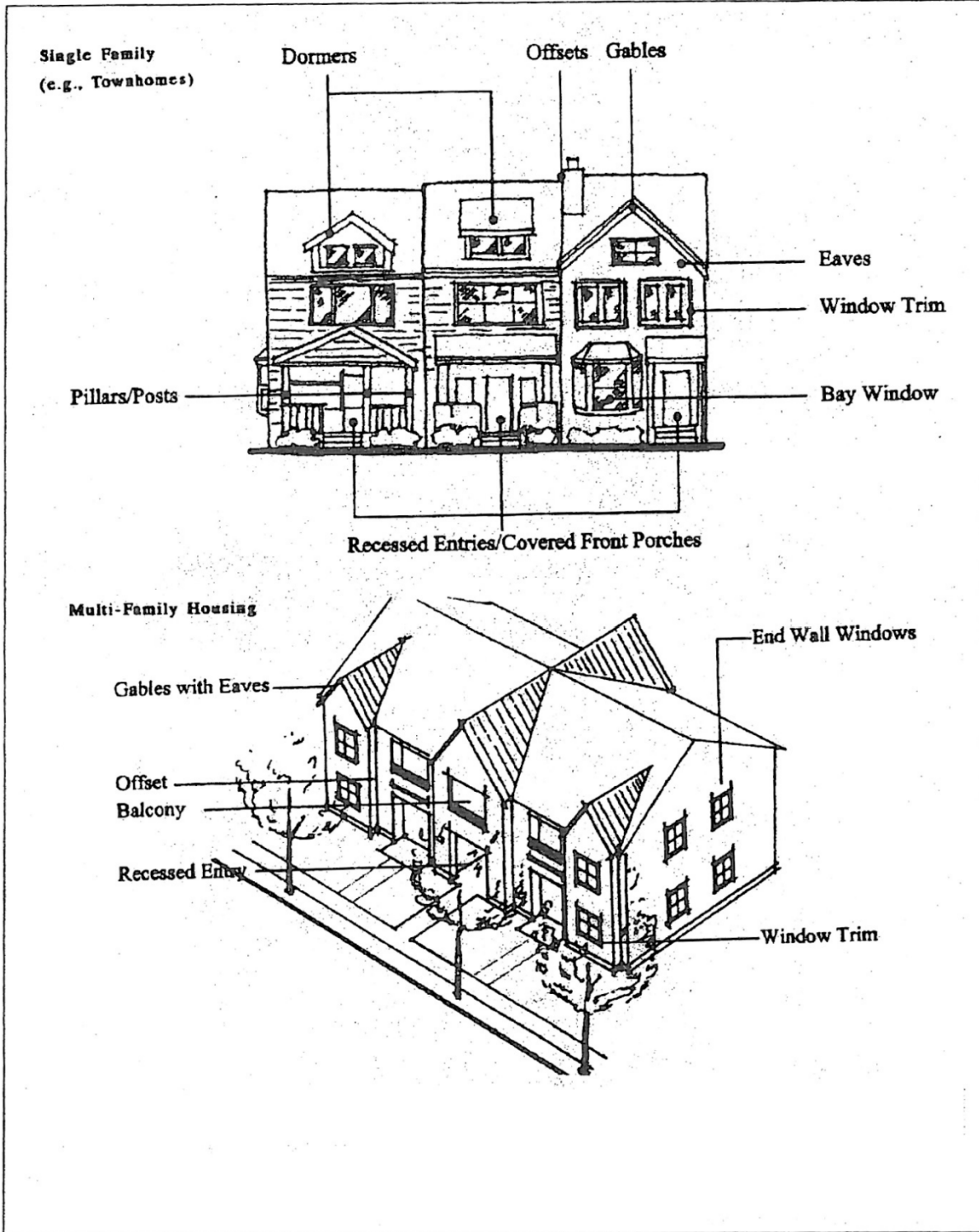


m. Decorative cornices and roof lines (e.g., for flat roofs)

n. An alternative feature providing visual relief, similar to options a-through m.

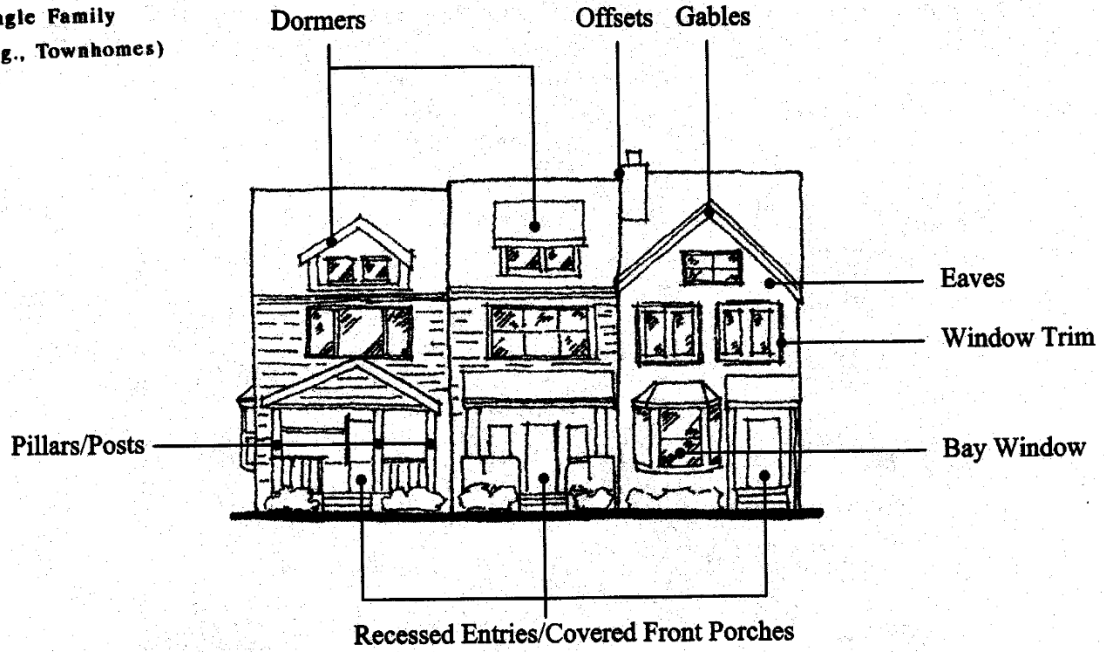


Figure 2.1.190 ~~190C(3)~~ - Examples of Architectural Details

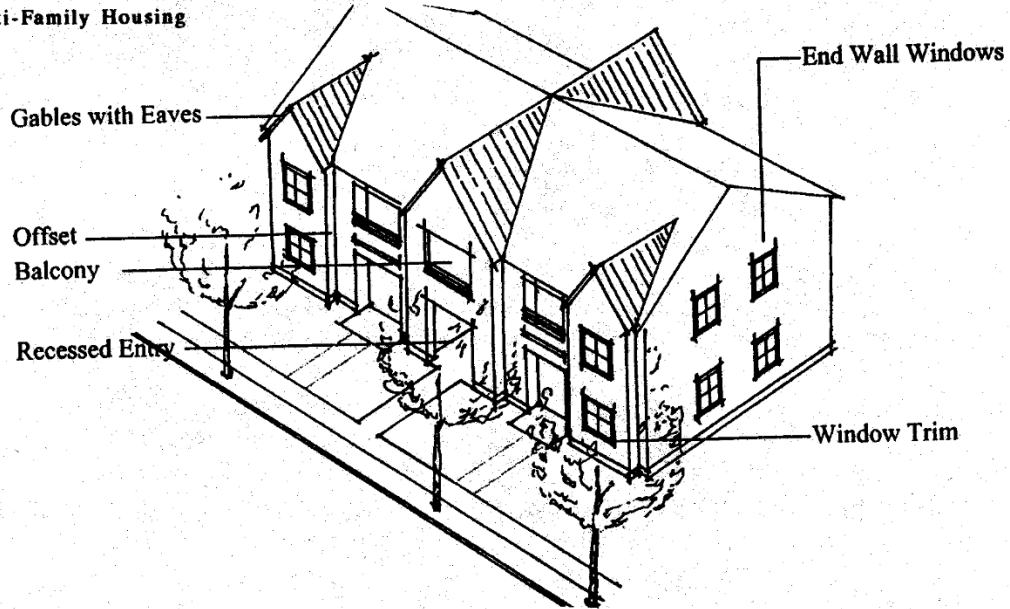


**2.1.200 - Special Standards for Certain Uses**

**Single Family**  
(e.g., Townhomes)



**Multi-Family Housing**

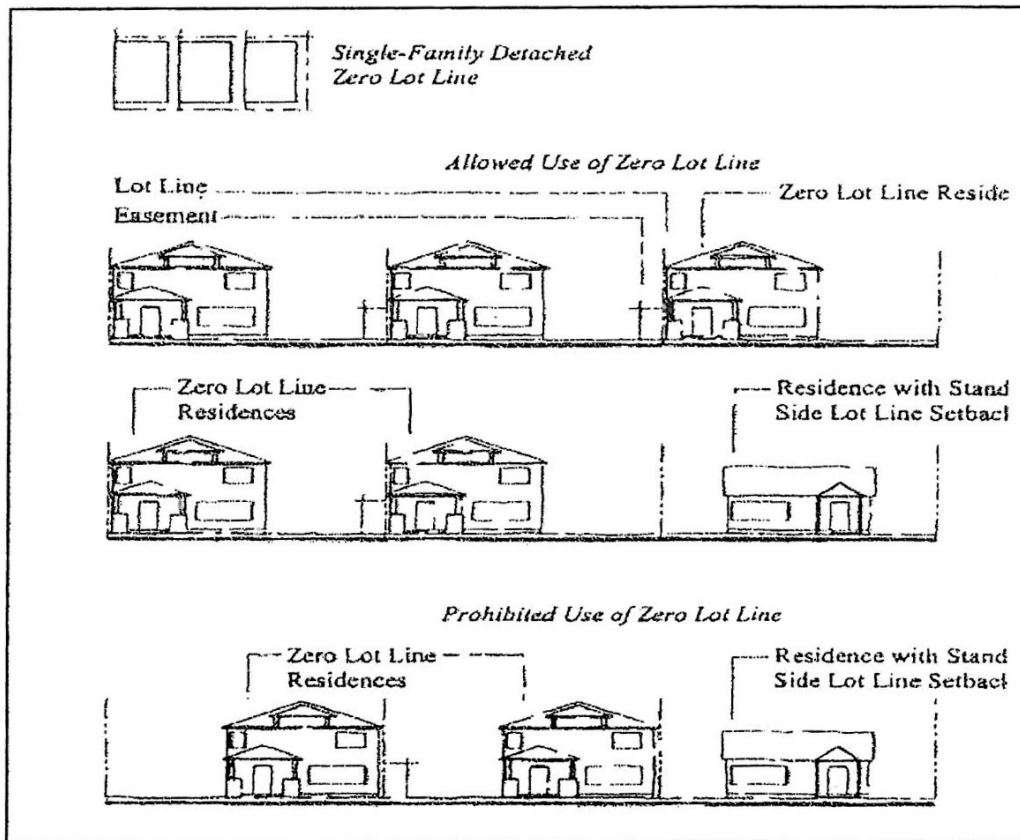


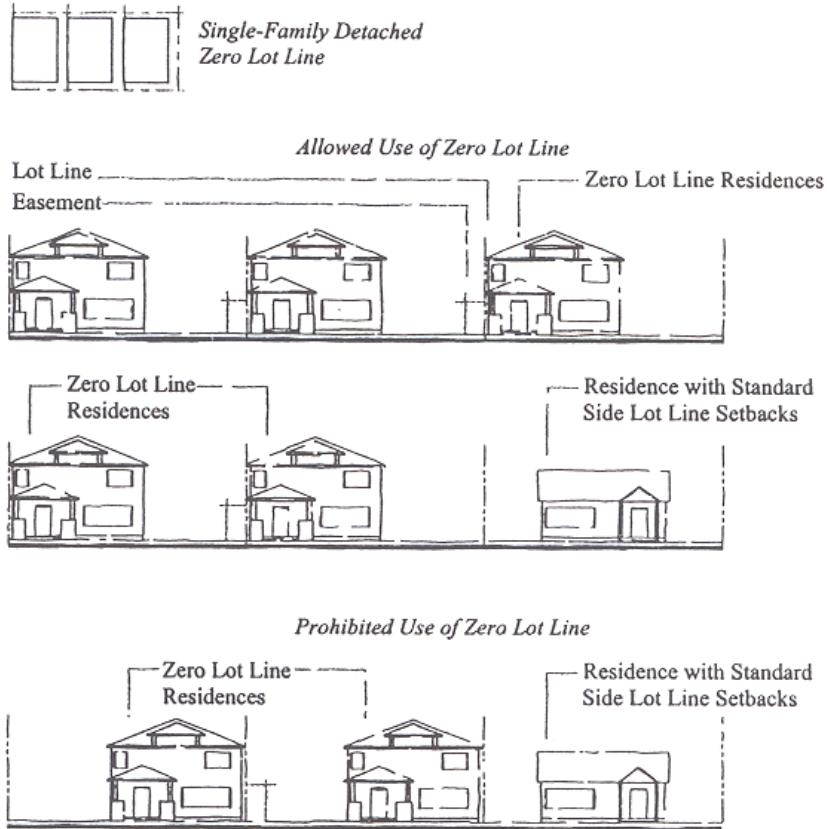
This section supplements the design standards contained in Sections 2.1.100 through 2.1.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

**2.1.201 "Zero lot line" (single-family courtyard home)-Courtyard Home)**

"Zero lot line" houses are subject to the same standards as single-family housing, except that a side yard setback is not required on one side of ~~atypical~~ typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area ~~in-side~~ inside yards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance.

**Figure 2.1. ~~200-A201~~ - Zero Lot Line Housing**





A. 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;

2.1.201 "Zero lot line" (Single-family Courtyard Home) Cont.

B. 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; and

C. Buffering



~~(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]~~

**Note:** Section 3, chapter 650, Oregon Laws 2007 provides:

~~**Sec. 3.** A local government that is subject to section 2 of this 2007 Act [197.304] shall complete the inventory, analysis and determination required Under ORS 197.296 (3) to begin compliance with section 2 of this 2007 Act within two years after the effective date of this 2007 Act [January 1, 2008]. [2007 c.650 §3]~~

~~**197.305** [1973 c.80 §52; 1977 c.664 §23; repealed by 1979 c.772 §26]~~

~~**197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings.** (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.~~

~~(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.~~

~~(3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.~~

~~(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.~~

~~(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.~~

~~(d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.~~

~~(e) The provisions of this subsection shall not apply to~~



~~(4) Subsection (3) of this section shall not be construed as an infringement on a local government's prerogative to:~~

~~(a) Set approval standards under which a particular housing type is permitted outright;~~

~~(b) Impose special conditions upon approval of a specific development proposal; or~~

~~(c) Establish approval procedures.~~

~~(5) A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:~~

~~(a) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.~~

~~(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.~~

~~(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.~~

~~(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.~~

~~(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.~~

~~(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant~~

**COMPREHENSIVE LAND USE PLANNING COORDINATION**

~~(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single family residential dwelling on the same lot would be subject.~~

~~(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2]~~

**197-309 Local ordinances or approval conditions may not effectively establish housing sale price or**  
**City of Weston Development Code**

~~designate class of purchasers; exception. (1) Except as provided in subsection (2) of this section, a city, county or metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178, a requirement that has the effect of establishing the sales price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale to any particular class or group of purchasers.~~

~~(2) This section does not limit the authority of a city, county or metropolitan service district to:~~

~~(a) Adopt or enforce a land use regulation, functional plan provision or condition of approval creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or condition designed to increase the supply of moderate or lower cost housing units; or~~

~~(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295. [1999 c.848 §2; 2007 c.691 §8]~~

~~197.310 [1973 c.80 §53; 1977 c.664 §24; repealed by 1979 c.772 §26]~~

~~**197.312 Limitation on city and county authority to prohibit certain kinds of housing, including farmworker housing; real estate sales office.** (1) A city or county may not by charter prohibit from all residential zones attached or detached single family housing, multifamily housing for both owner and renter occupancy and manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.~~

~~(2) A city or county may not impose any approval standards, special conditions or procedures on farmworker housing that are not clear and objective or have the effect, either in themselves or cumulatively, of discouraging farmworker housing through unreasonable cost or delay or by discriminating against such housing.~~

~~(3)(a) A single family ~~dwelling~~ <sup>March 2001</sup> for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single family dwellings as a permitted use.~~

~~(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single family dwelling for a farm worker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single family dwellings in the same zone.~~

~~(4)(a) Multifamily housing for farm workers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.~~

~~(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.~~

~~(5) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public. [1983 c.795 §5; 1989 c.964 §7; 2001 c.437 §1; 2001 c.613 §3]~~

~~**197.313 Interpretation of ORS 197.312.** Nothing in ORS 197.312 or in the amendments to ORS 197.295, 197.303, 197.307 by sections 1, 2 and 3, chapter 795, Oregon Laws 1983, shall be construed to require a city or county to contribute to the financing, administration or sponsorship of government assisted housing. [1983 c.795 §6]~~

~~**197.314 Required siting of manufactured homes; minimum lot size; approval standards.** (1) Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, with urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned ~~for~~ single~~



~~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, as necessary.

### 2.1.202 Accessory Dwelling Unit (Attached, Separate Cottage, Tiny Home, or Above Detached Garage)

An accessory dwelling unit 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 in 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:

#### A. Oregon Structural Specialty Code

The structure complies with the Oregon Structural Specialty Code; manufactured homes may be used if they meet the floor area requirements below;

#### B. 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;

#### C. One Unit: ~~A maximum of one accessory dwelling unit is allowed per lot;~~

A maximum of one accessory dwelling unit is allowed per lot;

#### D. Floor Area

The maximum floor area of the accessory dwelling shall not exceed 800 square feet;

#### E. Building Height

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

#### F. Buffering

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

~~2.1.203~~ **Manufactured Homes Dwellings on Individual Individual Lots**

Manufactured ~~homes dwellings~~ are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units, which existed within the ~~city~~ City prior to the effective date of this ~~ordinance~~ Code.

A. Floor Plan

The manufactured ~~home dwelling~~ shall be multi-sectional and have an enclosed floor area of not less than 1,000 ~~sq. ft.~~ square feet, except where existing lot size would not accommodate a multi-sectional manufactured ~~home dwelling~~ having a minimum of 1,000 ~~sq. ft.~~ square feet of floor area;

B. Roof

The manufactured home shall have a pitched roof with a slope not less than ~~three~~ 3 feet in height for each 12 feet in width;

C. Residential Building Materials

~~=~~The manufactured ~~home~~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);

D. Garages and Carports

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

## 2.1.203 Manufactured Dwellings on Individual Lots Cont.

### E. Thermal Envelope

~~The~~ manufactured home 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. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional ~~manufacturers~~ manufacturer certification shall not be required;

### F. Placement

~~The~~ manufactured home dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more ~~than 16~~ 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 home;

### G. Foundation Skirt. ~~The foundation area of the manufactured home shall be fully skirted; and~~

~~Prohibited.~~ The foundation area of the ~~manufactured home shall be fully skirted; and~~ manufactured home dwelling shall be fully skirted; and

### H. Prohibited

The manufactured dwelling shall not be located in a designated historic district.

## 2.1.204 Residential Care Homes and Facilities

~~Residential care~~ homes ~~homes~~ or facilities are treatment or training residences 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 five or fewer individuals (“homes”) or six to 15 individuals (“facilities”) who need not be related. 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 197.660-670:

### A. Licensing. ~~All residential care homes shall be duly licensed by the State of Oregon.~~

All residential care homes shall be duly licensed by the State of Oregon.

### B. Parking

~~A~~ minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with ~~Chapter~~ Section 3.3 - Vehicle and Bicycle Parking requirements.

## 2.1.204 Residential Care Homes and Facilities Cont.

### C. Development ~~Review. Development review~~ Review

~~Development Review~~ shall be required for new structures to be used as residential care ~~homes~~ homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

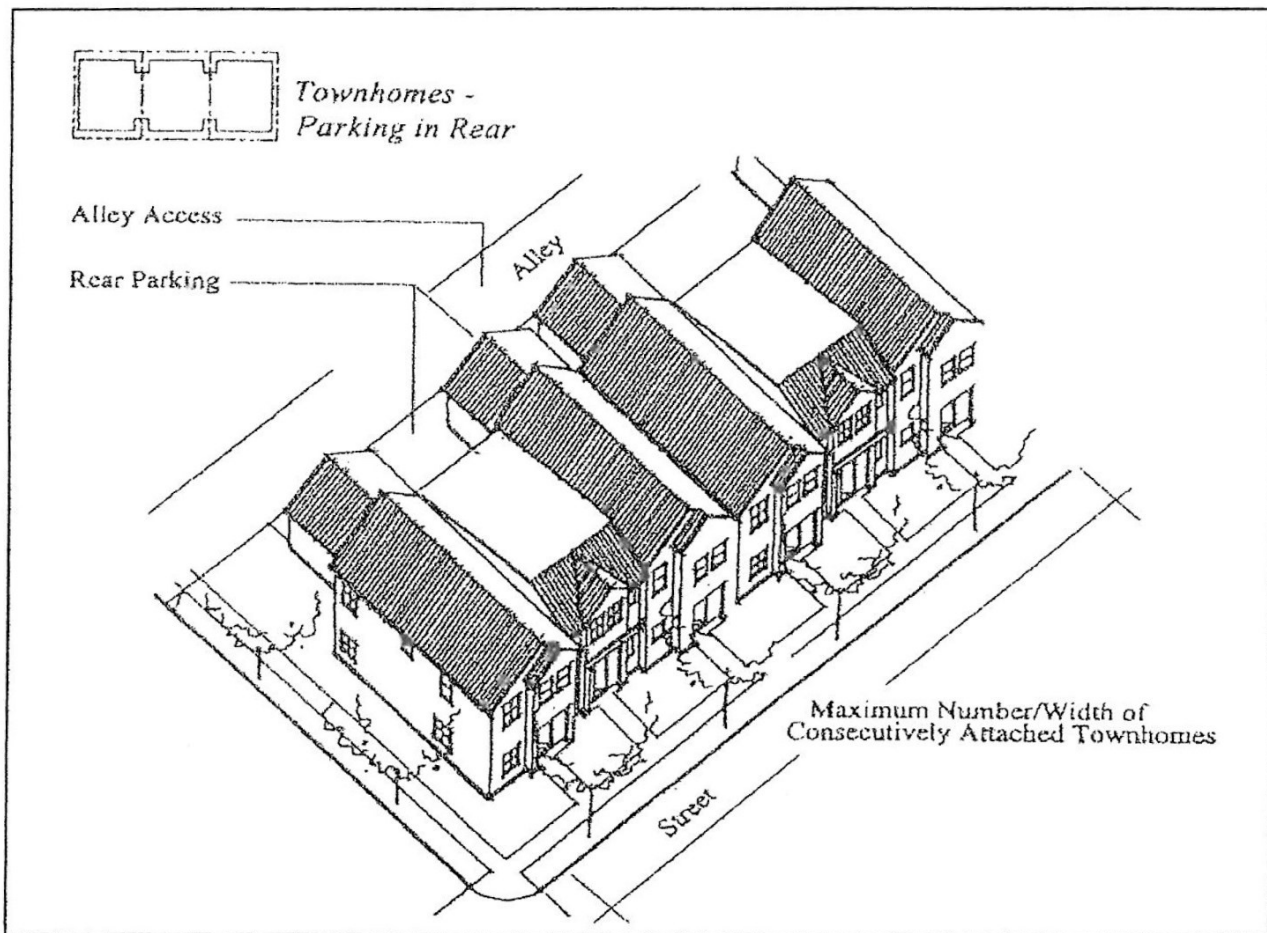


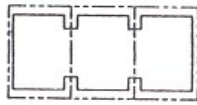
~~2.1.200 - Special Standards for Certain Uses - (continued)~~

**2.1.205 Single-family Attached (~~townhomes~~, Townhomes), Duplexes, and Triplexes:**

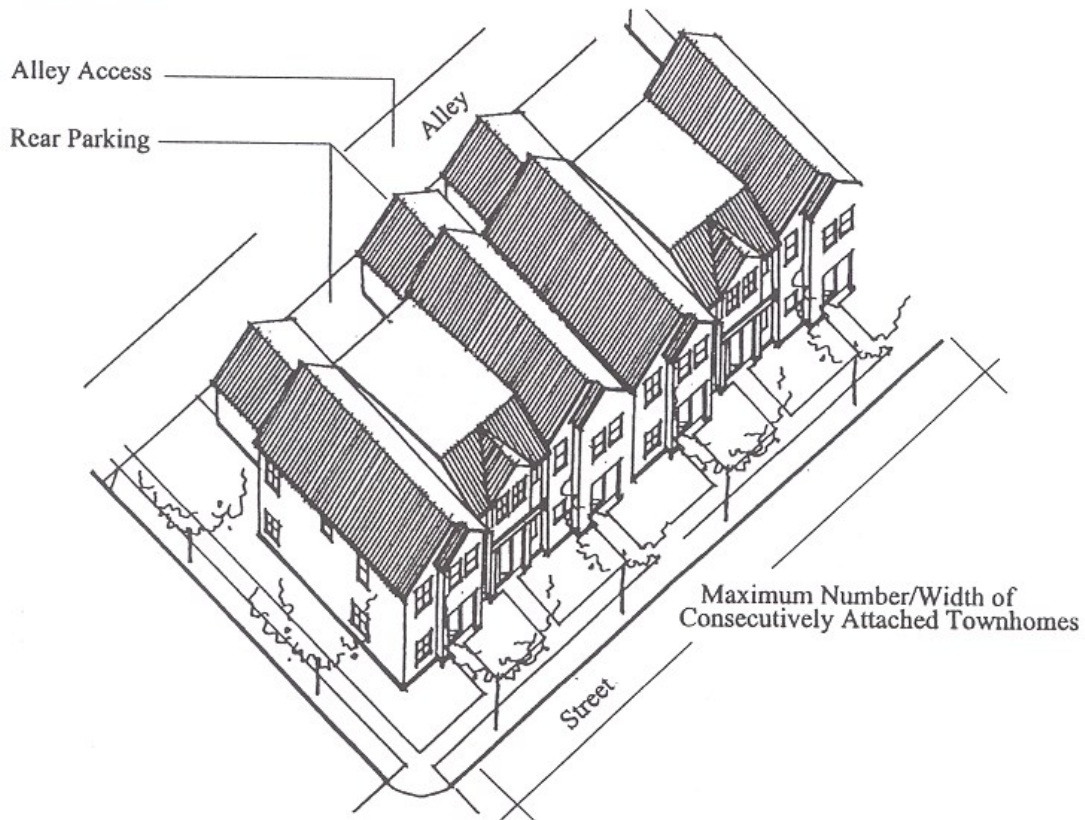
Single-family attached housing (townhome units on individual lots), duplex, and triplex developments shall comply with the standards in 1-~~through~~ 4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

Figure 2.1. ~~200E(2)~~ 205(1) - Townhomes and Multiplex Housing ~~With~~ with Alley Access





Townhomes -  
Parking in Rear



### 2.1.205 Single-family Attached (Townhomes), Duplexes, and Triplexes Cont.

#### A. Building Mass Supplemental Standard

~~Within the Residential District,~~ the number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four units. ~~(Within (within the Multi-family Sub-district, the number and width of consecutively attached townhome units shall not exceed six units).~~

#### B. Alley Access:

Townhome, duplex, and triplex subdivisions (four or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with ~~Chapter~~Section 3.4. ~~100~~ -Transportation Standards, and ~~Chapter~~Section 4.3 ~~=~~ Land Divisions, and Lot Line Adjustments. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (~~See #see 3., below~~ for standards). As necessary, the ~~city~~City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in ~~Chapter~~Section 3.1 ~~Access~~1 - Access and Circulation.

~~B.C.~~ C. Street Access Developments

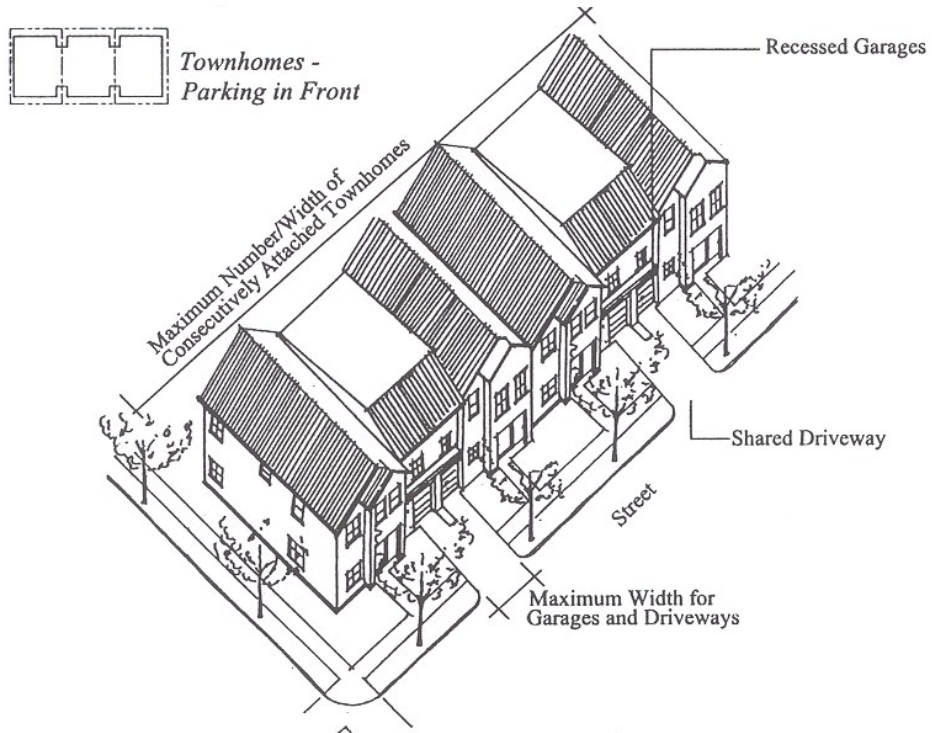
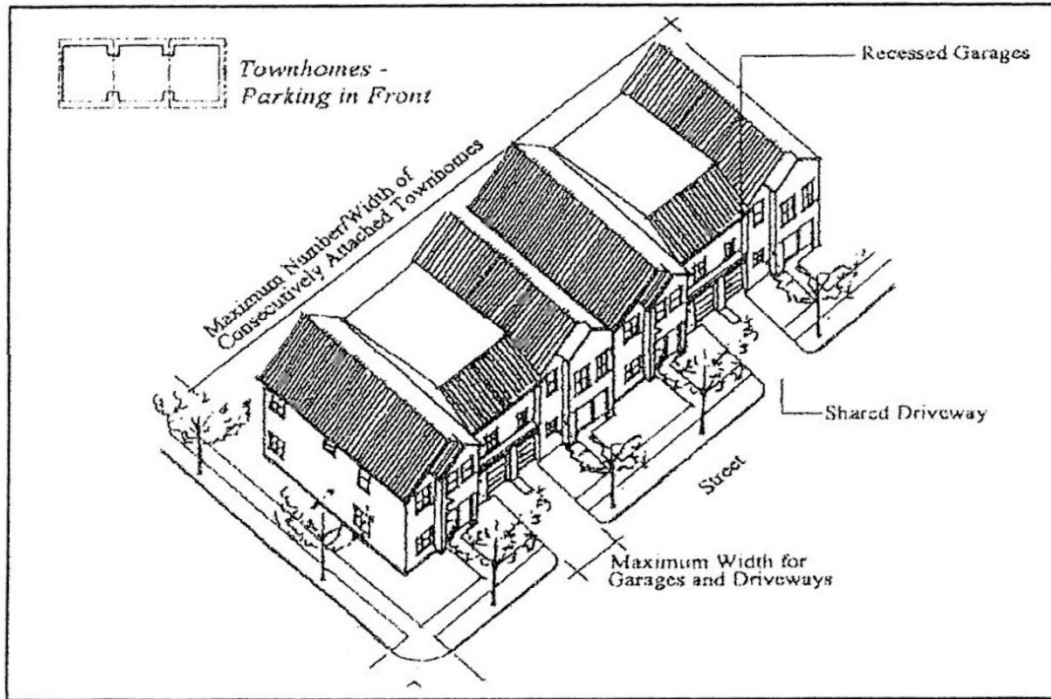
~~=~~ Townhomes, duplexes, and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, provide more room for on-street parking, improve appearance of the streets, and minimize paved surfaces for better ~~storm-water~~ stormwater management.

1. 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 ~~four~~ 4 feet.
2. 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~~ garage facing the street.
3. 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 ~~and~~ an agreement to benefit each lot, prior to building permit issuance.

~~C.D.~~ D. Common Areas

~~=~~ "Common ~~areas~~ 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~~ homeowner's 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~~ City prior to building permit approval.

**Figure 2.1.205(2) - Townhomes and Multiplex Housing With Street Access**





### 2.1.206 Cottage Clusters

~~These uses shall comply with the development standards ~~1 through 3~~ below. The standards are intended to control development scale, ensure that parking locations do not adversely impact site design, and ensure management and maintenance of common areas.~~

A. ~~Building size supplemental standard. Building Size Supplemental Standard~~

Building heights shall be limited to one story.

B. ~~Location of parking and access. Access~~

Access to individual clusters will be via one or more rear alleys or a common parking area located directly adjacent to the frontage street. If a common parking area is provided, a pedestrian pathway to individual units also will be required and shall meet ~~ADA~~ Americans with Disabilities Act accessibility standards, using impervious or semi-pervious materials.

C. ~~Common areas. Areas~~

"Common Areas" such as landscaping or shared courtyards shall be maintained by a ~~homeowners~~ homeowner's association, other legal entity or through legal agreement between residents. A ~~homeowners~~ homeowner's association also may be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the ~~city~~ City prior to building permit approval.

~~A~~ D. ~~Access to Fire Protection~~

~~Each dwelling will be directly accessible to and located within no more than 50 feet of an adjacent dwelling or alley to ensure access to fire-fighting equipment.~~

### 2.1.207 Public and Institutional Land Uses

~~Public and institutional uses (as listed in Table 2.1.110.A) are allowed in the Residential District subject to a Conditional Use Permit and compliance with the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences.~~

A. Development Site Area

~~The maximum development site area shall be ~~eight~~ 8 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use, in accordance with ~~Chapter~~ Section 4.4 - Conditional Use Permits, or as part of a Master Planned Development, in accordance with ~~Chapter~~ Section 4.5 - Master Planned Developments.~~

B. Building Mass

~~The~~ maximum width or length of a ~~multiple-unit~~ family building shall not ~~exceed 80~~ Exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.

C. Telecommunications Equipment

~~Telecommunications~~ equipment (e.g., cell towers and antennae) shall comply with the standards of ~~Chapter 3-62~~ the Federal Telecommunication Act (1996).

D. 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 ~~six~~ 6 feet in height.

E. Standards for Transportation Improvements

~~Standards for Transportation Improvements~~ transportation improvements are located in ~~Chapter~~ Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D.

~~2-1-200 - Special Standards for Certain Uses (continued)~~

2.1.208 Accessory Uses and Structures

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District may include detached garages, sheds, workshops, ~~green houses~~ greenhouses, and similar structures. ~~For standards applicable to Accessory Dwellings, please refer to Section 2.1.200-B.~~ Section 2.1.202 - Accessory Dwelling Unit (Attached, Separate Cottage, Tiny Home, or Above Detached Garage). Type I accessory structures shall comply with ~~the~~ all of the following standards. Type II accessory structures may be permitted in accordance with subsection ~~7.G., below.~~

A. Primary ~~use required.~~ Use Required

An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.1.110.A).

~~A.B.~~ Restrictions

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

C. Compliance with ~~land division standards.~~ Land Division Standard

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.

~~B.D.~~ Floor Area

~~B~~ The maximum floor area of the accessory dwelling (ADU) structure shall not exceed 800 square feet.

~~C.E.~~ Building Height

~~C~~ The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170 ~~and~~ - Building Height.

~~D.F.~~ Buffering

~~D~~ A minimum ~~four~~ 4-foot hedge or fence ~~may be~~ maybe required 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.

~~\*\*Ordinance Amendment 9/12/2007 22007 2.2.2000~~

~~E.G.~~ The Planning Commission may approve a Type II accessory structure in compliance with the standards of subsections ~~2, 3~~ B, C, and ~~6~~ F, and the following additional requirements:

1. Primary ~~use not required.~~ Use Not Required

A Type II accessory structure may be approved as a stand-alone use, without a primary use, when the structure and the use thereof is consistent with the purpose of supporting a primary residential use. The applicant for such a stand-alone structure shall provide a statement affirming that no non-residential uses, such as commercial uses or industrial uses, or any other type of use, shall be permitted in the structure or on the property of scale and intensity inconsistent ~~with~~ the residential uses allowed on the site and in the zoning district. This statement shall be recorded, and the restriction shall run with the property. Proof of recording shall be provided to the City ~~Recorder~~ Official before a building permit is approved.

2.1.208 Accessory Uses and Structures Cont.~~1.2.~~ Structure Size

~~a.~~ The maximum floor area of the accessory structure and any future primary and accessory structures on the property shall not exceed the maximum allowable lot coverage and shall comply with all setback requirements. A variance shall not be approved for setbacks for any structure, present, proposed, or future, for a site with a Type II accessory structure. The applicant shall provide a concept plan that shows the likely location and size of any other future structures on the site, including a



~~City of Weston Zoning Ordinance Test March 2021~~  
~~dwellings that will become the primary residence. The applicant shall demonstrate that the site can be utilized in compliance with all requirements of the Zoning Ordinance. The concept plan shall be provided in addition to a site plan showing the location, size, and setbacks for the proposed Type II accessory structure.~~

- ~~b. Building Height: The height of a Type II accessory structure shall not exceed 25 feet and the building shall be set back from the property line for a distance equivalent to the building height.~~

**~~2.1.200 – Special Standards for Certain Uses – (continued)~~****~~B. Bed and Breakfast Inns and Vacation Rentals:~~**

- ~~1. Purpose. The purpose of this section is to provide standards for the establishment 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 3 bedrooms for guests and a maximum of 6 guests per night.~~
- ~~4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.~~
- ~~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 usual residential accessory buildings such as sheds, or detached garages).~~
- ~~6. Signs. Signs must meet the standards in Chapter 3.6.5, Signs~~
- ~~7. Monitoring. All bed and breakfast inns must maintain a guest log book. It must include the names and home address of guest, guests' license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by city staff upon request.~~

**~~C. Master Planned Neighborhood Development:~~**

- ~~1. Purpose and intent. The purpose of this Section is to ensure the development of fully integrated, mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.~~
- ~~2. Applicability. This Section applies to parcels and development sites with more than one parcel, that are 40 acres or larger and located in the Residential District;~~

**~~2.1.200 – Special Standards for Certain Uses – (continued)~~**

- ~~3. Master plan required. Prior to land division approval, a master plan shall be prepared for all sites meeting the criteria in subsection 2. Master plans shall follow the procedures in Chapter 4.5 – Master Planned Developments, except that a Master Plan shall not be required if a Specific Area Plan has been adopted for the subject area.~~
- ~~4. Land use and design standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in Chapter 4.5, and shall be consistent with the following design principles:~~
  - ~~a. All neighborhoods have identifiable centers and outer boundaries;~~
  - ~~b. Edge lots are readily accessible to Residential Commercial and recreational uses by walking and bicycling (a distance not greater than one quarter mile);~~
  - ~~c. Uses and housing types are mixed and in close proximity to one another;~~
  - ~~d. Streets are connected and blocks are small (e.g., between 200-600 feet in length; with a maximum perimeter of 1,600 feet);~~
  - ~~e. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given~~
  - ~~f. Prominent sites throughout the neighborhood.~~
  - ~~g. Overall, the neighborhood plan achieves a housing density of 7 units per acre, in accordance with the Comprehensive Plan and Residential District standards.~~
  - ~~h. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the master plan, in accordance with the Comprehensive Plan.~~
- ~~5. Implementation. Upon approval of a Neighborhood Development Master Plan, the development shall follow the Land Division procedures in Chapter 4.3, and the Site Design Review procedures in Chapter 4.2, as applicable. Any modifications to the approved master plan shall be subject to the standards and procedures in Chapter 4.6 – Modifications.~~

**~~D. Home Occupations:~~**

~~The purpose of this Section is to encourage those who are engaged in small commercial ventures which 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. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:~~

## ~~2.1.200 – Special Standards for Certain Uses (continued)~~

### ~~1. Appearance of Residence:~~

- ~~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.~~
- ~~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.~~

~~2.1. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).~~

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

### ~~2. Storage:~~

- ~~a. Outside storage, visible from the public right of way or adjacent properties, is prohibited.~~
- ~~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:~~

- ~~a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than two full time equivalent employee 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.~~

### ~~4. Advertising and Signs: Signs shall comply with Chapter 3.6.5. In no case shall a sign exceed 4 square feet.~~

### ~~5. 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 would not overhang into the public right of way when parked in the driveway or other location on the home occupation site.~~



**~~2.1.200 – Special Standards for Certain Uses – (continued)~~**

~~3.1. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.~~

~~b. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site.~~

~~6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. Monday through Friday subject to Sections A and E, above.~~

~~7. Prohibited Home Occupation Uses:~~

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

~~b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.~~

~~4.1. 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;~~

~~8. Enforcement: The Code Enforcement Officer or City Police 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.~~

~~E. Transportation Improvements. Standards for Transportation Improvements are in Chapter 4.4.400.0.~~

**~~2.1.300 Residential Sub-Districts.~~**

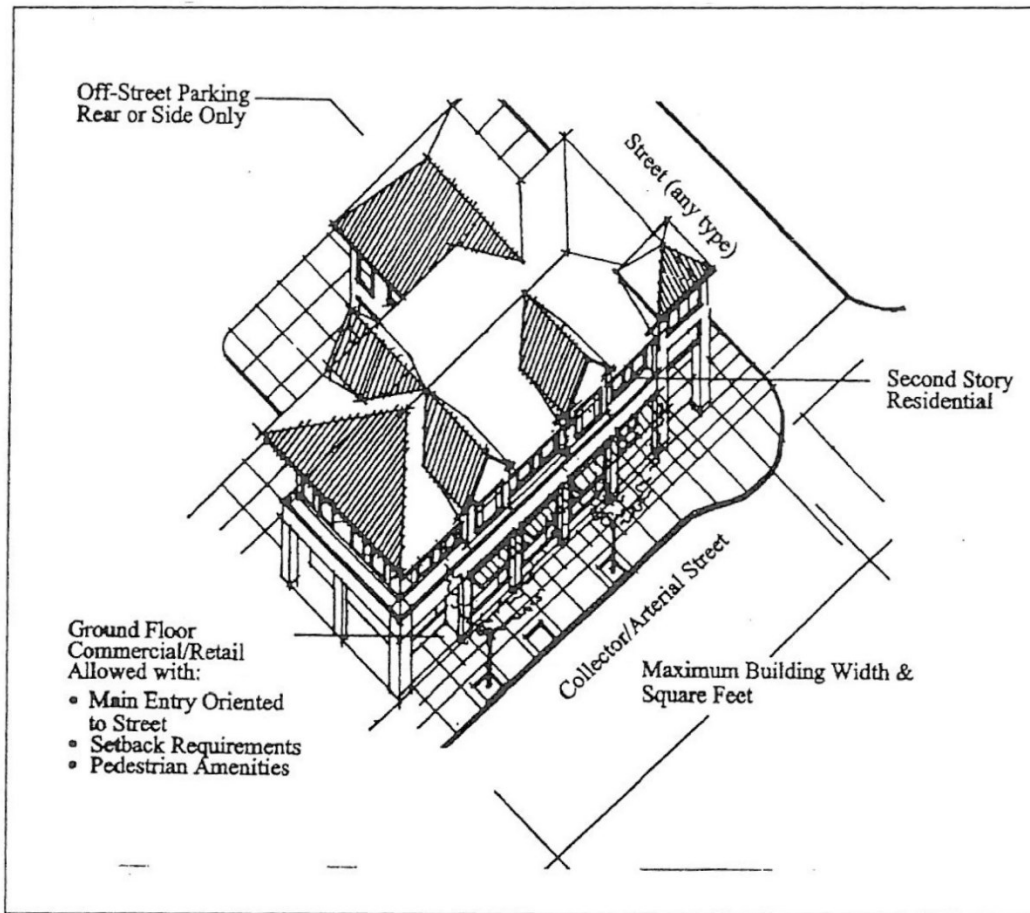
- ~~A. **Sub-districts Authorized.** Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for residential farm uses, commercial services within residential neighborhoods, and multi-family housing. Therefore, the city has adopted the Farm Residential, Residential Commercial, and Residential Multi-Family Sub-districts to address those needs.~~
- ~~B. **Applicability.** Sub-districts are identified on the city's official zoning map. Properties designated with a sub-district shall comply with the provisions of the underlying Residential District, except as may be modified by this Section.~~
- ~~C. **Standards.** Where there are conflicts, the Sub-District standards supersede the standards of Section 2.1.100 to 2.1.200. If there is no specific conflict, then the standards of 2.1.100 to 2.1.200 shall apply.~~

**~~2.1.400 Farm Residential Sub-Districts (FR).~~**

- ~~A. **Purpose/intent Statement.** The Farm Residential Sub-District (FR) is intended to accommodate existing uses and preserve the land in large blocks until it is needed for urban development. The FR Sub-District is established as a Farm Use zone according to ORS 215.203 and 215.213 to help qualify area farm uses for the special property tax assessment provisions of ORS 308.370.~~
- ~~B. **Development Standards:**~~
- ~~1. Minimum Parcel size 10 acres.~~
  - ~~2. Setbacks: All setbacks (front, side and rear) in the FR sub-district are 20 feet.~~

**~~2.1.500 Residential Commercial Sub-District.~~**

- ~~A. **Purpose/intent Statement.** The Residential Commercial Sub-District is intended to provide land for small scale commercial uses which are compatible with adjacent residential development. All Residential Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between Residential Commercial and other residential uses:~~

**~~2-1-500-Residential Commercial Sub-District (continued)~~****Figure 2-1-500-Residential Commercial (Typical Site Layout)**

**~~B. Permitted Uses.~~** Only those Residential Commercial uses specifically listed in Section 6 of Table 2.1.110.A are permitted. Residential and Residential Commercial uses may be mixed “vertically” meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper story apartments, townhomes, or condominiums), or may be mixed “horizontally” meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Chapter 1.3, are expressly prohibited in this Sub-District.

**~~C. Building Mass Supplemental Standard.~~** The maximum width or length of a Residential Commercial or mixed use (residential and commercial) building shall not exceed 80 feet (from end wall to end wall).

**~~D. Floor Area Supplemental Standards.~~** The maximum commercial floor area shall not exceed 5,000 square feet total per Residential Commercial site within the Residential Commercial Sub-district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than seven and one half feet of vertical clearance).

**~~E. Hours of Operation.~~** Residential Commercial land use operation shall be limited to the hours of 7

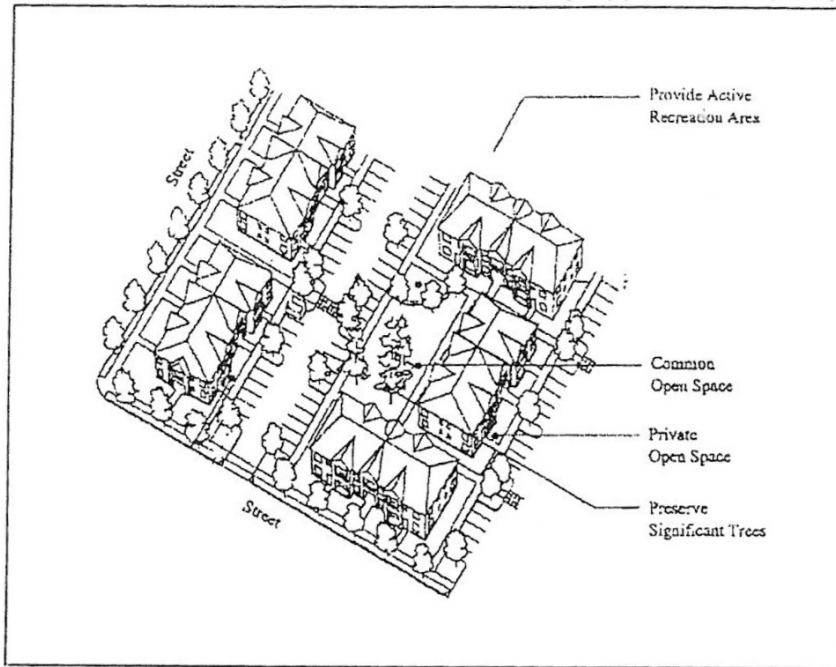
~~A. a.m. to 8 p.m.~~



**2-1-600 Residential Multi-Family Sub-District**

- ~~A. **Purpose/Intent Statement.** The Residential Multi-Family Sub-District is intended to provide land for multiple family housing that provides four or more dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:~~

~~**Figure 2-1-600 Multifamily Housing (typical site layout)**~~



- ~~B. **Common Open Space Standard.** 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 multiple 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.~~

- ~~C. **Private Open Space Standard.** Private open space areas shall be required for ground floor and upper floor housing units based on all of the following standards:~~

- ~~1. Ground floor housing units shall have front or rear patios or decks 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);~~
- ~~2. A minimum of 50 percent of all upper floor housing units shall have balconies or porches measuring at least 48 square feet. Upper floor housing means housing units which are more than 5 feet above the finished grade; and~~
- ~~3. 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.~~

**~~2.1.600 Residential Multi-Family Sub-District (continued)~~**

~~D. Exemptions. Exemptions may be granted for the first 50 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 between the site and 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.~~

- ~~1. 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.~~

**~~2.1.700 Residential Suburban Sub-District (RS).~~**

~~A. Purpose/Intent Statement. The Suburban Residential Sub-District (RS) provides for lower density urban residential development, especially suited to existing lower density areas of the city and steep hillsides.~~

~~B. Permitted Uses. Single family detached homes, multi-sectional mobile or manufactured homes and accessory dwellings or structures.~~

~~C. Dimensional Standards. Dimensional standards for parcel size, setbacks and lot coverage are located in the previous applicable sections of the Code 2.1.110 through 2.1.190 unless otherwise noted in this Section.~~

~~D. Parking Standards. These standards are addressed in Chapter 3.3.~~



~~CITY OF WESTON ORDINANCES  
ORDINANCE NO. 22007-2.2.2004~~

~~AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE TO MAKE  
MINOR ADJUSTMENTS~~

~~WHEREAS the Planning Commission of the City of Weston held a public hearing on May 5, 2008 to consider several minor amendments and corrections to the zoning ordinance; and~~

~~WHEREAS the Planning Commission determined that such minor amendments were appropriate to assure the efficient review of land use permits; and~~

~~WHEREAS the City Council held a public hearing on May 14, 2008 to consider the proposed zoning text amendment and the Planning Commission's recommendation; and~~

~~WHEREAS the City Council has determined that the minor amendments recommended by the Planning Commission were in the best interests of maintaining an efficient and fair zoning ordinance and permit review; therefore~~

~~THE CITY OF WESTON DOES ORDAIN AS FOLLOWS:~~

~~(new text is indicated by underlining; deleted language is indicated by strike through)~~

~~Section 1. DEFINITIONS AMENDED: Chapter 1.3 Definitions of the Weston Zoning Ordinance is hereby amended as follows:~~

~~City Official~~ The City Recorder, who is designated by the Mayor and City Council as the city employee responsible to administer the Zoning Ordinance by providing information regarding permits, issue certain non-discretionary permits, and assuring that all procedural requirements are followed in the issuance of permits.

~~Section 2. MANUFACTURED HOME STANDARDS AMENDED: Chapter 2.1, Section 200.G Manufactured Homes on Individual Lots of the Weston Zoning Ordinance is hereby amended as follows:~~

~~200.G Manufactured Homes on Individual Lots.~~ Manufactured homes are permitted on individual lots subject to all of the following design standards, consistent with ORS197.307(5). Exception: The following standards do not apply to units, which existed within the city prior to the effective date of this ordinance.

\*\*\*\*\*

~~2. Roof.~~ The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);

~~1. AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE~~

~~Section 3. FENCES AND WALLS AMENDED: Chapter 3.2, Section 500 Fences and Walls of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:~~

~~E. **Permit Requirements.** An application for fence permit shall include a site plan that identifies the location of the fence on the property and the location of property boundaries. For a fence proposed to be located on or adjacent to a property line, the applicant shall provide proof of the location of the property boundary such as a survey, letter of agreement from the neighboring property owner(s), or other document satisfactory to the City Official that demonstrates that the proposed fence will be located on or within the property owned by the applicant.~~

~~Section 4. TYPE II PROCEDURE AMENDED: Chapter 4.1, Section 400 Type II Procedure (Quasi-Judicial) of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:~~

~~A. **Pre-application Conference.** A pre-application conference may be requested by an applicant for all Type II applications. The requirements and procedures for a pre-application conference are described in Section 4.1. 700C 4.1.600C.~~

~~Section 5. EFFECTIVE DATE: This ordinance shall take effect 30 days following its passage by the City Council and approval by the Mayor.~~

PASSED AND ADOPTED this 14<sup>th</sup> day of May, 2008 by the following vote

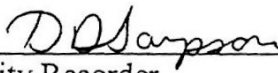
AYES: 3 NAYS 0 ABSTENTIONS: 0

And the Mayor having declared the ordinance enacted by a majority vote, became effective on June 14th, 2008.

APPROVED by the Mayor this 14<sup>th</sup> day of May, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

~~2 - AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE~~

~~AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE TO MAKE  
MINOR ADJUSTMENTS~~

~~WHEREAS the Planning Commission of the City of Weston held a public hearing on May 5, 2008 to consider several minor amendments and connections to the zoning ordinance; and~~

~~WHEREAS the Planning Commission determined that such minor amendments were appropriate to assure the efficient review of land use permits; and~~

~~WHEREAS the Planning Commission has forward to the City Council so a public hearing may be held on May 14, 2008 to consider the proposed zoning text amendment and the Planning Commission's recommendation; and therefore~~

~~THE CITY OF WESTON PLANNING COMMISSION DOES SUBMIT TO THE WESTON CITY COUNCIL FOR ADOPTION THE FOLLOWING:  
(new text is indicated by underlining; deleted language is indicated by strike through)~~

~~Section 1. DEFINITIONS AMENDED: Chapter 1.3 Definitions of the Weston Zoning Ordinance is hereby amended as follows:~~

~~City Official The City Recorder, who is designated by the Mayor and City Council as the city employee responsible to administer the Zoning Ordinance by providing information regarding permits, issue certain non-discretionary permits, and assuring that all procedural requirements are followed in the issuance of permits.~~

~~Section 2. MANUFACTURED HOME STANDARDS AMENDED: Chapter 2.1, Section 200.C Manufactured Homes on Individual Lots of the Weston Zoning Ordinance is hereby amended as follows:~~

~~200.C Manufactured Homes on Individual Lots, Manufactured homes are permitted on individual lots Subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units, which existed within the city prior to the effective date of this ordinance.~~

~~\*\*\*\*\*~~

~~2. Roof, The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);~~

~~\*\*\*\*\*~~

~~1. AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE~~

~~Section 3. FENCES AND WALLS AMENDED: Chapter 3.2, Section 500 Fences and Walls of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:~~

~~**E. Permit Requirements.** An application for fence pem1it shall include a site plan that identifies the location of the fence on the property and the location of property boundaries. For a fence proposed to be located on or adjacent to a property line, the applicant shall provide proof of the location of the property boundary such as a survey, letter of agreement from the neighboring propely owner(s), or other document satisfactory to the City Official that demonstrates that the proposed fence will be located on or within the property owned by the applicant.~~

~~Section 4. TYPE II PROCEDURE AMENDED: Chapter 4.1, Section 400 Type II Procedure (Quasi-Judicial) of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:~~

~~**A. Pre-application Conference.** A pre-application conference may be requested by an applicant for all Type II applications. The requirements and procedures for a pre-application conference are described in Section 4.1.700C-4.1.600C.~~

~~Section 5. EFFECTIVE DATE: This ordinance shall take effect 30 days following its passage by the City Council and approval by the Mayor.~~

PASSED this 5<sup>th</sup> day of May, 2008 by the following vote

AYES:   3   NAYS   0   ABSTENTIONS:   0  

And the Planning Chairperson has declared the ordinance was APPROVED by a majority vote this 5<sup>th</sup> day of May, 2008.

  
\_\_\_\_\_  
Planning Commission Chair Person

~~AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE TO  
PERMIT LIMITED NON-RESIDENTIAL USES  
ON RESIDENTIALLY ZONED LAND~~

~~WHEREAS the Planning Commission of the City of Weston held public hearings on September 10, 2007 to consider allowing buildings to support residential use of a property larger than currently allowed and as stand-alone uses; and~~

~~WHEREAS the Planning Commission determined that certain standards should be set for such structures to minimize potential impacts on adjacent residential uses and properties; and~~

~~WHEREAS the Planning Commission found that limitations on the size of accessory buildings was not consistent with the rural nature of the community, which has many large lots, or the needs of its residents; and~~

~~WHEREAS the Planning Commission considered evidence and testimony, and recommended to the City Council that the Zoning Ordinance should be amended to allow such structures, with restrictions; and~~

~~WHEREAS the City Council held public hearings on September 12, 2007 & November 14, 2007 to consider the proposed zoning text amendment and the Planning Commission's recommendation; and~~

~~WHEREAS the City Council has determined that modifications to the requirements for accessory buildings, including allowing some non-dwelling structures to be built as stand-alone uses; therefore~~

~~THE CITY OF WESTON DOES ORDAIN AS FOLLOWS:~~

~~Section 1. DEFINITIONS AMENDED: Chapter 1.3 Definitions of the Weston Zoning Ordinance is hereby amended as follows (new text is indicated by underlining; deleted language is indicated by strike through):~~

~~**Accessory use/Accessory structure** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical Type I accessory structures in the residential District include detached garages, sheds, workshops, greenhouses, and similar structures. Type II accessory structures include the preceding types of structures and may be allowed as stand-alone uses. See Chapter 2.1, Section 200.G.~~

~~1. AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE REQUIREMENTS FOR  
ACCESSORY STRUCTURES IN THE RESIDENTIAL ZONES.~~



~~Section 2. ACCESSORY USES AND STRUCTURES STANDARDS AMENDED: Chapter 2.1, Section 200.G Accessory Uses and Structures of the Weston Zoning Ordinance is hereby amended as follows:~~

~~**200.G Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District may include detached garages, sheds, workshops, greenhouses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B.) All Type I accessory structures shall comply with all of the following standards; Type II accessory structures may be permitted in accordance with subsection 7:~~

~~1. **Primary use required.** An accessory structure shall not be allowed without another 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. **Floor Area.** The maximum floor area of the accessory structure shall not exceed 800 square feet.~~

~~5. **Building Height.** The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170, and~~

~~6. **Buffering.** A minimum four-foot hedge or fence may be required 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.~~

~~7. **The Planning Commission may approve a Type II accessory structure in compliance with the standards of subsections 2, 3, and 6, and the following additional requirements:**~~

~~a. **Primary use not required.** A Type II accessory structure may be approved as a standalone use, without a primary use, when the structure and use thereof is consistent with the purpose of supporting a primary residential use. The applicant for such a standalone structure shall provide a statement affirming that no non-residential uses, such as commercial uses or industrial uses, or any other type of use, shall be permitted in the structure or on the property at a scale and intensity inconsistent with the residential uses allowed on the site and in the zoning district. This statement shall be recorded and the restriction shall run with the property. Proof of recording shall be provided to the City Recorder before a building permit is approved.~~

~~2. AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE REQUIREMENTS FOR ACCESSORY STRUCTURES IN THE RESIDENTIAL ZONES.~~

~~Structure Size. The maximum floor area of the accessory structure and any future primary and accessory structures on the property shall not exceed the maximum allowable lot coverage and shall comply with all setback requirements. A variance shall not be approved for setbacks for any structure, present, proposed, or future, for a site with a Type II accessory structure. The applicant shall provide a concept plan that shows the likely location and size of any other future structures on the site, including a dwelling that will become the primary use to demonstrate that the site can be utilized in compliance with all requirements of the Zoning Ordinance.~~ The concept plan shall be provided in addition to a site plan showing the location, size, and setbacks for the proposed Type II accessory structure.

### ~~5.3.~~ Building Height

~~The height of a Type II accessory structure shall not exceed 25 feet and the building~~ may shall be set back from the property line for a distance equivalent to the building height.

## 2.1.209 Bed and Breakfast Inns (Short-term Rentals/Vacation Rentals)

### A. Purpose

The purpose of this section is to provide standards for the establishment of a bed and breakfast inn. Standards apply to short-term rentals/vacation rentals.

### B. Accessory Use

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

### C. Maximum size

The bed and breakfast structure is limited to a maximum of three bedrooms for guests and a maximum of six guests per night.

### D. Employees

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

### ~~B.~~ E. Food Service

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

### F. 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).

### G. Signs

Signs must meet the standards in Section 3.6.500 - Signs.

### H. Monitoring ~~2. EFFECTIVE DATE:~~

All bed and breakfast inns must maintain a guest logbook. It must include the names and home address of the guest, guests' license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by law enforcement upon request.

## 2.1.210 Master Planned Development

### A. Purpose and Intent

The purpose of this section is to ensure the development of fully integrated, mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.

### B. Applicability

~~This ordinance shall take effect 30 days~~ section applies to parcels and development sites with more than one parcel, that are 40 acres or larger, and located in the Residential District.

### C. Master Plan Required

Prior to land division approval, a Master Plan shall be prepared for all sites meeting the criteria in subsection B above. Master Plans shall follow the procedures in Section 4.5 - Master Planned Developments; except that a Master Plan shall not be required if a Specific Area Plan has been adopted for the subject area.

### D. Land Use and Design Standards

~~City of Master Planned Neighborhood Developments shall be evaluated based on the wise in Section 4.5 - Master Planned Developments, and shall be consistent with the following its passage by the City Council and approval by the Mayor, design principles:~~

1. All neighborhoods have identifiable centers and outer boundaries;
2. Edge lots are readily accessible to Residential Commercial and recreational uses by walking and bicycling (a distance not greater than one-quarter mile);
3. Uses and housing types are mixed and in close proximity to one another;
4. Streets are connected and blocks are small (e.g., between 200 to 600 feet in length; with a maximum perimeter of 1,600 feet);
5. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given prominent sites throughout the neighborhood.
6. Overall, the neighborhood plan achieves a housing density of seven units per acre, in accordance with the Comprehensive Plan and Residential District standards.
7. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the Master Plan, in accordance with the Comprehensive Plan.

#### E. Implementation

Upon approval of a Development Master Plan, the development shall follow the Land Division procedures in Section 4.3 - Land Divisions and Lot Line Adjustments, and the Site Design Review procedures in Section 4.2 - Development Review and Site Design Review, as applicable. Any modifications to the approved Master Plan shall be subject to the standards and procedures in Section 4.6 - Modifications to Approved Plans and Conditions of Approval.

#### **2.1.211 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 that, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:

##### A. Appearance of Residence

1. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
2. 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.
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
4. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

##### B. Storage

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.

~~City of Weston Zoning Ordinance Title~~ On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable) beyond those normally incidental to residential use is prohibited.

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

#### C. Employees

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than two 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.

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

3. 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.

### **2.1.211 Home Occupations Cont.**

#### D. Advertising and Signs

Signs shall comply with Section 3.6.500 - Signs. In no case shall a sign exceed 4 square feet.

#### E. Vehicles, Parking, and Traffic

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

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

3. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site. This count does not include deliveries UPS, USPS, or FEDX.

#### F. Business Hours

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. Monday through Friday.

#### G. Prohibited Home Occupation Uses

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

2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home businesses are allowed subject to Sections 2.1.201 through 2.1.206.

3. 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:

- b. Animal hospital, veterinary services, kennels, or animal boarding
- c. Auto and other vehicle repair, including auto painting
- d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.

H. Enforcement

The Code Enforcement Officer or City Police or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Section 1.4 - Enforcement.

**2.1.212 Transportation Improvements**

Standards for Transportation Improvements are in Section 4.4.400 - Criteria, Standards, and Conditions of Approval.

**2.1.300 Residential Sub-Districts**

**PASSED AND ADOPTED** this 14th day of November, 2007 by the following vote

AYES: 4 NAYS 0 ABSTENTIONS: 1

and the Mayor having declared the ordinance enacted by a majority vote, became effective on December 14<sup>th</sup>, 2007.

**APPROVED** by the Mayor this 14 day of November, 2007.

Barb Byrd  
Mayor

ATTEST:

DD Sampson  
City Recorder

**Sub-districts Authorized.**

~~ORDINANCE~~ ~~( )~~

~~Adoption of a Revision in the Weston Zoning Ordinances~~

~~WHEREAS, a public hearing was held on July 23rd 2007 to discuss a planning permit denial and was the denial was upheld; the Commission realized that the ordinances did not meet the needs of the community;~~

~~WHEREAS, public comment is limited during a hearing, the community came to the hearing to support a change in the ordinances;~~

~~WHEREAS, a public hearing was held by the Weston Planning Commission on Sept. 10th 2007, where the revisions in the Definitions Chapter 1.3 and G#7 under the "Special Standards for Certain Uses Chapter 2.1.200 were read aloud and approved;~~

~~THEREFORE, be it resolved that the Planning Commission recommends to the Weston City Council to pass this ordinance change into law.~~

~~Passed by a majority vote of the Weston Planning Commission on September 10th 2007.~~

  
Weston Planning Commission Chair

# ~~Chapter 6.0 Chapter 2.2 Downtown (D) District~~

## **Sections:**

~~2.2.100 Purpose~~

~~2.2.110 Permitted Land Uses~~

~~2.2.120 Building Setbacks~~

~~2.2.130 Lot Coverage~~

~~2.2.140 Building Orientation~~

~~2.2.150 Building Height~~

~~2.2.160 Design Guidelines and Standards~~

~~2.2.170 Pedestrian Amenities~~

~~2.2.180 Special Standards for Certain Uses~~

## ~~2.2.100 Purpose:~~

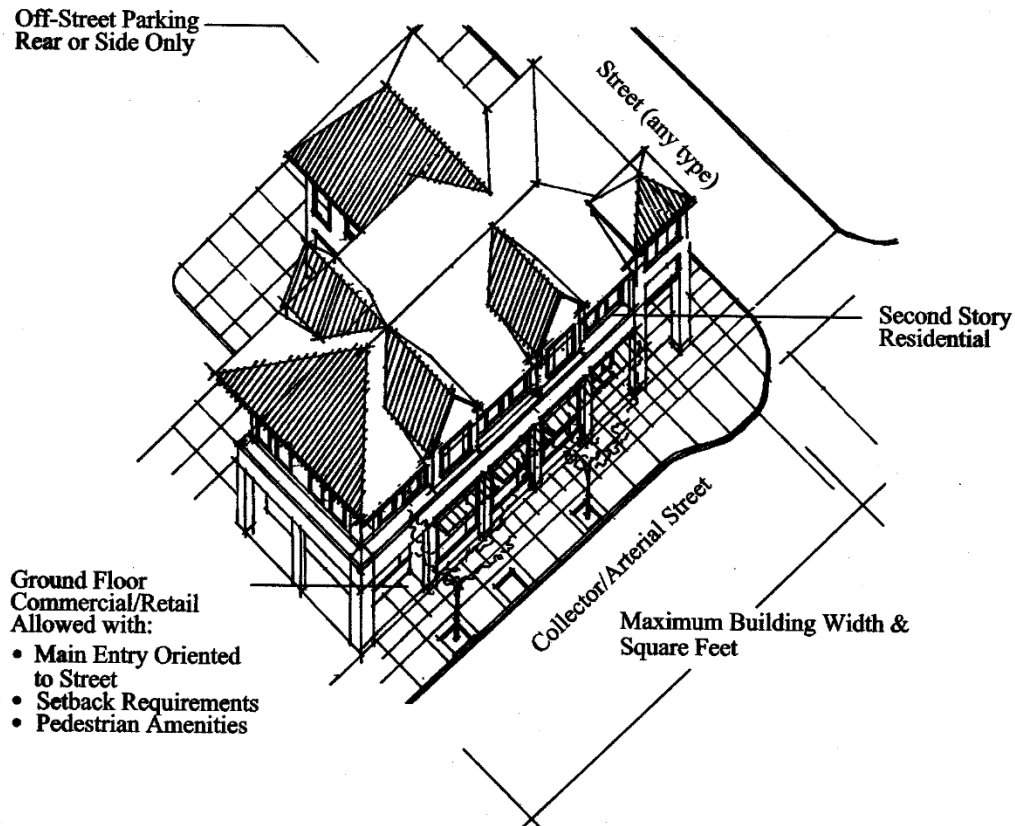
- ~~A. A city~~ Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for residential farm uses, commercial services within residential neighborhoods, and multi-family housing. Therefore, the City has adopted the Farm Residential, Residential Commercial, and Residential Multi-Family Sub-districts to address those needs.
- ~~B. Applicability.~~ Sub-districts are identified on the City's official zoning map. Properties designated with a sub-district shall comply with the provisions of the underlying Residential District, except as may be modified by this section.
- ~~C. Standards.~~ Where there are conflicts, the sub-district standards supersede the standards of Sections 2.1.100 - Purpose and 2.1.200 - Special Standards for Certain Uses. If there is no specific conflict, then the standards of 2.1.100 to 2.1.200 shall apply.

## 2.1.400 Farm Residential (FR) Sub-Districts

- ~~A. Purpose/Intent Statement.~~ The Farm Residential (FR) Sub-district is intended to accommodate existing uses and preserve the land in large blocks until it is needed for urban development. The FR Sub-district is established as a Farm Use zone according to ORS 215.203 and 215.213 to help qualify area farm uses for the special property tax assessment provisions of ORS 308.370.
- ~~B. Development Standards.~~
- ~~1. Minimum parcel size 19 acres.~~
  - ~~2. Setbacks: All setbacks (front, side, and rear) in the FR sub-district are 20 feet.~~

## 2.1.500 Residential Commercial Sub-District

- ~~A. Purpose/Intent Statement.~~ The Residential Commercial Sub-district is intended to provide land for small-scale commercial uses that are compatible with adjacent residential development. When feasible, less than half of the structure should be used for residential purposes, with the purposes of promoting commercial activities in the sub-district. All Residential Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between Residential Commercial and other residential uses.



**B. Permitted Uses.** Only those Residential Commercial uses specifically listed in Section 6 of Table 2.1.110.A are permitted. Residential and Residential Commercial uses may be mixed “vertically” - meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed “horizontally” - meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Section 1.3 - Definitions, are expressly prohibited in this sub-district.

**C. Building Mass Supplemental Standard.** The maximum width or length of a Residential Commercial or mixed use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).

**D. Floor Area Supplemental Standards.** The maximum commercial floor area shall not exceed 5,000 square feet total per Residential Commercial site within the Residential Commercial Sub-district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7-1/2 feet of vertical clearance).

**E. Hours of Operation.** Residential Commercial land use operation shall be limited to the hours of 7 a.m. to 8 p.m.

### **2.1.600 Residential Suburban (RS) Sub-District**

**A. Purpose/Intent Statement.** The Residential Suburban (RS) Sub-district provides for lower-density urban residential development, especially suited to existing lower density areas of the City and steep hillsides.

**B. Permitted Uses.** Single-family detached homes, multi-sectional mobile or manufactured homes and accessory dwellings or structures.

**C. Dimensional Standards.** Dimensional standards for parcel size, setbacks, and lot coverage are located in the previous applicable subsections of Sections 2.1.110 through 2.1.190, unless otherwise noted in this section.



## 2.2 Commercial (C) District

### 2.2.100 Purpose

A City goal is to strengthen the ~~Downtown~~ Commercial District as the “heart” of the community and as the logical place for people to gather and create a business center. The ~~city~~ City will issue business licenses. The Commercial District is intended to support this goal through elements of design and appropriate mixed-use development. This ~~chapter~~ section provides standards for the orderly improvement of the ~~Downtown~~ Commercial District based on the following principles:

- Efficient use of land and urban services;
- ~~Efficient use of land and urban services;~~
- A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;
- ~~Downtown provides~~ Provides both formal and informal community gathering places;
- There is a distinct storefront character ~~which identifies Downtown;~~
- ~~The Downtown District is connected~~ Connected to neighborhoods and other employment areas;
- ~~Provide~~ Provides visitor accommodations and tourism amenities.

### 2.2.110 Permitted Land Uses

#### Permitted Uses 2.2.110 Permitted Land Uses

- Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the ~~Downtown~~ Commercial District, subject to the provisions of this ~~Chapter~~ section. 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~~ Section 4.4 - Conditional Use Permits.
- Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in ~~Chapter~~ Section 4.8 - Code Interpretations.

Land Uses and Building Types Permitted in the ~~Downtown~~ **Commercial** District

**1. Residential\*:**

Single-family

- ~~a.~~ Single-family detached housing (existing housing only)
- b. Accessory dwellings
- c. Manufactured homes - individual lots (existing housing only)
- d. Single-family attached townhomes\*

Two- and Three-Family

- e. Two- and three-family housing (duplex and triplex)\*

Multi-family

- f. Multi-family housing

Residential care

- g. Residential care homes and facilities
- h. Family daycare (12 or fewer children)

**2. Home occupations\*** (according to standards in Section 2.1.200 -Special Standards for Certain Uses)

**3. Bed and Breakfasts Inns (short term rentals/vacation rentals) (CU)\***

**4. Public and Institutional\***

- a. Churches and places of worship
- b. Clubs, lodges, similar uses
- ~~a~~c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)

**5. Accessory Uses and Structures\***

**6. Commercial:**

- ~~a.~~ Auto-dependent and auto-oriented uses and facilities (CU)\*
- b. Entertainment (e.g., theaters, clubs, amusement uses)
- ~~b~~c. Hotels/motels
- d. Medical and dental offices, clinics and laboratories
- e. Mixed use development (housing and other permitted use)\*
- ~~e~~f. Office uses (i.e., those not otherwise listed)

Land Uses and Building Types Permitted in the ~~Downtown~~ Commercial District

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Land Uses and Building Types Permitted in the ~~Downtown~~ Commercial District

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Land Uses and Building Types Permitted in the ~~Downtown~~ Commercial District

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Land Uses and Building Types Permitted in the ~~Downtown~~ Commercial District

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Land Uses and Building Types Permitted in the ~~Downtown~~ Commercial District

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~~Land Uses and Building Types Permitted in the~~ **Downtown Commercial** ~~District~~

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~~b. Accessory dwellings~~

~~e. Manufactured homes  
- individual lots (existing housing only)~~

~~d. Single family attached townhomes\*~~

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

~~e. Hotels/motels~~

~~d. Medical and dental offices, clinics and laboratories~~

Land Uses and Building Types Permitted in the **Downtown Commercial** District

<p><del>Two and Three Family</del> e. <del>Two and three family housing (duplex and triplex)*</del></p>	<p>e. <del>Mixed use development (housing &amp; other permitted use)*</del> f. <del>Office uses (i.e., those not otherwise listed)</del></p>
<p><del>Multi family</del> f. <del>Multi family housing</del>  <del>Residential care</del> g. <del>Residential care homes and facilities</del></p>	<p>g. <u>Personal and professional services (e.g., childcare 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)</u> h. <del>h</del>-Repair services h.i. <u>Retail trade and services, except auto-oriented uses</u></p>
<p>h. <del>Family daycare (12 or fewer children)</del></p>	<p>i. <del>Retail trade and services, except auto-oriented uses</del></p>
<p><del>2. Home occupations*</del> (according to standards in Section 2.1.200)</p>	<p>i.i. <del>j</del>-Uses similar to those listed above (subject to CU requirements, as applicable)</p>
<p><del>3. Bed &amp; breakfasts inns (CU)*</del>  <del>4. Public and Institutional*</del> a. <del>Churches and places of worship</del>  b. <del>Clubs, lodges, similar uses</del>  c. <del>Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</del></p>	<p><b>4. Industrial*</b>: Light <del>manufacture</del><u>manufacturing</u> (e.g., small-scale crafts, electronic equipment, bakery <u>products, printing and binderies</u>, furniture, similar goods when in conjunction with retail)</p>

\* - Uses marked with an asterisk are subject to the standards in Section 2.2.180. ~~4~~ - Special Standards for Certain Uses. \*\* - Uses marked with ~~two~~ asterisks are subject to the standards in Section 4.4. ~~400B~~ 400 - Criteria, Standards, and Conditions of Approval, D.  
(CU) - Uses marked with CU require a Conditional Use Permit. Temporary uses are subject to the standards in Section 4.9. ~~-~~ Miscellaneous Permits.

Only uses specifically listed in Table 2.2.110.A, and uses similar to those in Table 2.2.110.A are permitted in the **Downtown Commercial** District. The following uses are expressly prohibited: heavy industrial uses, drive-up, drive-in, and drive-through facilities, as defined in Section 2.2. ~~180.F~~ 185 - Automobile-oriented Uses and Facilities.

~~2.2.120 Building Setbacks~~2.2.120 Building Setbacks

In the Downtown Commercial District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, 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, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown.

Building setbacks are measured from the closest wall on the structure 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, as listed ~~on the following page below~~, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a Variance, variance in accordance with Chapter Section 5.1 - Variances.

**A. Front Yard Setbacks**

1. Minimum Setback. There is no ~~mini-11um~~ minimum front yard setback required.
2. Maximum Setback. The maximum allowable front yard setback is 5 feet. ~~This~~ This standard is met when a minimum of 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 town square with seating) is provided between the building and front property line. ~~(See also, Section 2.2.170 - Pedestrian Amenities Standards in Section 2.2.170, and Section 2.2.160 - Design Standards in Section 2.2.160 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 parallel parking.
2. Double-Frontage Lots. For buildings on double-frontage lots (lots with both front and rear frontage onto a street), the front yard setbacks in “Section 2.2.120 Building Setbacks, A”, shall apply.

**C. Side Yard Setbacks** The minimum side yard setback for all structures shall be 0 feet (no minimum required), except that buildings shall conform to the vision clearance standards in Chapter Section 3.1 - Access and Circulation 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 6 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 Section 3.2 - Landscaping and Street Trees. Fences and Walls.

## ~~2.2.130 Lot Coverage~~

### ~~A.2.2.130 Lot Coverage~~

- A. ~~Lot Coverage.~~ 100% ~~percent~~ (no maximum lot coverage requirement), except that compliance with other sections of this ~~code~~ ~~Code~~ may preclude full (100 percent) lot coverage for some land uses.

## ~~2.2.140 Building Orientation~~

### 2.2.140 Building Orientation

This section is intended to promote the walkable, storefront character of ~~Downtown~~ downtown. 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 on the following page and illustrated above, compliment the front yard setback standards in Section 2.2.120 - Building Setbacks.

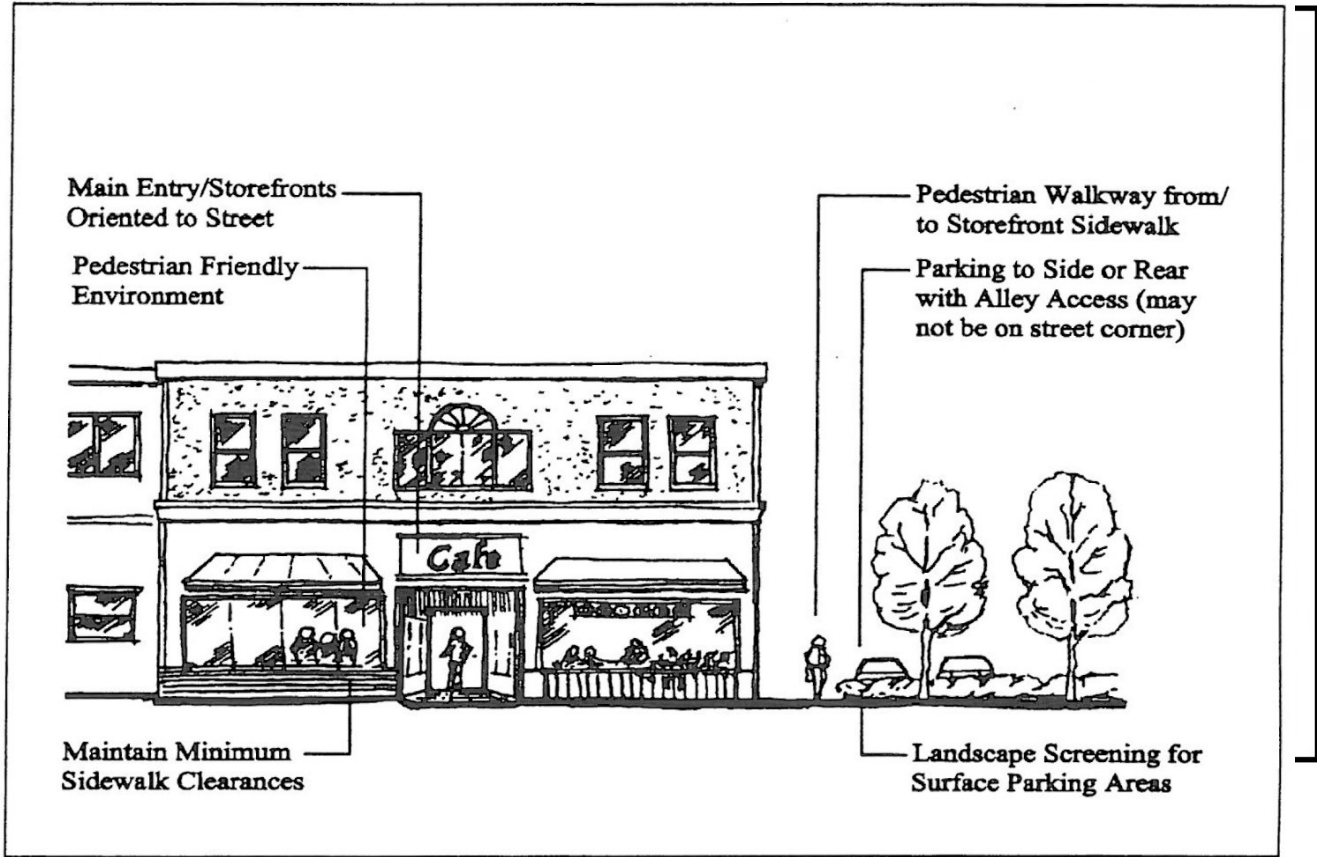
- A. **Applicability.** This ~~Section~~ section applies to new ~~Land Divisions~~ land divisions (partitions and subdivisions and all of the following types of development (i.e., subject to Site Design Review):
1. Multi-family housing;
  2. Public and institutional buildings, except that the standard shall not apply to buildings ~~which~~ that are not subject to ~~site design review~~ Site Design Review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
  3. Commercial and mixed-use buildings subject to ~~site design review~~ Site Design Review.

~~Compliance with all of the provisions of subsections B through E, below, shall be required.~~

- B. **Building Orientation Standard.** All of the developments listed in Section 2.2.140 Building Orientation, 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 - Building Setbacks are met;
  2. Buildings have their primary entrance(s) oriented to (facing) the street. 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 is provided between the building entrance and the street right-of-way.

3. Off-street parking~~;~~ driveways~~;~~ or other vehicular circulation shall not be placed between a building and the street that is used to comply with [this](#) subsection ~~"b"~~ ~~above~~. On ~~corner~~[corner](#) lots, buildings and their entrances shall be oriented to the street ~~corner~~[corner](#), as shown ~~above~~[on Figure 2.2.140](#); parking, driveways~~;~~ and other vehicle areas shall be prohibited between buildings and street ~~corners~~[corners](#).
- C. **Active Ground Floor Standard.** The streetside portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided.
- D. **Continuous Building Frontage~~;~~** Buildings shall be built to the property lines on either side so as to create a continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices, etc~~;~~~~;~~ by an internal walkway~~;~~.

Figure 2.2. ~~140~~140 - Building Orientation ~~(typical)~~ (Typical)



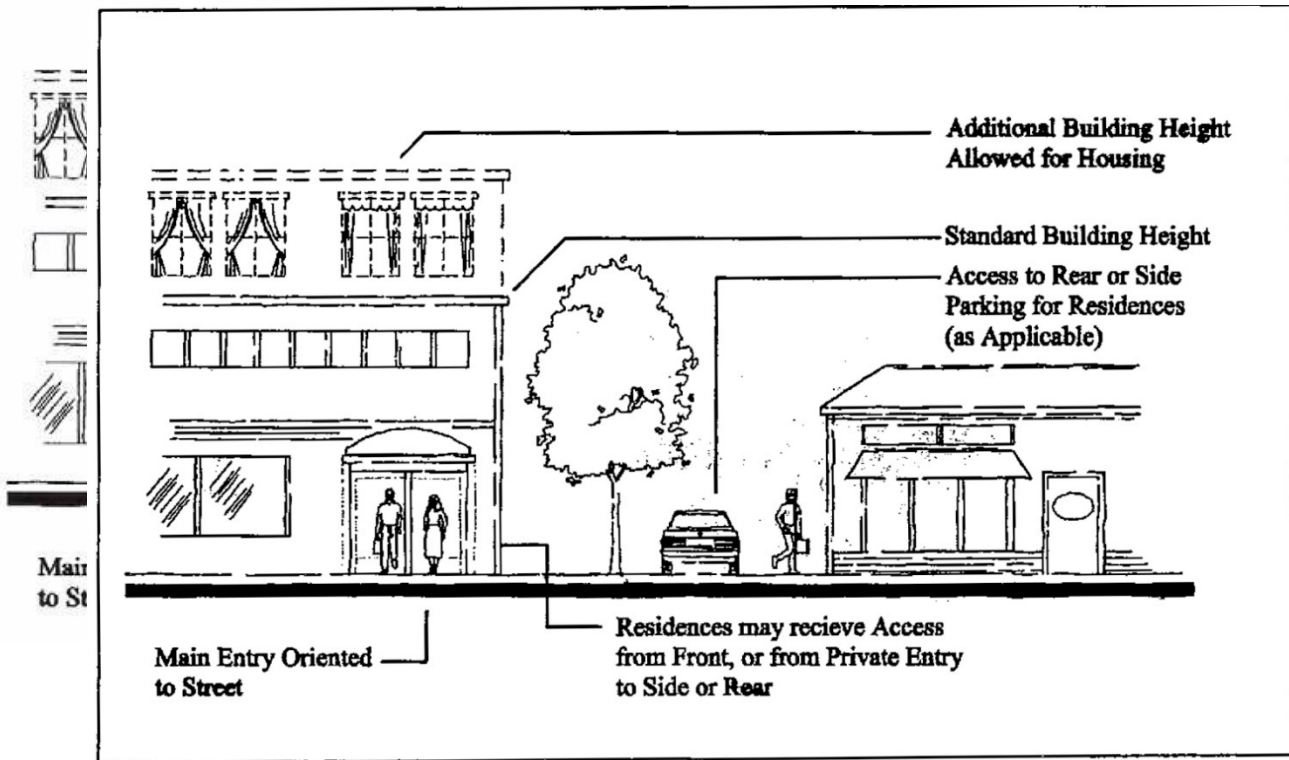
- E. **Variations.** The standards of this ~~Section~~section shall not be changed through a Class A ~~Variance~~variance. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variances in Chapter 5.0.

## ~~2.2.150 Building Height~~

### 2.2.150 Building Height

All buildings in the ~~Downtown~~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 2.2.150 - Building Height Diagram (Credit for Housing)



- A. **Maximum Height.** Buildings shall be no more than 35 feet. The maximum height may be increased by 10 feet when housing is provided above the ground floor ~~“vertical mixed use”~~, as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.



## ~~2.2.150 Building Height (continued)~~

- 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 see~~ Figure 2.1.170 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~~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 a~~ [Section 2.2.150 - Building Height, 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, [solar energy systems](#), and similar features ~~which that~~ are not for human occupancy.

## ~~2.2.160 Design Standards~~

### [2.2.160 Design Standards](#)

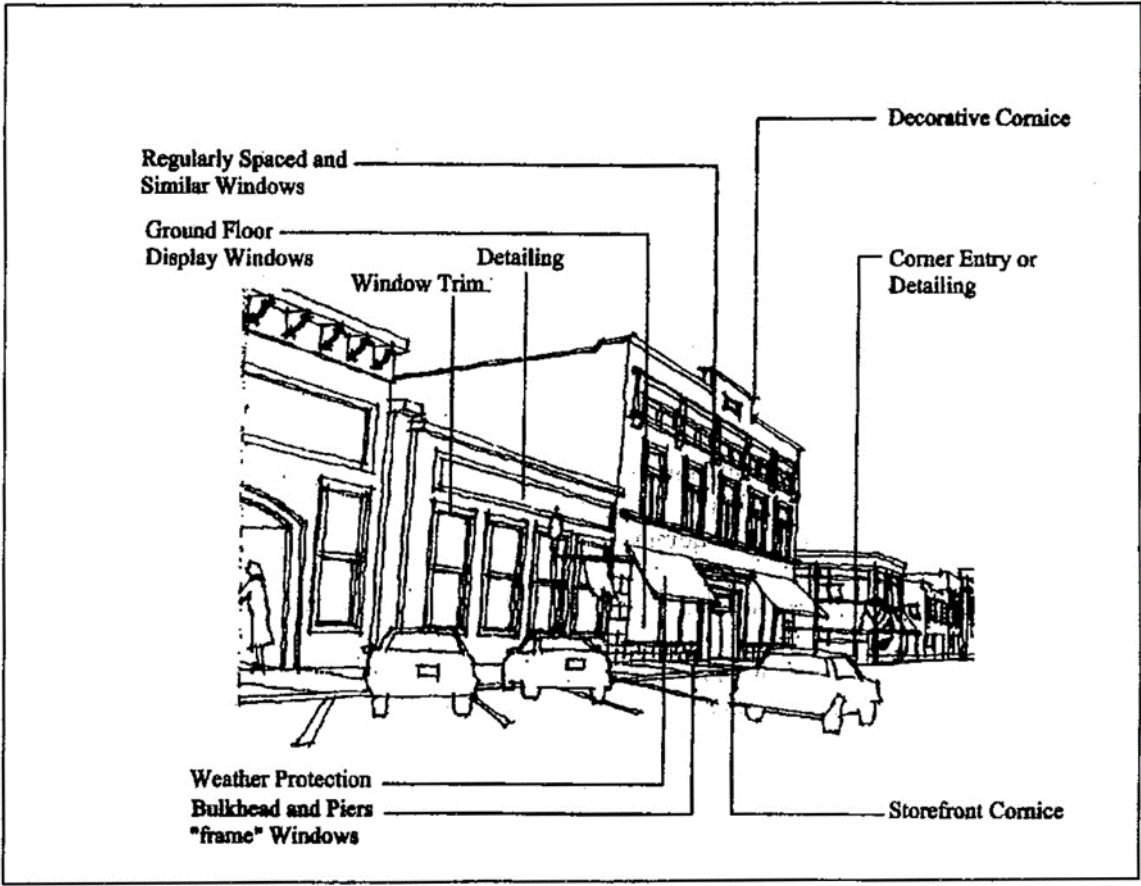
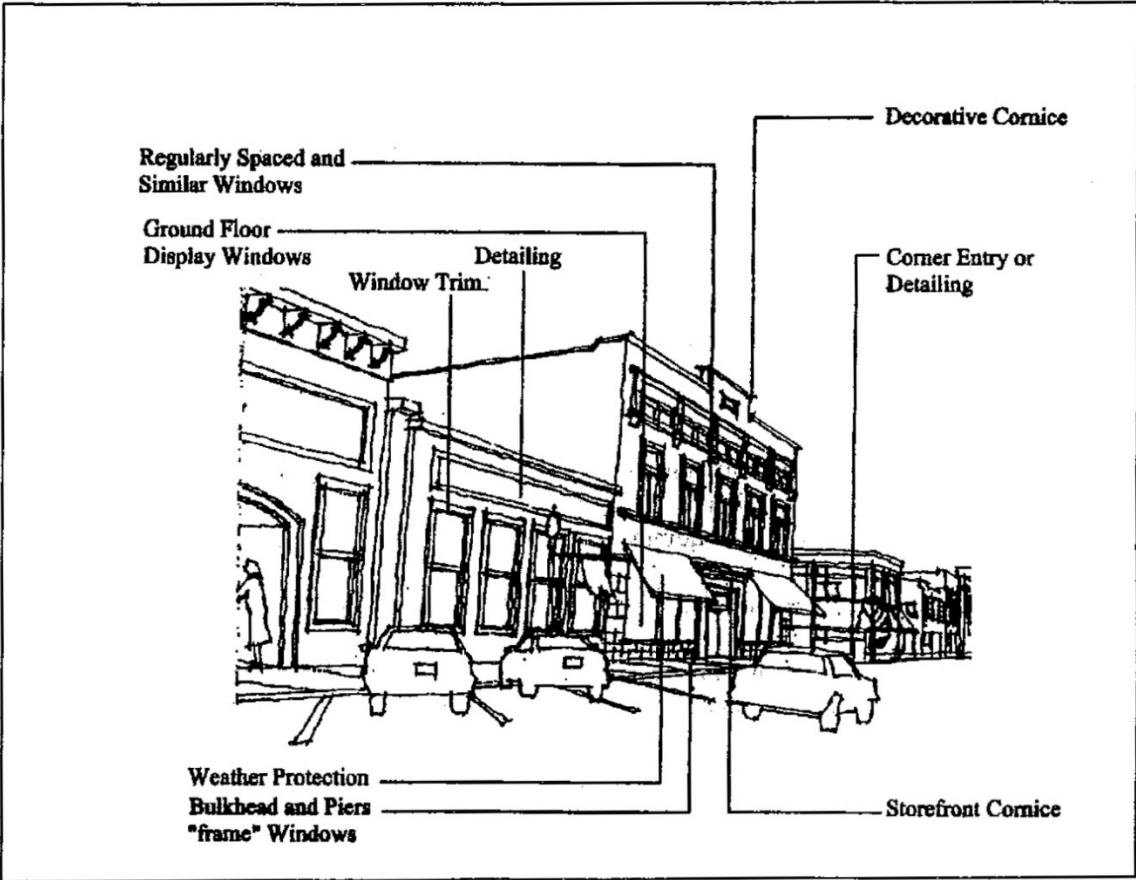
- A. Purpose and Applicability.** The ~~Downtown~~commercial design standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:
1. Multi-family housing;
  2. Public and institutional buildings, except that the standard shall not apply to buildings ~~which that~~ are not subject to ~~site design review~~ [Site Design Review](#) or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
  3. Commercial and mixed-use buildings subject to ~~site design review~~ [Site Design Review](#).
- B. Standards.** Each of the following standards shall be met. A design feature used to comply with one standard may be used to comply with another standard.
1. Detailed Storefront Design. All buildings shall contribute to the storefront character and visual relatedness of ~~Downtown~~ buildings. This criterion is met by providing all of the following design features listed in a ~~through~~ [through](#) e, below, along the front building elevation (i.e., facing the street ~~to~~), as applicable.
    - a. ~~Corner~~ [Corner](#) building entrances on ~~corner~~ [corner](#) lots. Alternatively, a building entrance may be located away from the ~~corner~~ [corner](#) when the building ~~corner~~ [corner](#) is beveled or incorporates other detailing to reduce the angular appearance of the building at the street ~~corner~~ [corner](#).
    - b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).



~~2.2.160 Design Standards (continued)~~

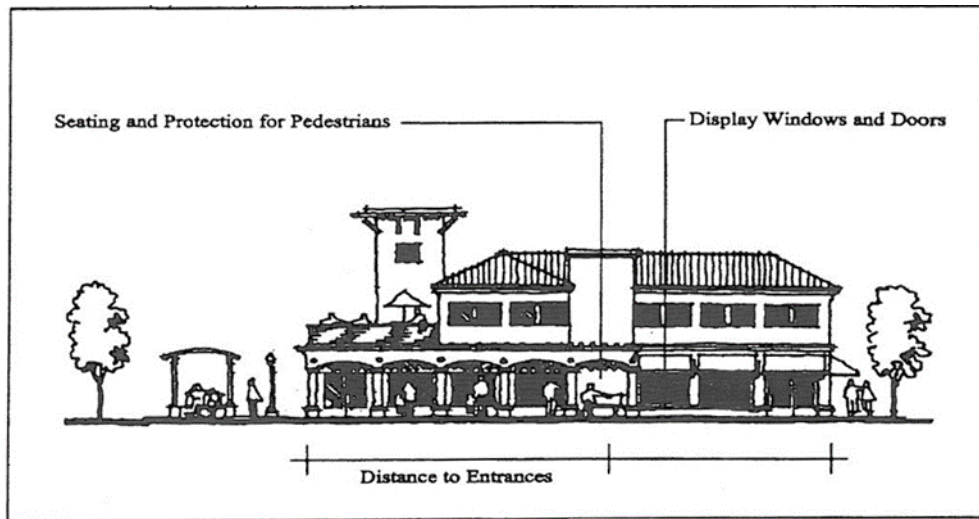
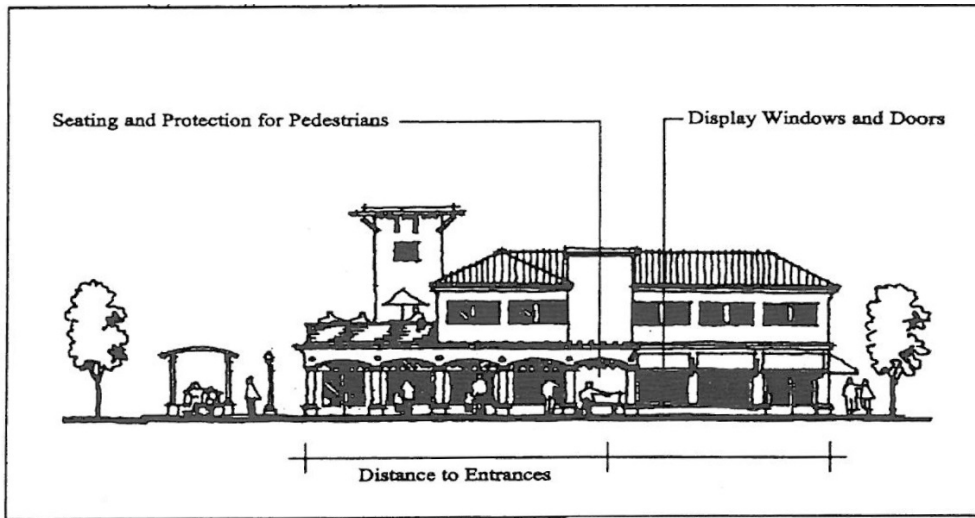
- C. **Large display windows on the ground floor (non-residential uses only).** Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground floor from second story, as shown Figure ~~2.2160B~~ 2.160B(1)).
- D. **Decorative cornice at top of building (flat roof) or eaves provided with pitched roof.**
- ~~2.~~ All residential buildings subject to design review shall comply with the Residential District design guidelines, as listed in ~~Chapter 2.1~~ Section 2.1.190 - Design Standards, G.

Figure 2.2.160B(1) - Downtown 1 - Commercial Building Design Elements (Typical)



Note: ~~the~~[The](#) example shown above is meant to illustrate required building design elements, and should not be interpreted as a required design style.

Figure 2.2.160B(2) - Design of Large-Scale Buildings and Developments (Typical)



Note: ~~the~~The example shown above is meant to illustrate required 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 ~~"c"~~ below, shall apply to "Large-Scale Buildings and Developments" as defined in ~~a~~ through b:
  - a. Buildings with more than 20,000 square feet of enclosed ground floor space (i.e., "largescale"). 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 ground floor space (enclosed) of more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments) are considered large-scale.
  - c. All large-scale buildings and developments, as defined in a through b, shall provide human-scale design by conforming to all of the following criteria:
    - A. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as illustrated in Figure 2.2.160B(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.

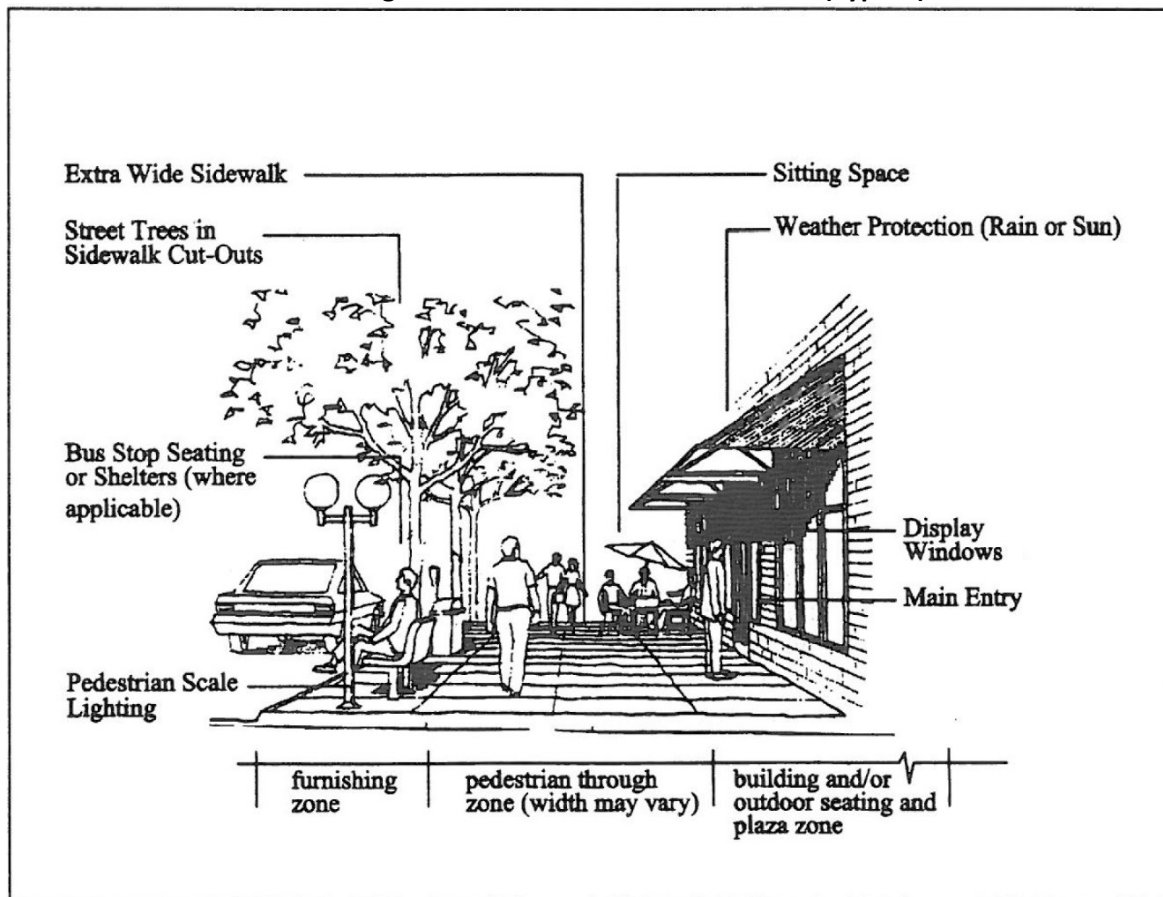
- B.** Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., 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 Section 3.1 - Access and Circulation](#).

## 2.2.170 Pedestrian Amenities.

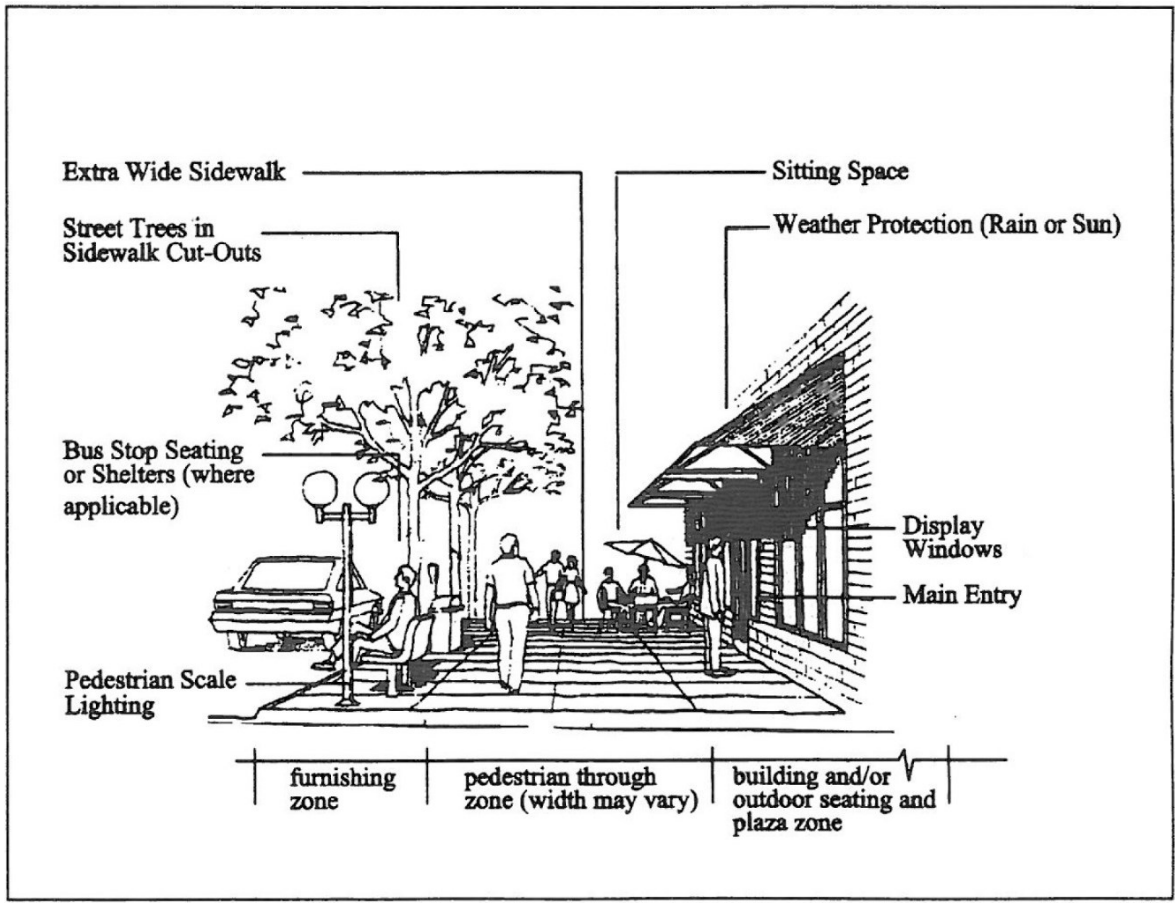
### 2.2.170 Pedestrian Amenities

- A. Purpose and Applicability.** This section is intended to complement the building orientation standards in Section 2.2.140 - [Building Orientation](#), and the street standards in [Chapter Section 3.1 - Access and Circulation](#), by providing comfortable and inviting pedestrian spaces within the [Downtown Commercial District](#). Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the [city's Downtown City's downtown](#), and contribute to a walkable district. This section applies to all of the following types of buildings:
1. Multi-family housing;
  2. Public and institutional buildings, except that the standard shall not apply to buildings ~~which~~ that are not subject to ~~site design review~~ [Site Design Review](#) or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
  3. Commercial and mixed-use buildings subject to ~~site design review~~ [Site Design Review](#).

Figure 2.2.170 - Pedestrian Amenities (Typical)







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

## ~~2.2.170 Pedestrian Amenities (continued)~~

B. **Pedestrian Amenity Standards.** Every development shall provide at least one of the ~~“pedestrian”~~ “pedestrian” amenities~~”~~ listed below and illustrated in Figure 2.2.170. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the ~~city~~ City (for city streets), Umatilla County (for County roads), or the Oregon Department of Transportation (~~“ODOT”~~ ODOT) (for state highways).

1. A plaza~~,”~~ ,” courtyard~~,”~~ ,” square~~,”~~ ,” or extra-wide sidewalk next to the building entrance (minimum width of 8 feet);
2. Sitting space (i.e., dining area, benches~~,”~~ ,” or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of ~~four~~ 4 feet over a sidewalk or other pedestrian space).
4. Public art ~~which~~ that incorporates seating (e.g., fountain, sculpture, etc.).

## ~~2.2.180 Special Standards for Certain Uses~~

### 2.2.180 Special Standards for Certain Uses

This section supplements the standards contained in Sections 2.2.~~1-00~~ 100 through 2.2.170. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the ~~Downtown~~ Commercial District~~,”~~ ,”:

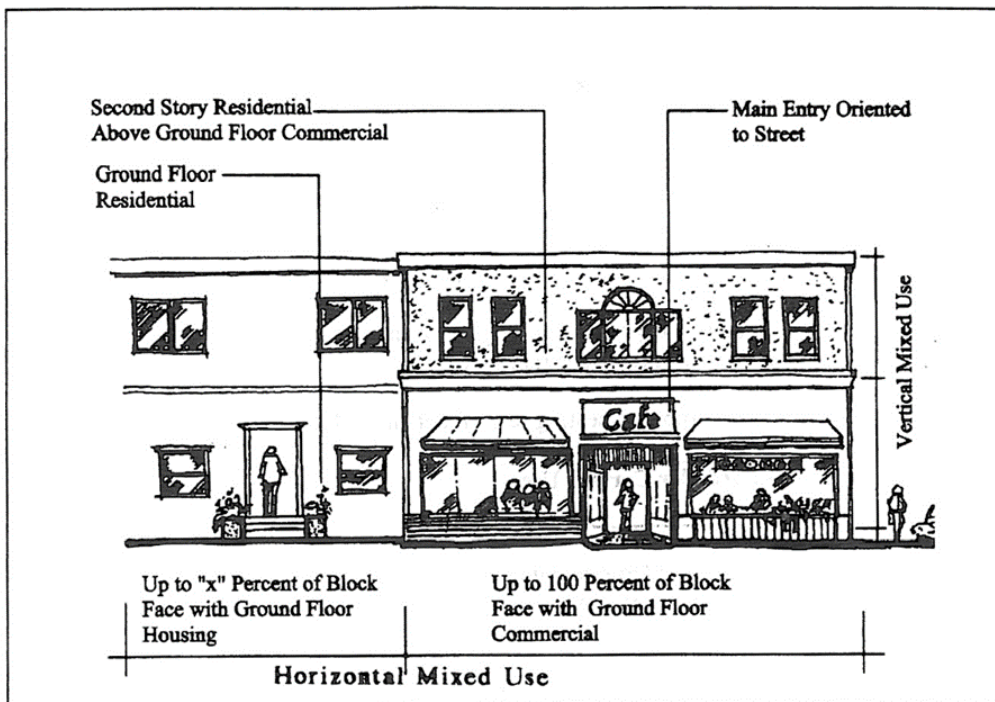
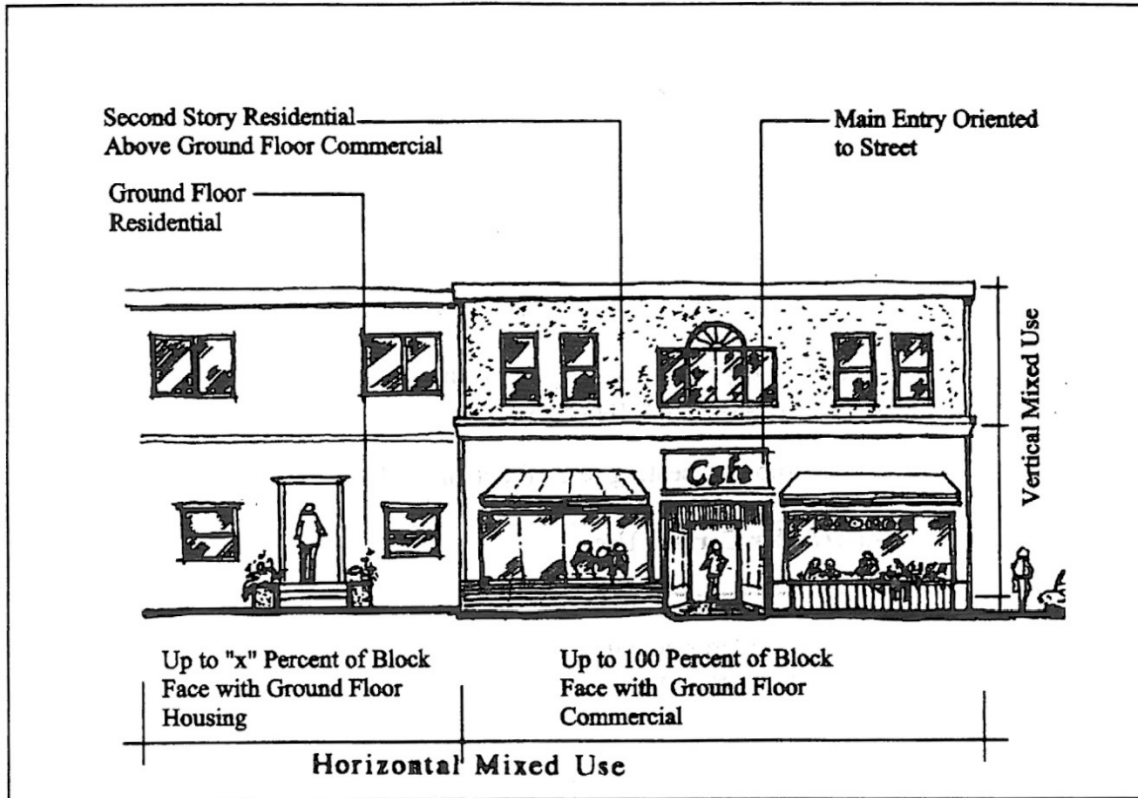
- Residential Uses
- Bed and Breakfast Inns (short-term rentals/vacation rentals)
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-~~Oriented~~ oriented Uses and Facilities ~~Outdoor Storage and Display~~
- Sidewalk Displays
- Light ~~Manufacture~~ Manufacturing
- Accessory Dwelling
- Historic District Standards

### 2.2.181 Residential Uses

~~”~~ ” Higher density residential uses, such as multi-family buildings are permitted to encourage housing near employment, shopping~~,”~~ ,” and services. All residential developments shall comply with the standards in 1~~”~~ ” ~~through~~ through 4, below. These standards are intended to require mixed-use development; conserve the community’s supply of commercial land for commercial uses; provide for designs ~~which~~ that are compatible with a storefront character~~,”~~ ,”; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas~~,”~~ ,”. Residential uses that existed prior to the effective date of this ~~code~~ Code are exempt from this ~~Section~~ section.



Figure 2.2.180A.181 - Mixed Use Development in the Downtown Commercial District



2.2.181 Residential Uses Cont.

- A. Mixed Use Development Required

~~Residential uses shall be permitted only when part of a mixed-use development (Residential with Commercial or Public/~~institutional~~ Institutional Use). Horizontal and vertical mixed use (housing alongside or above the ground floor) is allowed, subject to the standards in 2 through 5 listed below.~~

B. Density

There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.

B.C. Parking, Garages, and Driveways

All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, 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 (e.g., underground or structured parking) 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 Main Street) when access cannot be provided from an alley.

#### D. 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 make construction of an alley impracticable. As part of a subdivision, the ~~city~~City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with ~~Chapter~~Section 3.1 - Access and Circulation.

#### ~~E.~~ 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~~City prior to building permit approval.

### 2.2.182 ~~Bed and Breakfast Inns and~~ (Short-term Rentals/Vacation Rentals)

#### A. Purpose

The purpose of this section is to provide standards for the establishment of a ~~bed~~Bed and ~~breakfast inn~~Breakfast Inn. Standards apply to short-term rentals/vacation rentals.

#### B. Accessory Use

A ~~bed~~Bed and ~~breakfast inn~~Breakfast Inn must be accessory to a household already occupying the structure as a residence.

#### C. Maximum ~~size~~Size

The bed and breakfast structure is limited to a maximum of ~~3~~three bedrooms for guests and a maximum of ~~6~~six guests per night.

#### ~~D.~~ Employees

The bed and breakfast facility may have up to ~~2~~two non-resident employees for the facility.

#### ~~D.~~ Food Service

Food services may only be provided to overnight guests of the ~~bed~~Bed and ~~breakfast inn~~Breakfast Inn.

#### ~~E.~~ Owner-occupied

The Bed and Breakfast ~~inn~~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).

#### ~~F.~~ Signs

Signs must meet the standards in ~~Chapter~~Section 3.6. ~~5~~500 - Signs.

#### ~~G.~~ Monitoring

~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~  
~~All Bed and breakfast inns~~ ~~Breakfast inns~~ must maintain a guest logbook. It must include the names and home address of guest, guests' license plate numbers if traveling by car, dates of stay, and the room number of each guest. The log must be available for inspection by ~~city staff~~ law enforcement upon request.

### 2.1.183 Public and Institutional Uses

Public and institutional uses (as listed in Table 2.2.110.A) are allowed in the ~~Downtown~~ Commercial District, except that automobile-oriented ~~uses~~ uses shall comply with the standards in ~~"E", below~~ Section 2.2.185 - Automobile-oriented Uses and Facilities. Typical auto-dependent and automobile 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. Standards for Transportation Improvements are listed in ~~Chapter~~ Section 4.4.400 ~~D~~.

~~D.2.2.184~~ **Accessory Uses and Structures**

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the ~~Downtown~~ Commercial District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures do not include accessory dwellings, which are a separate permitted use (see ~~section H. below~~) Section 2.2.188 - Accessory Dwelling).

Accessory Uses and Structures shall comply with the following standards:

A. ~~Primary use required~~ Use Required

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

B. ~~Setback standards~~ Standards

Accessory structures shall comply with the setback standards in Section 2.2.120 - Building Setbacks, except that the maximum setback provisions shall not apply.

C. ~~Design guidelines~~ Guidelines

Accessory structures shall comply with the ~~Downtown~~ design guidelines, as provided in Section 2.2.160 - Design Standards.

~~H.D.~~ Restrictions

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

E. ~~Compliance with subdivision standards~~ 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.

~~Automobile-Oriented Uses and Facilities~~ **2.2.185 Automobile-oriented uses** Uses and Facilities

Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the ~~Downtown~~ Commercial District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

A. Parking, Garages, and Driveways

~~=~~All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, 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~~ corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On ~~corner~~ corner lots, garage entrances shall be oriented to a side ~~street~~ (i.e., away from Main Street) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not cover more than 10,000 square feet; parking lots larger than 10,000 square feet shall be in multiple story

2.2.185 Automobile-Oriented oriented Uses and Facilities Cont.B. Automobile-oriented and Automobile Dependent Uses



Automobile-oriented use means automobiles and/or other motor vehicles are an integral part of the use. Automobile dependent use means that the use serves vehicles and would not exist without them. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses and automobile-dependent ~~uses~~ uses shall comply with the following standards:

~~2-2-180 Special Standards for Certain Uses (continued)~~

1. ~~a~~ Vehicle repair, sales, rental, storage, service. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment are permitted when the use is contained within an enclosed building. This means no outdoor activity, storage, or display.
2. 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:
  - a. The facility receives access from an alley or driveway and not a street;
  - b. 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~~ corner. Exception (~~Walk~~ walk-up only teller machines and kiosks may be oriented to a ~~corner~~ corner);
  - c. 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; and
  - d. 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.

**2.1.186 Sidewalk Displays**

Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, 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 pedestrians 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.

**2.1.187 Light ~~Manufacture~~ Manufacturing**

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

**A. Retail or Service Use Required**

Light ~~manufacture~~ manufacturing is allowed only when it is in conjunction with a permitted retail or service use.

**City of Weston B. Location**

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

~~F~~ Development standards for accessory dwellings in the ~~Downtown~~ Commercial District are the same as those in Section 2.1. ~~200-B for the Residential District.~~ 202 - Accessory Dwelling Unit (Attached, Separate Cottage, Tiny Home, or Above Detached Garage).

~~E. Historic District Standards (Placeholder).~~

# ~~Chapter 7.0 Chapter 2.3 General Industrial (GI) District~~

**Sections:**

- ~~2.3.100 Purpose~~
- ~~2.3.110 Permitted Land Uses~~
- ~~2.3.120 Development Setbacks~~
- ~~2.3.130 Lot Coverage~~
- ~~2.3.140 Development Orientations~~
- ~~2.3.150 Building Height~~
- ~~2.3.160 Special Standards for Certain Uses~~

~~2.3.100 Purpose.~~

## ~~The General 3 Industrial District (I) District~~

### 2.3.100 Purpose

The Industrial District accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. This ~~chapter~~section 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 major employment centers.
- Ensure compatibility between industrial uses and nearby commercial and residential areas.
- Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan.

~~2.3.110 Permitted Land Uses.~~

- A. **Permitted Uses.** The land uses listed in Table 2.3.110.A are permitted in the ~~General~~ Industrial District, subject to the provisions of this ~~Chapter~~ section. Only land uses ~~which~~ that are specifically listed in Table 2.3.110.A, and land uses which are approved as “similar” to those in Table 2.3.110, 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~~ Section 4.4 - Conditional Use Permits.
- B. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in ~~Chapter~~ Section 4.8 - Code Interpretations.

**2.3.110 Permitted Land Uses (continued)**

Table 2.3.110.A

**Land Uses and Building Types Permitted in the ~~General~~ Industrial District****1. Industrial (CU)\*:**

- a. Heavy manufacturing, assembly, and processing of raw materials (CU)
- b. Light ~~manufacture~~ manufacturing (e.g., small-scale goods, electronic equipment, bakery products, printing, bindery and binderies, furniture, and similar goods)
- c. Warehousing and distribution
- d. Junk yard and motor vehicle wrecking yards, and similar uses
- e. Mini-warehouse and storage
- f. Research facilities
- ~~e.g.~~ Uses similar to those listed above

**2. Residential:**

One caretaker unit shall be permitted for each development, ~~7.~~ subject to the standards in Section 2.3.160 ~~7.~~ Special Standards for Certain Uses. Other residential uses are not permitted, except ~~that those~~ residences ~~which~~ that existed ~~seven years~~ prior to the effective date of this Code may continue.

**3. Commercial (CU)\*:**

Offices and other commercial uses are permitted when they are integral to a primary industrial use (e.g.; administrative offices, wholesale of goods produced on location and similar uses).

- a. Automobile-dependent and automobile-oriented uses (vehicle repair, sales, rental, storage, service, and drive-up, drive-in, and drive-through facilities)
- b. Entertainment (e.g., theaters, amusement uses)
- c. Hotels and motels
- d. Medical and dental clinics and laboratories
- e. Outdoor commercial uses (e.g., outdoor storage and sales)
- f. Personal and professional services (e.g., childcare, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)
- g. Repair services
- h. Retail trade and services, not exceeding 60,000 square feet of floor area per building
- i. Wholesale trade and services, not exceeding 60,000 square feet of floor area per building
- j. Uses similar to those listed above

**4. Public and institutional uses:**

- a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, ~~7.~~ transit, and similar facilities where the public is generally not received) (CU)\*;
- b. Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities) (CU)\*;
- c. Transportation ~~Facilities and Improvements;~~ facilities and improvements:
  1. Normal operation, maintenance;
  2. Installation of improvements within the existing right-of-way; ~~7.~~
  3. Projects identified in the adopted ~~Transportation System Plan~~ TSP not requiring future land use review and approval;
  4. Landscaping as part of a transportation facility;
  5. Emergency ~~Measures~~ measures;
  6. Street or road construction as part of an approved subdivision or partition; ~~7.~~
  7. Transportation projects that ~~are not designated improvements in the~~ Transportation System Plan\*\* ~~TSP\*\*~~ (CU) ~~7.~~ and
  8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition ~~7.~~ City of Weston Development Code (CU).
- d. Passive open space (e.g., natural areas) ~~7.~~ (CU)\*;
- e. Special district facilities ~~=~~ (e.g., irrigation district, ~~7.~~ and similar facilities) (CU)\*
- f. Vocational schools co-located with parent industry or sponsoring organization (CU)\*;

Land Uses and Building Types Permitted in the ~~General~~ Industrial District

g. Uses similar to those listed above. (CU)\*

5. ~~Wireless Communication Equipment~~ subject to the standards in ~~Chapter 3.6.200~~ of the Wireless Communications and Public Safety Act of 1999.

6. ~~Accessory uses~~ Uses and Structures

\*-Uses marked with an asterisk shall conform to the standards when required by Section 2.3.160. \*\*Uses marked with ~~2 asterisks~~ two asterisks are subject to the standards in Section 4.4. ~~400D-400~~ - Criteria, Standards, and Conditions of Approval, D. (CU) - Uses marked with CU require a Conditional Use Permit.

Only uses specifically listed ~~in~~ in Table 2.3.110.A, and uses similar to those in Table 2.3.110.A, are permitted in the ~~General~~ Industrial District. The following uses are expressly prohibited in the ~~G~~ Industrial District: new housing, and churches and similar facilities.

~~2.3.120 Development Setbacks.~~

**Development Setbacks**

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

- A. **Front Yard Setbacks.** The minimum front yard setback shall be 20 feet. The setback standard shall increase by ~~one~~1 foot for every ~~one~~1 foot of building height in excess of 30 feet.
- B. **Rear Yard Setbacks.** Minimum rear yard setback is 0 feet (none required) except that industrial development (i.e., buildings, parking, outdoor storage, and industrial activities) shall be setback from Residential districts by a minimum of 40 feet. Where an industrial development in the ~~GI~~Industrial District abuts a non-~~GI~~Industrial District the rear setback in this case shall increase by ~~one~~1 foot for every ~~one~~1 foot of building height in excess of 30 feet.
- C. **Side Yard Setbacks.** The minimum side yard setback is 0 feet (none required), except that industrial development (i.e., buildings, parking, outdoor storage, and industrial activities) shall be set back from Residential districts by a minimum of 40 feet and from other non-~~General~~Industrial districts by a minimum of 20 feet.
- D. **Other Yard Requirements.**
  - 1. **Buffering.** The ~~city~~City may require landscaping, walls, or other buffering, such as vegetation, and inset back 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~~Section 3.1 - Access and Circulation ~~Standards~~.
  - 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., due to storage of combustible materials, etc.).

~~2.3.130 Lot Coverage.~~

**2.3.130 Lot Coverage**

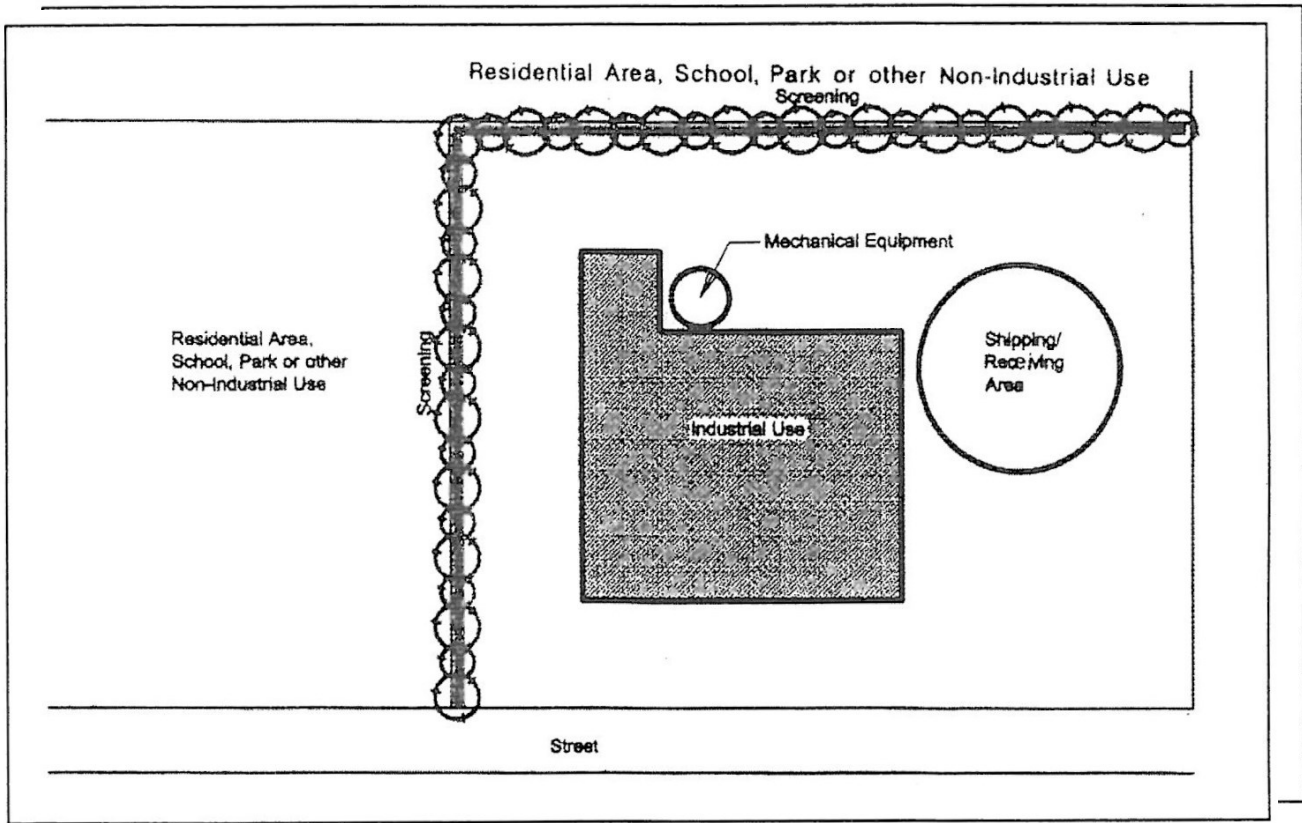
The maximum allowable lot coverage in the ~~General~~Industrial District is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures, parking lots, driveways, paved storage areas, and patios. Compliance with other sections of this ~~code~~Code may preclude development of the maximum lot coverage for some land uses.



**2.3.140 Development Orientation.****General-2.3.140 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 (non-industrial) uses to the extent possible. The following standards shall apply to all development in the ~~General~~ Industrial District:

**Figure 2.3.140.A - Industrial Development Orientation**



- A. 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. The ~~city~~City may 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.

~~2.3.150 Building Height~~

2.3.150 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 three stories or 35 feet in height, whichever is greater, and shall comply with the building setback~~z~~/height standards in Section 2.3.120 - Development Setbacks.
- B. **Performance Option.** The allowable building height may be increased to 45 feet, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks~~z~~, 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, grain elevators, storage silos, and other similar features ~~which~~that are necessary to the industrial operation may not ~~exceed55~~exceed 55 feet in height without approval of a Conditional Use Permit.
- 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~~see Figure 2.2.170 for examples of measurement). The reference datum shall be selected by either of the following~~z~~, whichever yields a greater height of building:
  1. The elevation of the highest adjoining sidewalk or ground surface within a ~~five~~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~~z~~.
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in ~~subsection 'a'~~Section 2.3.150 Building Height, 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~~z~~ bell towers, steeples, flag poles, antennas, solar energy systems, and similar features ~~which~~that are not for human occupancy.

~~2.3.160 Special Standards for Certain Uses~~

2.3.160 Special Standards for Certain Uses

2.3.161 Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts

~~z~~The following uses shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review~~z~~.

~~z~~Uses With Significant Noise, Light/Glare, Dust, and Vibration Impacts. Uses which are likely to create significant adverse impacts beyond the Industrial District boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with ~~Chapter~~

- A. Section 4.4 - Conditional Use Permits. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be "significant"~~z~~:

1. Noise

The noise level beyond the property line exceeds 55 dBA (24-hour average) on a regular basis. A dBA of 55 is generally considered to be normally acceptable for low-density residential uses.

## ~~2.3.160 Special Standards for Certain Uses (continued)~~

### ~~2.~~ 2. Light/~~glare~~-Glare

Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).

### ~~2.3.~~ 3. 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.

### ~~3.~~ 4. Vibration

~~=~~ Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).

### ~~4.~~ 5. Odor

~~=~~ Odor is sustained and exceeds ordinary ambient levels from adjacent ~~roadway and~~ roadways and existing land uses in the surrounding area.

- B. Traffic. Uses ~~which~~ that are likely to generate ~~1-1~~ unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 20 percent and ~~100~~ 100 vehicles per day 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 ODOT for developments that increase traffic on state highways.

## 2.3.161 Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts Cont.

- C. Resource extraction, such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the ~~city~~ 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.

### 2.3.162 Residential Caretakers

~~=~~ One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

- A. The unit shall be served with public water and sanitary ~~sewerage~~ sewer disposal, in conformance with ~~city~~ City engineering requirements.
- B. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

~~2.3.160 Special Standards for Certain Uses (continued)~~

### 2.3.163 **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.~~ Wireless communication equipment shall ~~also~~ comply with required setbacks, lot coverage, and other applicable standards of the Industrial District.

### 2.3.164 **Transportation Improvements**

~~Standards for Transportation Improvements~~ transportation improvements are listed in ~~Chapter~~ Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D.

# ~~Chapter 8.0 Chapter 2.4 Light Industrial (LI) District~~

## ~~Sections:~~

~~2.2.100 Purpose~~

~~2.2.110 Permitted Land Uses~~

~~2.2.120 Development Setbacks~~

~~2.2.130 Lot Coverage~~

~~2.2.140 Building Height~~

~~2.2.150 Building Orientation~~

~~2.2.160 Design Guidelines and Standards~~

## ~~2.4.100 Purpose.~~

~~The Light Industrial District accommodates a range of light manufacturing, industrial office uses, automobile dependent and automobile oriented commercial uses (e.g., lodging, restaurants, auto-oriented retail), and similar commercial uses that are not appropriate in downtown or main street areas. The district's standards are based on the following principles:~~

~~Ensure efficient use of land and public services~~

~~Provide a balance between jobs and housing, and encourage mixed-use development~~

~~Provide transportation options for employees and customers~~

~~Provide business services close to major employment centers~~

~~Ensure compatibility between industrial uses and nearby residential areas.~~

~~Provide appropriately zoned land with a range of parcel sizes for industry~~

~~Provide for automobile-oriented and automobile-dependent uses, while preventing strip-commercial development in highway corridors.~~

## ~~2.4.110 Permitted Land Uses.~~









# Chapter 3.0 - Design Standards

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- ~~A. **Permitted Uses.** The land uses listed in Table 2.4.110.A are permitted in the Light Industrial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.4.110.A, and land uses which are approved as “similar” to those in Table 2.4.110, may be permitted. The land uses identified with a “CU” in Table 2.4.110.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 4.8 Interpretations.~~

- [Chapter 3.0 - Design Standards](#)
- [3.0.100 Applicability](#)
- [3.0.200 Types of Design Standards](#)
- [3.1 Access and Circulation](#)
- [3.1.100 Purpose](#)
- [3.1.200 Vehicular Access and Circulation](#)
- [3.1.300 Pedestrian Access and Circulation](#)
- [3.2 Landscaping, Street Trees, Fences and Walls](#)
- [3.2.100 Purpose](#)
- [3.2.200 Landscape Conservation](#)
- [3.2.300 New Landscaping](#)
- [3.2.400 Street Trees](#)
- [3.2.500 Fences and Walls](#)
- [3.3 Vehicle and Bicycle Parking](#)
- [3.3.100 Purpose](#)
- [3.3.200 Applicability](#)
- [3.3.300 Vehicle Parking Standards](#)
- [3.3.400 Bicycle Parking Requirements](#)
- [3.4 Public Facilities Standards](#)
- [3.4.000 Purpose and Applicability](#)
- [3.4.100 Transportation Standards](#)

**Table 23.4.110.A**

**Land 200 Public Use Types Permitted in the Light Industrial District Areas**

**1. Industrial\*:**

- ~~Light manufacture (e.g., electronic equipment, printing, bindery, furniture, [3.4.300 Sanitary Sewer](#) and similar goods)~~
- ~~f.a. [Water Service](#) Research facilities~~
- ~~Warehousing and distribution~~
- ~~g.a. Mini-warehouse and storage~~
- ~~Similar uses~~

**2. Commercial (CU)\*:**

- ~~Automobile dependent and automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)~~
- ~~a. Entertainment (e.g., theaters, amusement uses)~~
- ~~b.a. Hotels and motels~~
- ~~c.a. Medical and dental clinics and laboratories~~
- ~~d.a. Outdoor commercial uses (e.g., outdoor storage and sales)~~
- ~~e.a. Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)~~
- ~~f.a. Repair services~~

- ~~— Retail trade and services, not exceeding 60,000 square feet of floor area per building~~
- ~~— Wholesale trade and services, not exceeding 60,000 square feet of floor area per building~~
- ~~g. a. Uses similar to those listed above~~

~~3. Civic and Semi-Public Uses (CU)\*:~~

- ~~— Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)~~
- ~~— Transportation Facilities and Improvements\*\*~~
- ~~— Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)~~
- ~~— Special district facilities (e.g., irrigation district, and similar facilities)~~
- ~~— Vocational schools~~
- ~~— Uses similar to those listed above.~~

~~4. Accessory Uses~~

~~Wireless communication equipment\*~~

<a href="#">3.4.400 Storm Drainage</a>
<a href="#">3.4.500 Utilities</a>
<a href="#">3.4.600 Easements</a>
<a href="#">3.4.700 Construction Plan Approval and Assurances</a>
<a href="#">3.4.800 Installation</a>
<a href="#">3.5 Surface Water Management</a>
<a href="#">3.6 Other Standards</a>
<a href="#">3.6.100 Density Transfers</a>
<a href="#">3.6.200 Solar Access</a>
<a href="#">3.6.300 Windmills</a>
<a href="#">3.6.400 Environmental Performance</a>
<a href="#">3.6.500 Signs</a>
<a href="#">3.6.600 Storage Containers</a>
<a href="#">3.7 Sensitive Lands</a>
<a href="#">3.8 Loading Standards</a>
<a href="#">3.8.100 Purpose</a>
<a href="#">3.6.200 Loading Standards</a>
<a href="#">3.9 Flood Hazard Management</a>
<a href="#">3.9.100 Statutory Authorization, Finding of Fact, Purpose, and Objectives</a>
<a href="#">3.9.200 General Provisions</a>
<a href="#">3.9.300 Administration</a>
<a href="#">3.9.400 Provisions for Flood Hazard Reduction</a>
<a href="#">3.10 Historic Preservation</a>
<a href="#">3.10.100 Purpose</a>
<a href="#">3.10.200 The City of Weston, Umatilla County Historic Landmark Commission</a>

~~\* Uses marked with an asterisk shall conform to the standards when required by Section 2.4.170A. \*\* Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D. (CU) Uses marked with CU require a Conditional Use Permit.~~

<a href="#">3.10.300 Powers and Duties of the Historic Landmark Commission</a>
<a href="#">3.10.400 The Inventory of Historic Resources</a>

<a href="#">3.10.500 The Designated Landmarks Register</a>
<a href="#">3.10.600 Alterations, Relocations, and Demolitions</a>
<a href="#">3.10.700 Severability</a>
<a href="#">3.10.800 Enforcement Penalties</a>
<a href="#">3.10.900 Appeals</a>

~~Only uses specifically listed in Table 2.4.110.A, and uses similar to those in Table 2.4.110.A, are permitted in the Light Industrial District. The following uses are expressly prohibited: new housing, churches and similar facilities, and non-vocational schools.~~

#### ~~2.4.120 Development Setbacks.~~

~~Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.~~

~~A. **Front Yard Setbacks.** The minimum front yard building setback shall be 15 feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.~~

~~B. **Rear Yard Setbacks.** There is no required rear yard setback, except that buildings shall be setback from the Residential District by a minimum of 20 feet.~~

~~C. **Side Yard Setbacks.** There are no required side yard setbacks, except that buildings shall be setback from the Residential District by a minimum of 15 feet.~~

#### ~~D. **Other Yard Requirements:**~~

~~1. **Buffering.** A 20-foot minimum buffer zone shall be required between development and any adjacent Residential District. The buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering other situations, as well.~~

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

#### ~~**Building and Fire Codes.** [3.0.100 Applicability](#)~~

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

~~The maximum allowable lot coverage in the Light Industrial District is 80 percent. The maximum allowable~~

#### ~~2.4.130 Lot Coverage.~~

~~lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.~~

~~The following building height standards are intended to promote land use compatibility and flexibility for~~

#### ~~2.4.140 Building Height.~~

~~industrial development at an appropriate community scale:~~

**~~2.4.140 Building Height (continued)~~**

~~A. **Base Requirement.** Buildings shall be no more than 3 stories or 35 feet in height, whichever is greater~~

~~B. **Performance Option.** The allowable building height may be increased to 45 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 the development and adjacent non-industrial development. Roof equipment and other similar features which are necessary to the industrial operation shall be screened, and may not exceed 55 feet in height without approval of a Conditional Use Permit.~~

~~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 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 '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 which are not for human occupancy.~~

[the](#)

**~~2.4.150 Building Orientation~~**

~~All of the following standards shall apply to new development within the Light Industrial District in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, and bicycling~~

~~A. **Building Entrances.** All buildings shall have a primary entrance oriented to a street. "Oriented to a street" means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway. Streets used to comply with this standard may be public streets, or private streets that contain sidewalks and street trees, in accordance with the design standards in Chapter 3.~~

~~B. **Pathway Connections.** Pathways shall be placed through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Pathways shall conform to the standards in Chapter 3.~~

~~C. **Arterial Streets.** When the only street abutting a development is an arterial street, the building's entrance(s) may be oriented to an internal drive. The internal drive shall provide a raised pathway connecting the building entrances to the street right-of-way. The pathway shall conform to the~~

[standards in Chapter 3.](#) [City Ordinance Chapter 3 Code](#)

[Page 2.4.4](#)

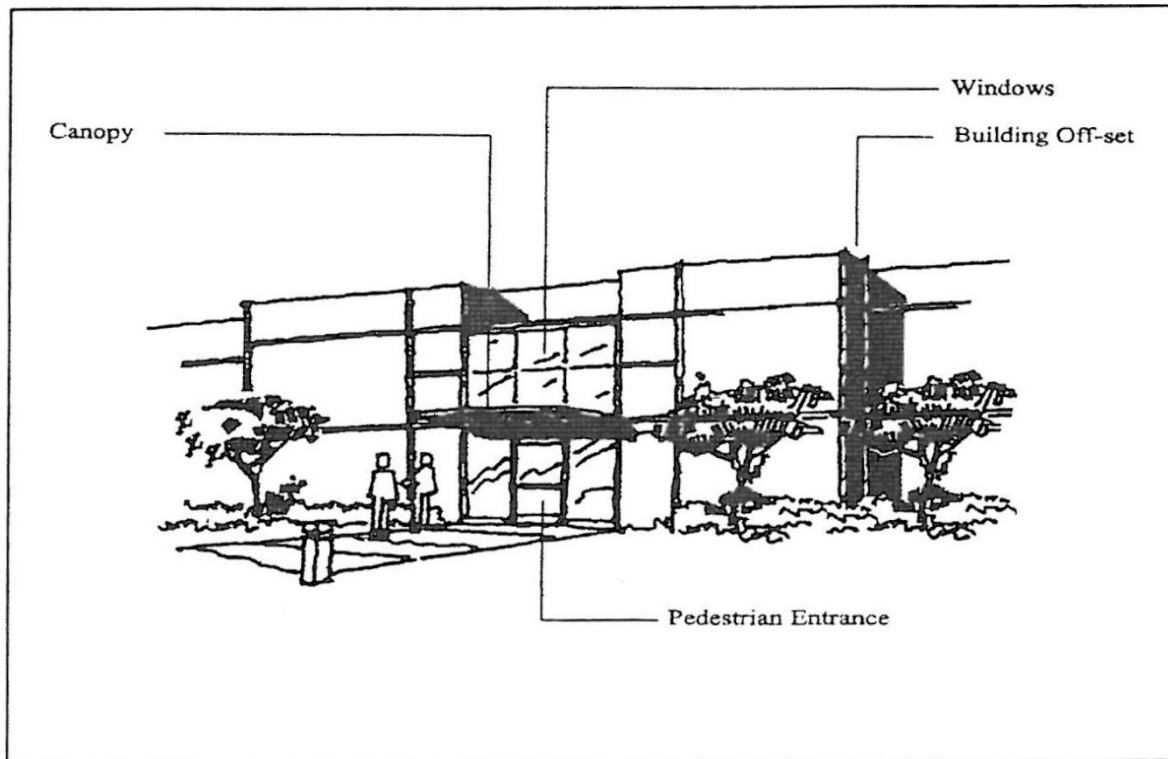
**2.4.151 Building Orientation** *(continued)*

- ~~D. **Buffers.** The city may require a 20-foot landscape buffer between development in the Light Industrial District and adjacent Residential District(s) to reduce light, glare, noise, and aesthetic impacts.~~

**2.4.160 Design Standards.**

~~All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the criteria in A-B. Note: the example shown below is meant to illustrate typical building design elements, and should not be interpreted as a required design or style.~~

**Figure 4.A – Design Features (Typical)**



- ~~A. **Building Mass.** Where building elevations are oriented to the street in conformance with Section 2.4.150, design features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.~~
- ~~B. **Pedestrian-Scale Building Entrances.** Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian scale.~~



~~2.4.170 Special Standards for Certain Uses.~~

~~A. High Traffic-Generating Uses.~~

~~Uses which are likely to generate "significant" levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Section~~

~~4.4. "Significant levels of vehicle traffic" means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent and 100 vehicles or greater 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 Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. 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.~~

~~B. Wireless Communication Equipment.~~

~~Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter 3.6.2. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Light Industrial District.~~

~~C. Transportation Improvements. Standards for Transportation Improvements are in Chapter 4.4.400.D.~~

# ~~Chapter 4-0~~ Chapter 2.5 Historic Preservation Ordinances

## ~~I. TITLE: THE CITY OF WESTON, UMATILLA COUNTY HISTORIC PRESERVATION ORDINANCE~~

### ~~II. PURPOSE~~

~~The City of Weston, Umatilla County, recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable and as such, merit preservation. This ordinance establishes a Historic Landmark Commission, a program for the identification, evaluation, and designation of historic resources as landmarks; public incentives for the preservation of Designated Landmarks; and land use regulations regarding the alteration, moving or demolition of Designated Landmarks and Historic Resources of Statewide Significance.~~

### ~~III. DEFINITIONS~~

~~The following definitions apply to terms used in this ordinance. Terms not defined have their commonly construed meaning.~~

~~**ALTERATION**—An addition, removal, or reconfiguration which significantly changes the character of a historic resource; which includes new construction in historic districts.~~

~~**DEMOLITION**—The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.~~

~~**DESIGNATED LANDMARK**—A property officially recognized by The City of Weston, Umatilla County, as important in its history.~~

~~**DESIGNATED LANDMARKS REGISTER**—The list of and record of information about properties officially recognized by The City of Weston, Umatilla County, as important in its history.~~

~~**EXTRAORDINARY HISTORIC IMPORTANCE**—The quality of historic significance achieved outside the usual norms of age, association, or rarity.~~

~~**HISTORIC INTEGRITY**—The quality of wholeness of historic location, design, setting, materials, workmanship, feeling and/or association of a resource, as opposed to its physical condition.~~

~~**HISTORIC RESOURCE**—A building, structure, object, site or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:~~

~~**BUILDING**—A construction made for purposes of shelter or habitation; e.g. house, barn, store, theater, train station, garage, school, etc.~~

~~**STRUCTURE**—A construction made for functions other than shelter or habitation; e.g. bridge, windmill, dam, highway, boat, kiln, etc.~~

~~**OBJECT**—A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure; e.g. statue, fountain, milepost, monument, sign, etc.~~

Adopted 8-10

~~**SITE**—The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features; e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.~~

~~**DISTRICT**—A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development; e.g. downtown, residential neighborhood, military reservation, ranch complex, etc.~~

~~HISTORIC RESOURCES OF STATEWIDE SIGNIFICANCE - Buildings, structures, objects, sites and districts which are listed on the National Register of Historic Places~~

~~Zoning Ordinance Text~~

~~March 2001~~

~~INVENTORY OF HISTORIC PLACES—The record of information about resources potentially significant in the history of The City of Weston, Umatilla County.~~

~~RELOCATION—The removal of a resource from its historic context~~

~~IV. THE CITY OF WESTON, UMATILLA COUNTY HISTORIC LANDMARK COMMISSION~~

- ~~1. The Mayor and Council shall appoint a Historic Landmark Commission, hereinafter the Commission, of seven, with two alternate members, with a demonstrated interest, knowledge or competence in historic preservation to carry out the provision of this ordinance. A majority of the members shall reside within the corporate boundaries of The City of Weston, Umatilla County. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.~~
- ~~2. Initial appointments to the Commission shall be for terms of one, two and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.~~
- ~~3. A simple majority of the seated members shall constitute a quorum to conduct official business.~~
- ~~4. A chair and vice chair shall be elected annually by and from the seated membership. Officers are eligible for re-election.~~
- ~~5. The Commission shall meet at least four a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings and decisions of the Commission shall be maintained as public records in accordance with applicable state law.~~

~~V. POWERS AND DUTIES OF THE HISTORIC LANDMARK COMMISSION~~

- ~~1. The Commission may adopt and amend by laws subject to approval by the City Council to regulate its internal operations.~~
- ~~2. For purposes consistent with this ordinance, and subject to the approval of the City Council, the Commission may seek, accept and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance.~~
- ~~3. The Commission may undertake to inform the citizens and visitors to the City of Weston, Umatilla County, regarding the community's history and prehistory, promote research into its history and prehistory, collect and make available materials on the preservation of historic resources, provide information on state and federal preservation programs, document historic resources prior to their alteration, demolition, or relocation and archive that documentation, assist the owners of historic resources in securing funding for the preservation of their properties, and recommend public incentives and code amendments to the City Council.~~
- ~~4. The Commission may develop and publish, or adopt written and graphic guideline and example materials to clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.~~
- ~~5. Employing the procedures and criteria in Section VI of this ordinance, the Commission shall periodically identify and evaluate the historic resources of the City of Weston, Umatilla County and maintain an Inventory of Historic Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.~~
- ~~6. Employing the procedures and criteria in Section VII of this ordinance, the Commission shall periodically revise the Designated Landmarks Register of the City of Weston, Umatilla County by adding or deleting properties.~~
- ~~7. Employing the procedures and criteria in Section VIII of this ordinance, the Commission shall review and~~



- ~~8. The Commission shall advise and make policy recommendations to the City Council and the Planning Commission on matters relating to historic preservation, and shall make an annual report in writing to the City Council on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months.~~
- ~~9. The Commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to: ORS 197.722 (Consent for designation for historic Property), ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment).~~

## ~~VI. THE INVENTORY OF HISTORIC RESOURCES~~

- ~~1. The Commission shall determine and periodically revise priorities for the identification and evaluation of potential Historic Resources.~~
- ~~2. Before commencing inventory studies or updates, the Commission shall provide public notice describing the inventory, its purpose, and invite public participation.~~
- ~~3. Documentation and evaluation of properties in the Historic Resource Survey shall be in a format compatible with the Oregon Historic Sites Database. Survey results shall be supplied to the SHPO as described in the most recent addition of the document "Guidelines for Conducting Historic Resource Surveys in Oregon," or most recent guidance for such efforts published by the SHPO.~~
- ~~4. The Historic Resources Survey shall be maintained as a public record. Records concerning archaeological records shall not be made available to the public in accordance with State law.~~
- ~~5. A process shall be put in place to allow citizens to review and correct information and add additional buildings, structures, sites or objects to the inventory. Any member of the public may place a property in the Historic Resource Survey; however the Commission reserves the right to determine the property's eligibility for inclusion in the Designated Landmarks Register.~~
- ~~6. The Commission may collect further information, including current photographs, architectural descriptions based on on-site observations, or archival documentation for properties already recognized in the Historic Sites List, Landmarks Register, or National Register for the purposes of administering this ordinance pursuant to [must comply with](#) the provisions of ~~Section VII~~[Sections 3. 1 - Access](#) and ~~VIII~~.~~

## ~~VII. THE DESIGNATED LANDMARKS REGISTER~~

- ~~A. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Designated Landmarks Register. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Section VIII of this ordinance regardless of their listing on the designated Landmarks Register, pursuant to Oregon Administrative Rule 660-023-200. However, only properties listed on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this ordinance.~~
- ~~B.A. Any individual or group, including the Commission acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the Planning Director. The burden of proof lies with the applicant. No property shall be so designated without the written consent of the owner or, in the case of multiple ownership, a majority of the owners as provided for under ORS 197.772.~~

- ~~1. The Historic Landmark Commission shall establish standards for a complete application. Upon acceptance of a complete application, the Planning Director or Commission shall schedule a public hearing pursuant to applicable state laws.~~
- ~~2. In order to be included or maintained on the Designated Landmarks Register, the Commission must~~

~~find that the historic resource is over fifty years of age or extraordinary historic importance, and possesses sufficient historic integrity and~~

- ~~a. is associated with events that have made a significant contribution to the broad patterns of local, state or national history; or~~
  - ~~b. is associated with the lives of persons, or groups of people significant in local, state or national history; or~~
  - ~~c. embodies the distinctive characteristics of an architectural type, style, period or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or~~
- ~~3. In order to approve an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find as applicable that:~~
- ~~a. no prudent and feasible alternative exists; and/or~~
  - ~~b. the designated property is deteriorated beyond repair; and/or~~
  - ~~c. the value to the county of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance~~
  - ~~d. changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or~~
  - ~~e. distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or~~
  - ~~f. deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence; and/or~~
    - ~~1. chemical and physical treatments; if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and/or~~
  - ~~g. archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.~~
  - ~~h. new additions, exterior alterations or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion; and massing to protect the integrity of the property and its environment; and/or~~
  - ~~i. new additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.~~
- ~~6. At the hearing of an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If ten days prior to the expiration of the delay period, the Commission finds that there are still reasonable alternatives to explore, it may apply to the City Council for permission to continue the delay for an additional period of up to 120 days.~~
- ~~7. In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission may impose the following conditions:~~
- ~~a. photographic, video or drawn recordation of the property to be demolished; and/or~~



~~1. has yielded or is likely to yield information which is important in local, state or national history.~~

- ~~8. The Commission shall develop findings to support its decisions. These findings shall indicate those elements of a property, including interior, landscape and archaeological features that are included in the designation and subject to regulation under the provisions of this ordinance.~~
- ~~9. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance when such action does not involve a change in design, materials or appearance.~~

### ~~VIII. ALTERATIONS, RELOCATIONS AND DEMOLITIONS~~

- ~~1. No exterior, interior, landscape, or archaeological element of a Designated Landmark which is specified as significant in its designation shall be altered, removed or demolished without a permit issued pursuant to this ordinance.~~
- ~~2. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The Planning Director or Commission may form ad hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex parte contact at the time of a public hearing on the proposal.~~
- ~~3. The Commission shall establish standards for a complete application. Upon acceptance of a complete application, the Planning Director or Commission shall schedule a public hearing pursuant to applicable state laws.~~
- ~~4. In cases requiring a public hearing, the Commission shall review and act upon applications for the alteration, relocation or demolition of a Designated Landmark, or the major exterior alteration, relocation or demolition of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant. Applications may be approved, approved with conditions or denied. The City of Weston, Umatilla County shall include any conditions imposed by the Commission in permits issued pursuant to this section.~~
- ~~5. In order to approve an application for the alteration of a Designated Landmark or the major alteration of a **Historic Resource of Statewide Significance**, the Commission must find that the proposal meets the following standards as applicable:
  - ~~a. a property shall be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships; and/or~~
  - ~~b. the historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided; and/or~~
  - ~~c. a property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as, adding conjectural features or elements from other historic properties shall not be undertaken; and/or~~
  - ~~d. salvage and curation of significant elements; and/or~~
  - ~~e. other reasonable mitigation measures.~~~~
- ~~6. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or **Historic Resource of Statewide Significance** when such action does not involve a change in design, materials or appearance.~~

### ~~IX. SEVERABILITY~~

- ~~1. The provisions of this ordinance are severable.~~

~~X. ENFORCEMENT AND PENALTIES~~

~~1. Violations of Section VII of this ordinance shall be subject to the same procedures and penalties that apply to violations of the planning code.~~

~~XI. APPEALS~~

~~1. Decisions of the Commission are appealable to the City Council. Procedures for appeals to Historic Landmarks Commission decisions shall be the same as those for appeals of Planning Commission decisions. Decisions of the City Council are appealable pursuant to ORS 197.747-197.796~~

# ~~Chapter 9.0 Chapter 3 Design Standards~~

- ~~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 Standards~~
- ~~3.7 - Sensitive Lands has melded into 3.9~~
- ~~3.8 - Loading Standards~~
- ~~3.9 - Flood Damage Prevention Ordinance~~

## ~~3.0.100 Applicability~~

All developments within the city must comply with the provisions of ~~Chapters 3.1~~ [Circulation](#) through ~~3.6~~ [Other Standards](#). Some developments, such as major projects requiring land division and/or ~~site design review~~ [Site Design Review](#) approval, may require detailed findings demonstrating compliance with each chapter of the ~~code~~ [Code](#). For smaller, less complex projects, fewer ~~code~~ [Code](#) provisions may apply. Though some projects will not require land use or development permit approval (e.g., building of single-family houses on platted lots, that are not subject to ~~Chapter~~ [Section](#) 3.7 - Sensitive Lands), they are still required to comply with the provisions of this ~~Chapter~~ [section](#).

## ~~3.0.200 Types of Design Standards~~

### [3.0.200 Types of Design Standards](#)

The ~~city's~~ [City's](#) development design standards are contained in ~~both Chapter~~ [Chapters](#) 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~~ [City](#) may prepare checklists to assist property owners and applicants in determining which sections apply.

A. **Chapter 3.0.** The design standards contained within the following ~~chapters~~ [sections](#) apply throughout the ~~city~~ [City](#), for all land use types:

- [3.1](#) - Access and Circulation
- [3.2](#) - Landscaping, Street Trees, Fences and Walls
- ~~Automobile~~ [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

## ~~City of Weston Development Code~~

B. **Chapter 2.0.** Each land use district (Chapter [2.0](#)) 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 ~~Downtown~~ [Commercial](#) District, 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 10.0 Chapter 3.1 Access and Circulation~~

## ~~Sections:~~

### ~~3.1.100 Purpose~~

### ~~3.1.100 Purpose~~

## 3.1 Access and Circulation

### 3.1.100 Purpose

The purpose of this section is to help ensure that developments provide safe and efficient circulation, for pedestrians and vehicles. ~~Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Chapter 3.4.100.~~

### ~~3.1.200 Vehicular Access and Circulation~~

### 3.1.200 Vehicular Access and Circulation

#### 3.1.201 Intent and Purpose

The intent of this ~~Section~~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~~”classification of roadways as required by the ~~city’s~~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 function. This ~~Section~~section attempts to balance the right of reasonable access to private property with the right of the citizens of the ~~city~~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.

To achieve this policy intent, state and local roadways have been categorized in the Comprehensive Plan by function. ~~(See Chapter (see Section 3.4.100) - Transportation Standards)~~. 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 conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

#### 3.1.202 Applicability

This ordinance shall apply to all public streets within the ~~city~~City and to all properties that abut these streets.

#### 3.1.203 Access Permit Required

Access to a public street requires an ~~Access Permit~~access permit in accordance with the following procedures:

A. Permits for access to ~~city~~City streets shall be subject to review and approval by the ~~City~~Engineer based on the standards contained in this ~~Chapter~~chapter, and the provisions of ~~Chapter~~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.

**3.1.203 Access Permit Required Cont.**

- B. Permits for access to ~~State~~state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the ~~city~~City or Umatilla County, in ~~that~~which case, the ~~city~~City or County shall determine whether access is granted based on its adopted standards.
- C. 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~~City, in which case the ~~city~~City shall determine whether access is granted based on adopted County standards.

**3.1.204 Traffic Study Requirements**

~~=~~The ~~city~~City or other agency with access jurisdiction may require a traffic study ~~be~~ prepared by a qualified professional to determine access, circulation, and other transportation requirements. ~~(See (see also, Section 3.4.100 - Transportation Standards.)~~

**3.1.205 Conditions of Approval**

~~=~~The ~~city~~City or other agency with access permit jurisdiction may require the ~~=~~ closing or consolidation of existing curb ~~cuts~~cuts or other vehicle access points, ~~=~~ recording of reciprocal access easements (i.e., 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. Access to and from off-street parking areas shall not permit backing onto a public street.

**3.1.206 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 2.0 (i.e., under “Special Standards for Certain Uses” a minimum of 10 feet per lane is required~~=~~).

A. 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.

B. 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~~ensure access to the closest public street for all users of the private street/drive.

**3.1.206 Access Options Cont.**

C. Option 3

~~City of Weston~~ Access is from a public street adjacent to the development parcel. ~~Zoning Ordinance Text~~ If practicable, 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 Section ~~C, below~~ 3.1.207 - Access Spacing. ~~March 2001~~

D. Land Divisions Fronting ~~Onto~~ onto an Arterial Street:

New residential land ~~divisions~~ divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) ~~streets~~ streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., including through flag ~~lots~~ lots and mid-block ~~lanes~~ lanes).

D.E. Double-Frontage Lots

~~=~~ When a lot has frontage onto two or more streets, ~~access~~ access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for ~~corner~~ corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, ~~unless~~ unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and groundcover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance of the buffer shall be ~~assured~~ ensured by the owner (i.e., through homeowner's association, etc.).

**Important cross-reference to other code sections:** Provisions in Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The ~~city~~ 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 or an adopted Local Streets Plan. (~~Please refer~~ Refer to Section 3.4. ~~1=~~ 100 Transportation Standards.)

### 3.1.207 Access Spacing

~~=~~ Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

A. Local Streets:

A minimum of ~~SO~~ 50 feet separation (as measured from the sides of the driveway ~~/street~~) shall be required on local streets (i.e., streets not designated as collectors or arterials ~~to~~), except as provided in subsection ~~2~~ C. below.

### 3.1.207 Access Spacing Cont.

~~City of Weston~~ B. Arterial and Collector Streets:

~~Page 2-4-3~~

Access spacing on collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the ~~city's Transportation System Plan~~ City's TSP.

C. Special Provisions for All Streets:

Direct street access may be restricted for some land uses ~~in~~ in conformance with the provisions of Chapter 2 ~~=~~ 0 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than



~~City of Weston~~ that specified by ~~subsections 1.201, 1.202, 1.203, 1.204, 1.205, 1.206, 1.207, 1.208, 1.209, 1.210, 1.211, 1.212, 1.213, 1.214, 1.215, 1.216, 1.217, 1.218, 1.219, 1.220, 1.221, 1.222, 1.223, 1.224, 1.225, 1.226, 1.227, 1.228, 1.229, 1.230, 1.231, 1.232, 1.233, 1.234, 1.235, 1.236, 1.237, 1.238, 1.239, 1.240, 1.241, 1.242, 1.243, 1.244, 1.245, 1.246, 1.247, 1.248, 1.249, 1.250, 1.251, 1.252, 1.253, 1.254, 1.255, 1.256, 1.257, 1.258, 1.259, 1.260, 1.261, 1.262, 1.263, 1.264, 1.265, 1.266, 1.267, 1.268, 1.269, 1.270, 1.271, 1.272, 1.273, 1.274, 1.275, 1.276, 1.277, 1.278, 1.279, 1.280, 1.281, 1.282, 1.283, 1.284, 1.285, 1.286, 1.287, 1.288, 1.289, 1.290, 1.291, 1.292, 1.293, 1.294, 1.295, 1.296, 1.297, 1.298, 1.299, 1.300, 1.301, 1.302, 1.303, 1.304, 1.305, 1.306, 1.307, 1.308, 1.309, 1.310, 1.311, 1.312, 1.313, 1.314, 1.315, 1.316, 1.317, 1.318, 1.319, 1.320, 1.321, 1.322, 1.323, 1.324, 1.325, 1.326, 1.327, 1.328, 1.329, 1.330, 1.331, 1.332, 1.333, 1.334, 1.335, 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1.908, 1.909, 1.910, 1.911, 1.912, 1.913, 1.914, 1.915, 1.916, 1.917, 1.918, 1.919, 1.920, 1.921, 1.922, 1.923, 1.924, 1.925, 1.926, 1.927, 1.928, 1.929, 1.930, 1.931, 1.932, 1.933, 1.934, 1.935, 1.936, 1.937, 1.938, 1.939, 1.940, 1.941, 1.942, 1.943, 1.944, 1.945, 1.946, 1.947, 1.948, 1.949, 1.950, 1.951, 1.952, 1.953, 1.954, 1.955, 1.956, 1.957, 1.958, 1.959, 1.960, 1.961, 1.962, 1.963, 1.964, 1.965, 1.966, 1.967, 1.968, 1.969, 1.970, 1.971, 1.972, 1.973, 1.974, 1.975, 1.976, 1.977, 1.978, 1.979, 1.980, 1.981, 1.982, 1.983, 1.984, 1.985, 1.986, 1.987, 1.988, 1.989, 1.990, 1.991, 1.992, 1.993, 1.994, 1.995, 1.996, 1.997, 1.998, 1.999, 2.000~~ ~~subsections A. and B., above~~, may be required by the ~~City, County,~~ <sup>March 2001</sup> ~~City, County,~~ or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. ~~(See Section '1', below.)~~ Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

#### ~~E.D. Corner~~ 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~~ City's TSP.

### 3.1.208 **Number of Access Points**

~~=~~ For single-family (detached and attached), two-family, and three-family housing types, one street access point is generally 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 (i.e., no more than one access per street),~~ allowed, subject to the access spacing standards in Section ~~'G', above,~~ 3.1.207 - Access Spacing. The number of street access points for ~~multiple~~ multi-family, commercial, 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~~ required, in conformance with Section ~~1, below,~~ 3.1.209 - Shared Driveway, in order to maintain the required access spacing, and minimize the number of access points.

### 3.1.209 **Shared Driveways**

~~=~~ The number of ~~driveway~~ driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The ~~city~~ City shall require shared driveways as a condition of land division or ~~site design review,~~ Site Design Review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

#### A. 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, and 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).

### 3.1.209 **Shared Driveways Cont.**

#### B. Access Easements

Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, and pathways and cross ~~accesses~~ accesses at the time of final plat approval (~~Chapter~~ Section 4.3 - Land Divisions and Lot Line Adjustments) or as a condition of site development approval (~~Chapter~~ Section 4.2 - Development Review and Site Design Review).

#### ~~F.C.~~ Exception

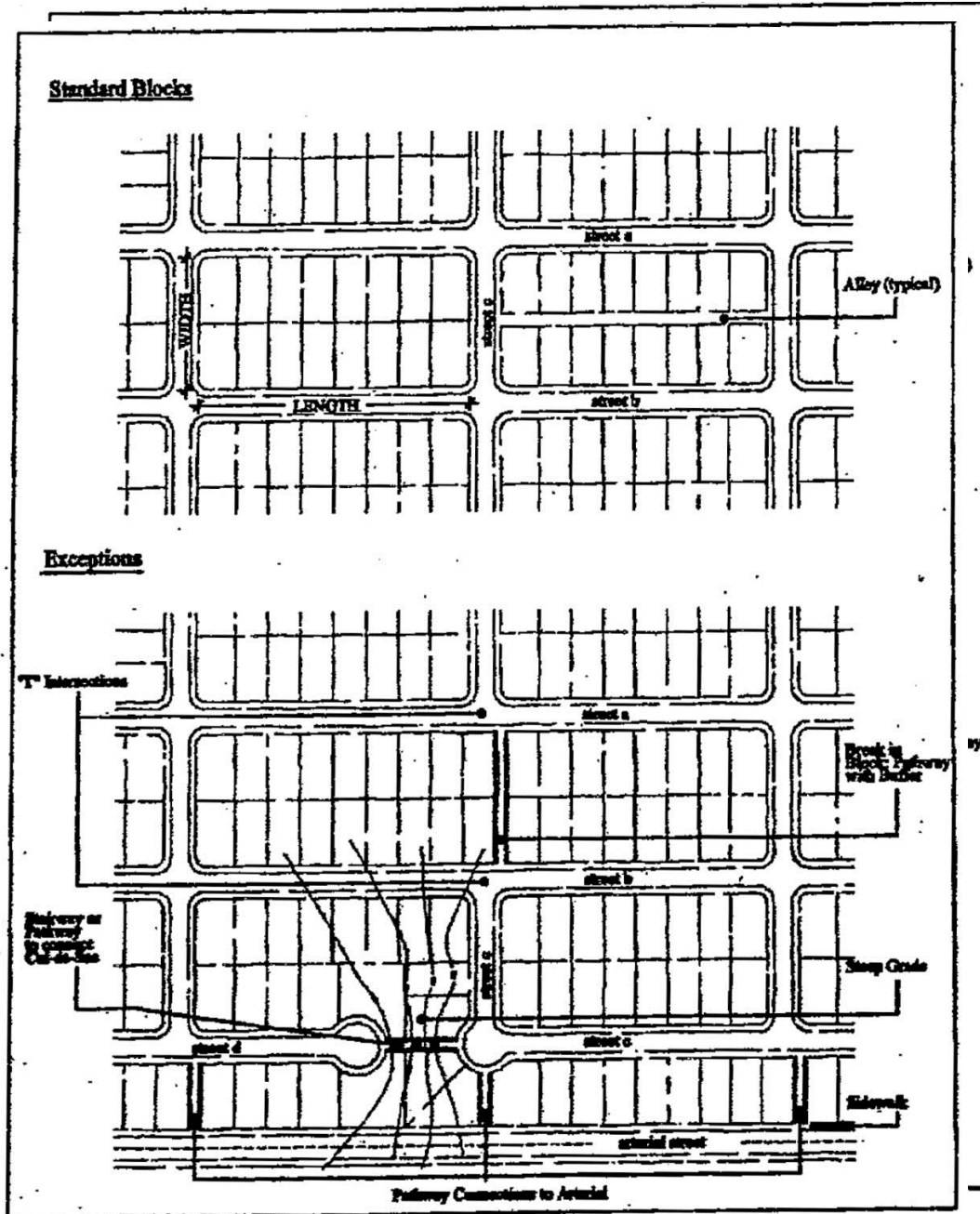
~~=~~ Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street ~~1~~ driveway in the future.

3.1.200 Vehicular Access and Circulation. (continued)

D. ~~Cross Access.~~ Cross Access

Cross access is encouraged and may be required between contiguous sites in Commercial and Industrial Districts and for multi-family housing in the Residential Multi-Family Sub-district of the Residential District, in order to provide for more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

Figure 3.1.210 - Street Connectivity and Formation of Blocks



### 3.1.210 Street Connectivity and Formation of Blocks Required

#### 3.1.200 Vehicular Access and Circulation. (continued)

~~=~~ Land ~~divisions~~ ~~divisions~~ and large site developments often involve development of land not previously developed. This creates opportunities to help ~~insure~~ ensure that pedestrian and vehicular circulation is preserved both to and from the new development. To accomplish this, site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, ~~7~~ in accordance with the following standards:

#### 3.1.210 Street Connectivity and Formation of Blocks Required Cont.

##### A. Block Length and Perimeter

~~=~~ The maximum block length and perimeter shall not exceed:

1. 600 feet length and 1,200 feet perimeter in the Residential District; ~~2~~
2. 400 feet length and 1,200 feet perimeter in the ~~Downtown~~ Commercial District, except as provided by ~~Chapter 2.2~~, Section 2.2.140 - Block Layout and Building Orientation; ~~2~~
3. Not applicable to the Residential Suburban, Farm Residential, or ~~General~~ Industrial District; ~~2~~

~~a. 800 feet length and 2,000 feet perimeter in the Light Industrial District, except as required for commercial developments subject to Chapter 2.2, Section 140;~~

##### B. Street Standards

~~=~~ Public and private streets shall also conform to ~~Chapter~~ Section 3.4.1 - 100 - Transportation Standards, Section 3.1. ~~300~~ - Pedestrian Access and Circulation and applicable Americans with Disabilities Act (ADA) design standards.

##### C. 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~~ - Pedestrian Access and Circulation. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. Additional exceptions may be granted for issues of topography and existing development such as rail lines.

#### 3.1.211 Driveway Openings

~~=~~ Driveway openings ~~{(or curb cuts} cuts)~~ shall be the minimum width necessary to provide the required number of vehicle travel ~~lanes~~ lanes (10 feet for each travel lane) ~~7~~. The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) ~~2~~ are required to provide adequate site access, ~~7~~ minimize surface water runoff, and avoid conflicts between vehicles and pedestrians.

- A. Single-family, two-family, and three-family uses shall have a minimum driveway opening of 10 feet, ~~7~~ and a maximum width of 24 feet. One recreational vehicle pad driveway may be provided in addition to the standard driveway.

- B. Multiple family uses with between ~~4~~ four and ~~7~~ seven dwelling units shall have a minimum driveway width of 20 feet, ~~7~~ and a maximum width of 24 feet.

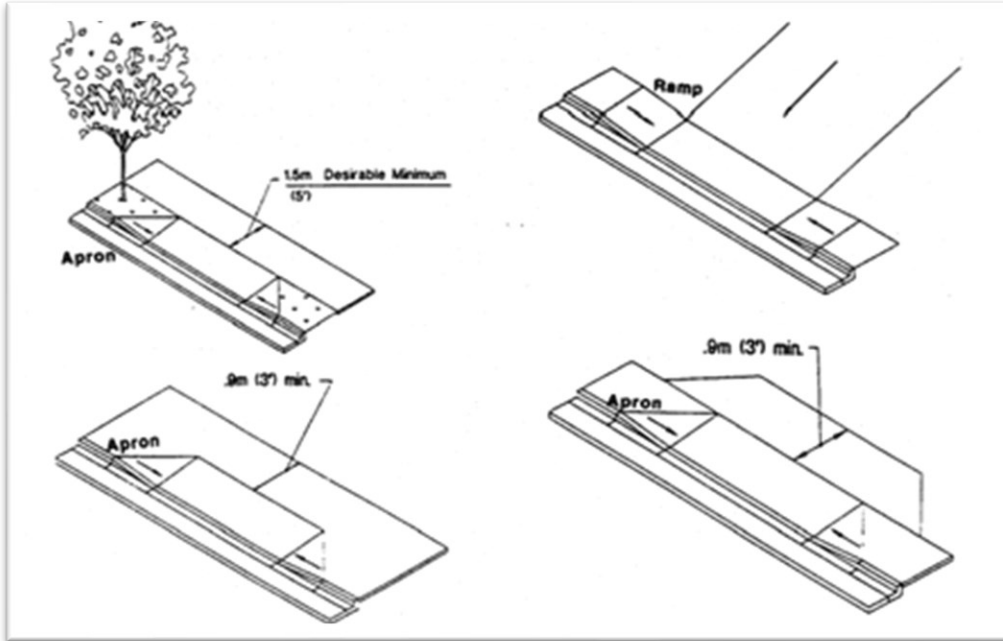
C. Multiple family uses with more than eight dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet.

**3.1.200 Vehicular Access and Circulation (continued)**

These dimensions may be increased if the Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

**3.1.211 Driveway Openings Cont.**

D. 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

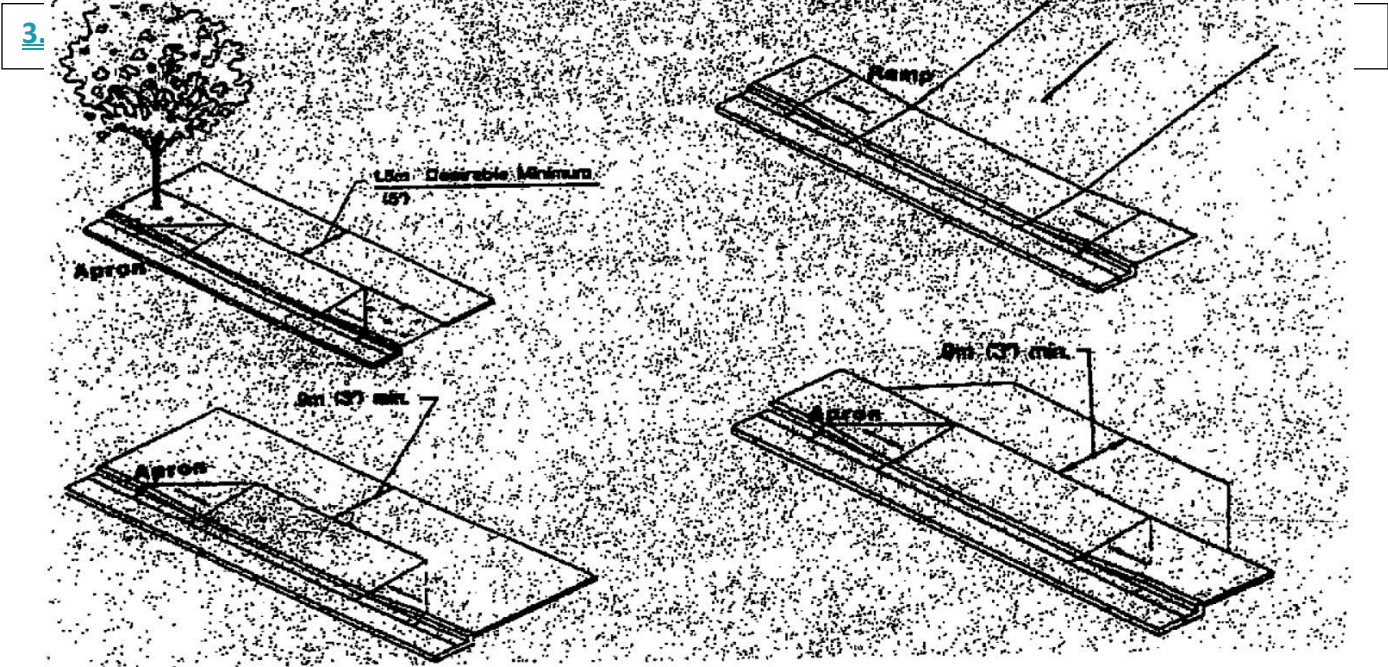


**Section 3.3 - Vehicle and Bicycle Parking.**

E. Driveway approaches should 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 vehicle conflicts. This criterion is mandatory for accesses to State highways.

**Figure 3.1.211 - Illustration of Driveway Opening Standards**





~~E. Driveway Aprons~~ Driveway Aprons

**3.1.200 Vehicular Access and Circulation. (continued)**

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 above. 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.

~~F.G.~~ 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~~ exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

**3.1.212 Fire Access and Parking Area Turn-arounds**

A fire equipment access drive 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~~ turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, ~~please refer to Chapter~~ [Section 3.4.1 Section 100 - Transportation Standards](#), M.

**3.1.213 Vertical ~~Clearances~~ Clearances**

Driveways, private streets, aisles, ~~turn~~ turn-around areas, and ramps shall have a minimum vertical clearance of ~~13~~ 13 feet, 6 inches for their entire length and width.

**3.1.214 Vision Clearances**

No signs, structures, or vegetation in excess of ~~three~~ 2 feet in height shall be placed in "vision clearance areas" ~~as~~ "or allowed to grow. As shown in Figure 3.1. ~~300, N.~~ below. The minimum vision clearance area ~~maybe~~ may be increased by the Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard is applicable to driveways, streets, alleys, and mid-block ~~lanes~~ lanes.

[Figure 3.1.214 Vision Clearance Areas](#)

**3.1.200 Vehicular Access and Circulation. (continued)**

**3.1.215 Construction**

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:

**A. Surface Options**

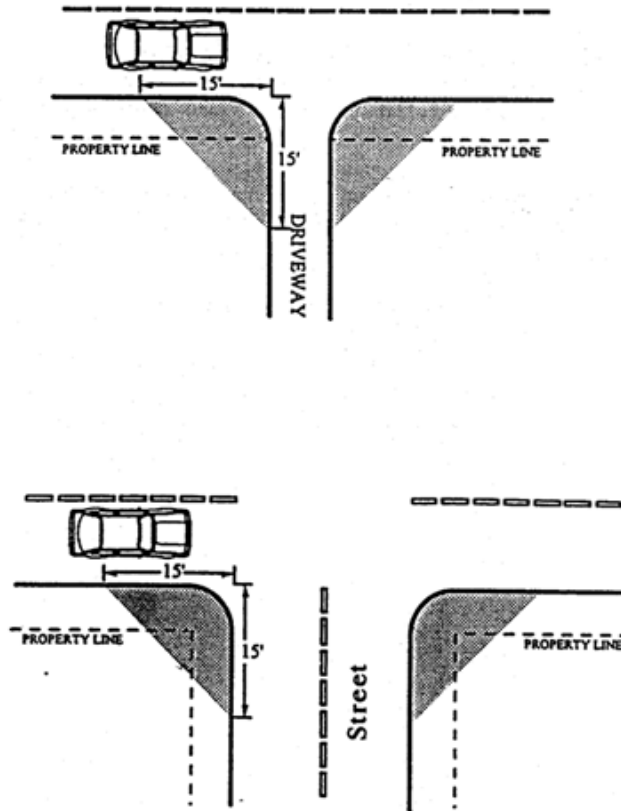
Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paved surfaces shall be subject to review and approval by the Engineer.

**B. Surface Water Management**

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.

**C. 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 also Section 3.1.211 - Driveway Openings.)



3.1.200 Vehicular

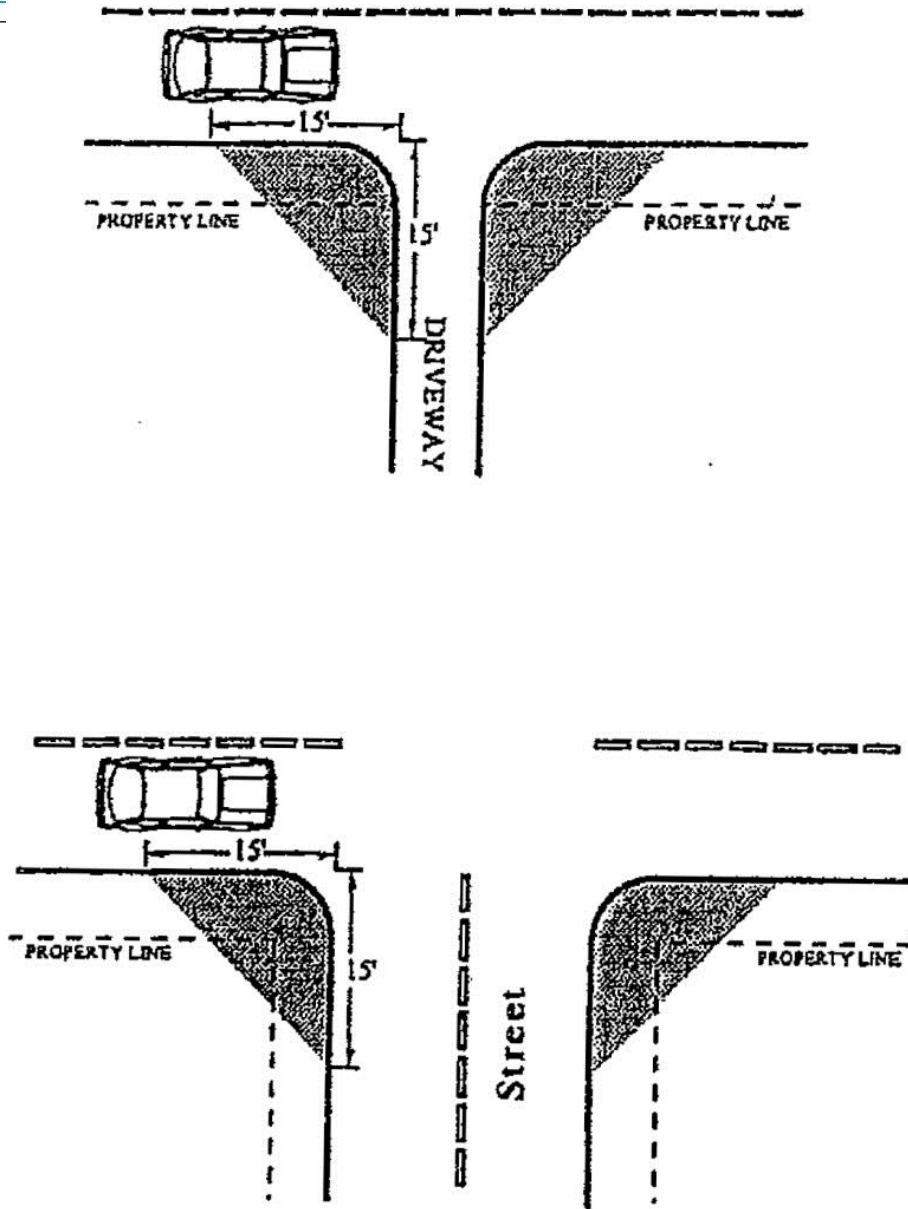
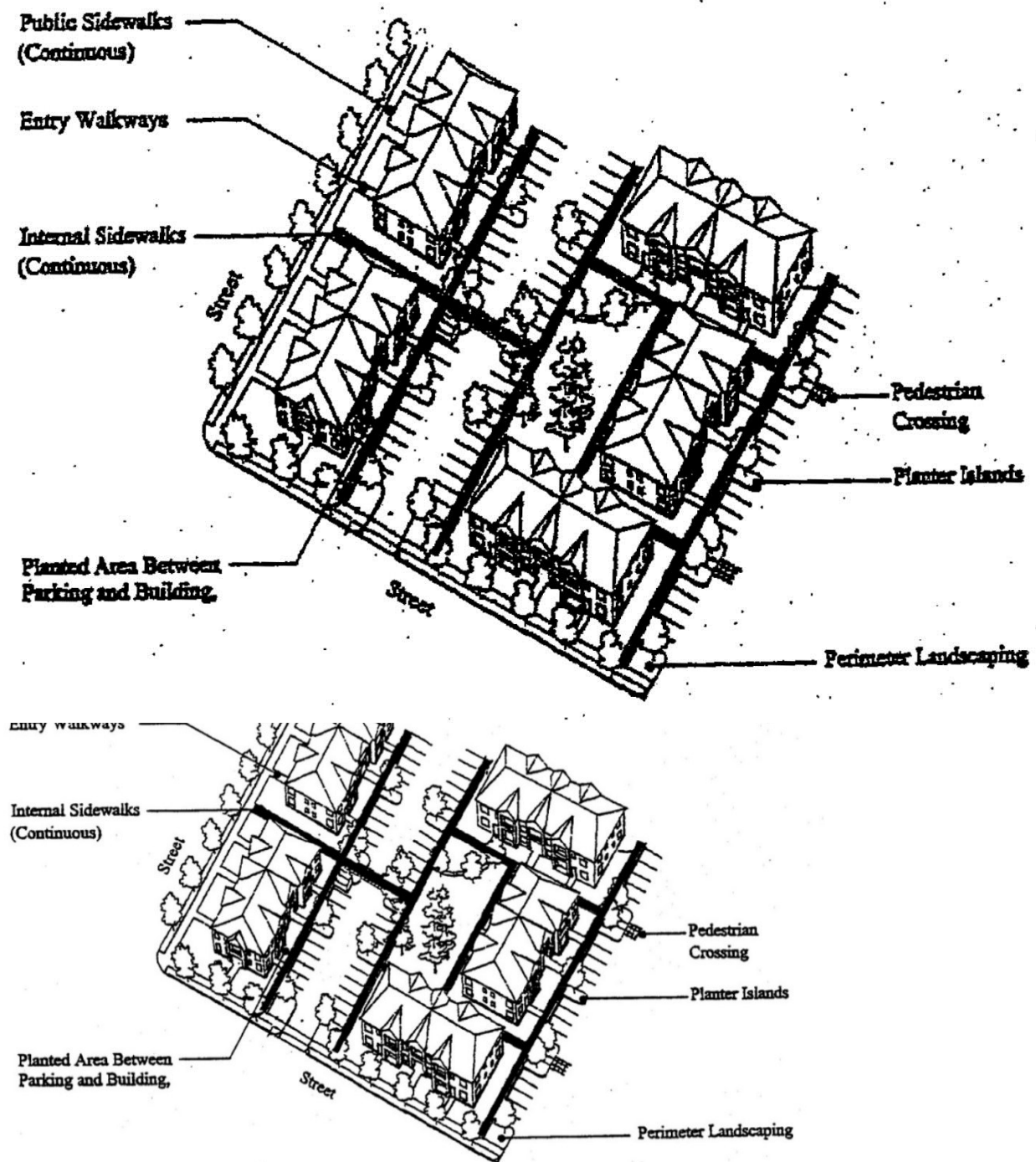




Figure 3.1.3A-300A - Pedestrian Pathway System for Multifamily Development (Typical) (Typical)

3.1.200 Vehicular Access and Circulation. (continued)

Figure 3.1.3A- Pedestrian Pathway System for Multifamily Development (Typical)



## ~~3.1.300 Pedestrian Access and Circulation~~

### 3.1.300 Pedestrian Access and Circulation

To ensure safe, direct, and convenient pedestrian circulation, all new development, including new land divisions, that create lots for new 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 Section 3.1.300, subsections B.1- through B.3, below. Sidewalks along the public street may be found to provide sufficient pedestrian circulation to satisfy the requirements of this section. A permit for a single-family residence on an existing lot of record is exempt from these requirements.

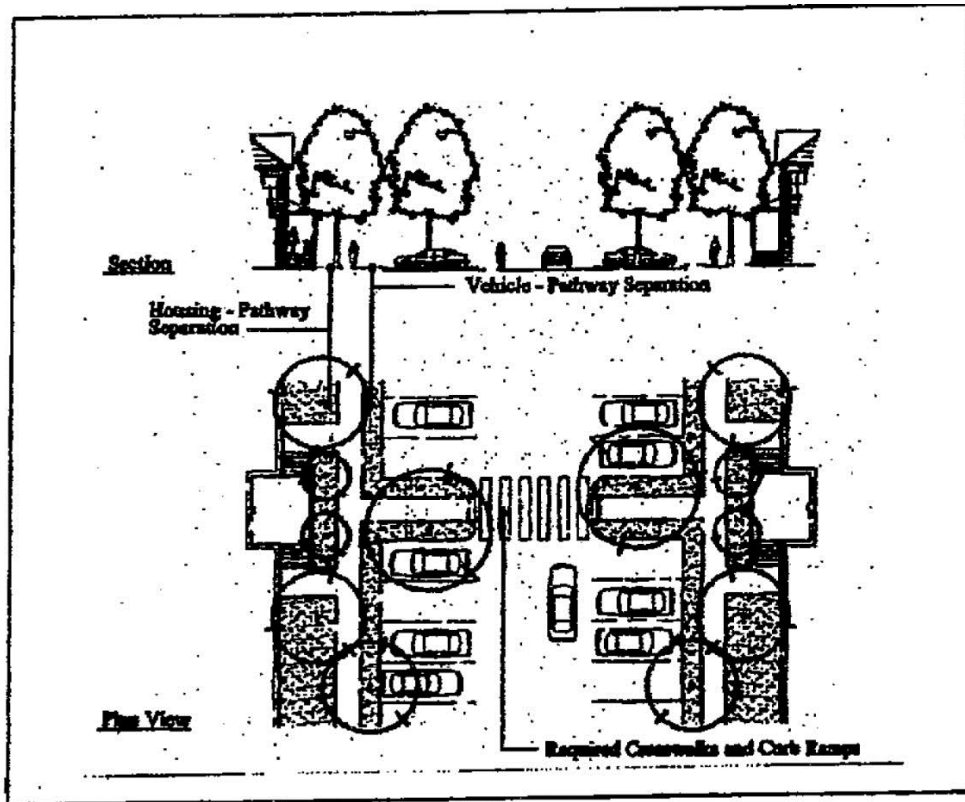
- A. Continuous Pathways.** The pathway system shall extend throughout the development site and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.1.200 - Vehicular Access and Circulation, and ~~Chapter 3.4, Section 3.4.100~~, Transportation Standards. ~~Added Traffic Impact Requirement~~
- B. Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
1. 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.
  2. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  3. Primary Entrance. For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. If no public entrance exists, street connections shall be provided to the main employee entrance.
  4. Residential Primary Entrance. For residential buildings, the "primary entrance" is the front door (i.e., facing the street). For multifamily/multi-family buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which/that serves as a common entrance for more than one dwelling.
- C. Connections within Development.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities, and common areas (as applicable), and adjacent developments to the site, as applicable.
- D.** A new subsection proposed for this section of the Development Code requires developers to coordinate improvement or provision of transit amenities with the transit service provider when they are developing adjacent to an existing or planned transit stop. While service may be limited in Weston at the present time and for the near future, these changes support the continued development of transit as a transportation option for Weston residents, employees, and visitors.

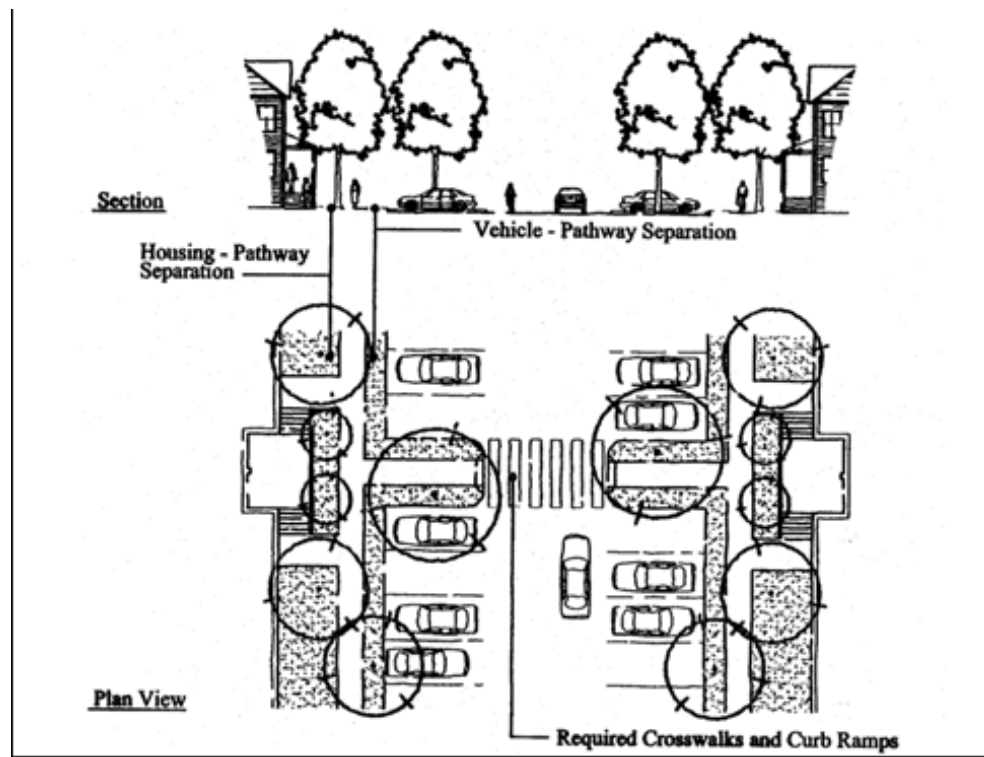
### 3.1.300 Pedestrian Access and Circulation Cont.

1. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the standards in Section 3-~~1.2~~ 1.210 - Street Connectivity and Formation of Blocks Required. 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, as applicable. ~~Multi-use~~

(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;

2. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
3. 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;
4. The ~~city~~ City may require landscaping within the pathway easement ~~/~~ right-of-way for screening and the privacy of adjoining properties;
5. The decision authority may determine, based upon facts in the record, that a pathway is impracticable due to ~~to~~ physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes ~~s~~ s, sensitive lands ~~s~~ s, 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 ~~s~~ s, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.



**3-1-300 Pedestrian Access and Circulation (continued)**

- E. Design and Construction.** Pathways shall conform to all of the standards in 1- through 5, below:
- 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 ADA-compliant 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 as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of ~~Chapter~~ **Section 3.3 - Vehicle and Bicycle Parking.** 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.
  - 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 ~~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.
- F. Transit Stop Amenities.** For all development subject to Site Design Review that is adjacent ~~to an~~ to an existing or planned transit stop, the developer shall coordinate provision or improvement of transit stop amenities with the transit service provider.

# ~~Chapter 5.0 Chapter 3.2 Landscaping, Street Trees, Fences and Walls~~

## Sections:

~~3.2.100 Purpose~~

~~3.2.200 Landscape Conservation~~

~~3.2.300 New Landscaping~~

~~3.2.400 Street Trees~~

~~3.2.500 Fences and Walls~~

~~3.2.100~~



### 3.2.100 Purpose

#### **~~Purpose.~~**

The purpose of this ~~chapter~~section 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 wood screening during winter. Trees and other plants can also 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~~section is organized into the following sections:

~~Section 3.2.200~~ Landscape Conservation - Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands, and other protected natural resource areas. This section cross-references ~~Chapter~~Section 3.7 - Sensitive Lands, which regulates development of sensitive lands.

~~Section 3.2.300~~ New Landscaping - New Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use ~~districts~~, districts. Note that other landscaping standards are provided in Chapter 2.0 - Land Use Districts, for specific types of development.

~~Section 3.2.400~~ Street Trees - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort, safety, and aesthetic purposes.

~~Section 3.2.500~~ Fences and Walls - 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 Landscape Conservation~~

#### 3.2.200 Landscape Conservation

- A. Applicability.** All development sites requiring a Site Design Review containing ~~Significant Vegetation~~, significant vegetation, as defined below, shall comply with the standards of this ~~Section~~ section. The purpose of this ~~Section~~ section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to the removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. Significant Vegetation.** “Significant vegetation” means:
- Significant Trees and Shrubs. Individual trees and shrubs with a trunk diameter of ~~four~~ 4 inches or more, as measured ~~four~~ 4 feet above the ground (diameter at breast height [DBH]), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site rarity, historical significance, etc.).

#### 3.2.200 Landscape Conservation Cont.

- Sensitive Lands. Trees and shrubs on sites that have been designated as “Sensitive Lands” in accordance with ~~Chapter~~ Section 3.7 - Sensitive Lands (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
  - Exception: Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service (OSU) in the applicable OSU bulletins for Umatilla County.
- C. Mapping and Protection Required.** Significant vegetation may be mapped as required by ~~Chapter~~ Section 4.2 - Development Review and Site Design Review and ~~Chapter~~ Section 3.7 - Sensitive Lands. Significant trees shall be mapped individually and identified by species and size (diameter at ~~four~~ 4 feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip ~~line~~) of each tree (~~driplines~~ drip lines may overlap between trees). The ~~city~~ City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.
- D. Protection Standards.** All of the following protection standards shall apply to significant vegetation areas:
- Protection of Significant Trees (~~Section~~ subsection B.1). Significant trees identified as meeting the criteria in ~~Section~~ section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
  - Sensitive Lands (~~Section~~ subsection B.2). Sensitive lands shall be protected in conformance with the provisions of ~~Chapter~~ Section 3.7 - Sensitive Lands.

~~3.2.200 Landscape Conservation (continued)~~

~~3.2.300 New Landscaping (continued)~~

- 3. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the ~~city~~City may require dedication of land or recording of a conservation easement to protect sensitive lands, including groves of significant trees.
- 4. Replanting. When conservation of significant vegetation is not practicable (per standard ~~1 above~~1 above) the significant vegetation owner or applicant shall replace prior to occupancy. Replacement planting shall meet requirements in ~~3.2.300~~Section 3.2.300 - New Landscaping.
- E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the ~~city~~City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with ~~Chapter~~Section 3.7 - Sensitive Lands.
- F. **Exemptions.** The protection standards in "Section 3.2.200 - Landscape Conservation, D." shall not apply in the following situations:
  - 1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
  - 2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Commission or designee. Planning Commission or appointed official shall prepare a notice or letter of decision within ~~3 days~~three days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

~~3.2.300 New Landscaping~~

3.2.300 New Landscaping

- A. **Applicability.** This ~~Section~~section shall apply to all development requiring Site Design Review, as well as new single-family development and other developments with required landscaping.
- B. **Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the application submittal requirements in ~~Chapter 4.2~~Section 5.4.2 - Development Review and Site Design Review, and Section 4.2.500 - Site Design Review - Application Submission Requirements, B.5. ~~(Landscape Plan)~~. Landscape plans shall comply with at least three ~~(3)~~ of the ten ~~(10)~~ materials in Section 3.2.300 - New Landscaping, D., below.
- C. **Landscape Area Standards.** The minimum percentage of required landscaping equals:

~~1. Residential Districts. 20 percent of the site.~~

**3.2.300** ~~2. Downtown Commercial District. 10 percent of the site.~~

3. ~~General Industrial District.~~ A minimum of 10 percent of the site shall be landscaped.

~~1. Light Industrial District. 20 percent of the site.~~

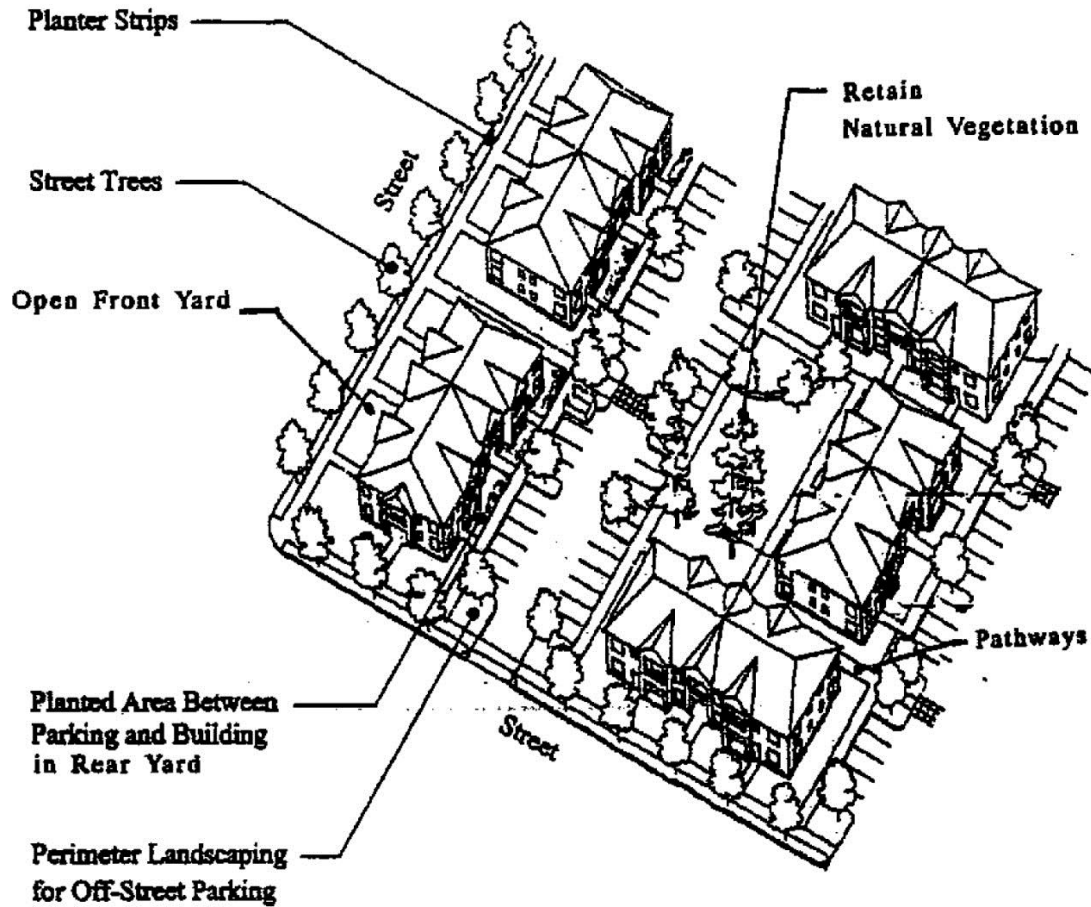
**D. Landscape Materials.** Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

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~~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” plants, as per Section 3.2. ~~2-B~~200 - Landscape Conservation, B., shall be prohibited.
4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 50 percent of the required landscape area; except in the ~~Downtown and Main Street~~Commercial District where hardscape features may cover up to 50 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground ~~covers~~covers may be used, but 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~~two years of growth, whichever comes sooner.
6. Tree Size. Trees shall have a minimum caliper size of 2 inches or greater at time of planting.
7. Shrub Size. Shrubs shall be planted from 1-gallon containers or larger.
8. 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. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants. 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.
9. Significant Vegetation. Significant vegetation preserved in accordance with Section 3.2. ~~2~~200 - Landscape Conservation may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The ~~Street Tree~~street tree standards of Section 3.2. ~~4~~400 - Street Trees may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

10. ~~Storm Water~~ Stormwater Facilities. ~~Storm water~~ Stormwater facilities (e.g., detention/retention ponds ~~3.1.200 Vehicular Ales~~) should be landscaped with water-tolerant, native plants.

11. Drainage Fields. Landscaping plans shall contain adequate drainage fields.

See Figure 3.2.300D - Landscape Areas in a Multiple Family Development (Typical)



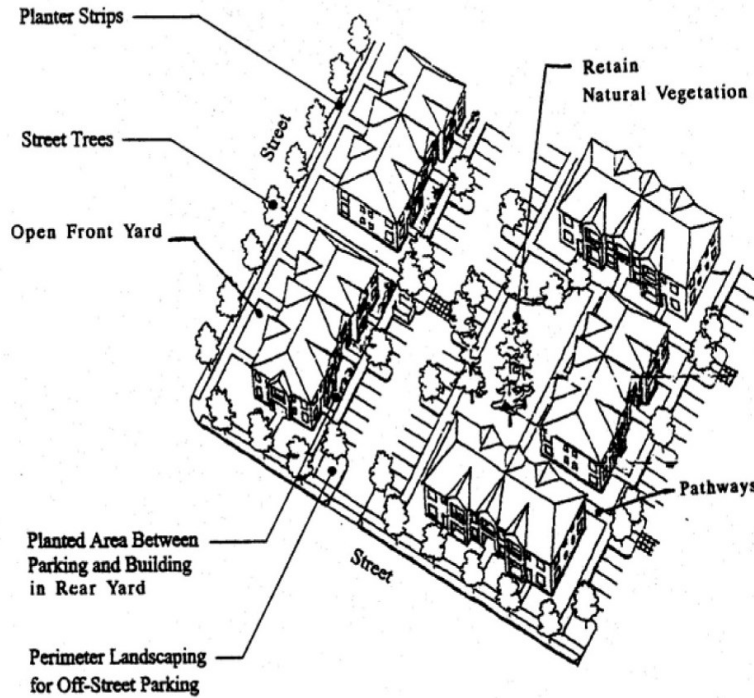


E. **Landscaping Design Standards.** All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter, section.

**3-1-200 Vehicles Access and Circulation - (continued)**

Sections 3-2-2 through 3-2-300. 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 shall satisfy the following criteria:



- a. Provide visual screening and privacy within side and rear yards while leaving front yard sand yards and building entrances mostly visible for security purposes;
- b. Use shrubs and trees as wind breaks where appropriate;
- c. Retain natural vegetation to the extent practicable;
- d. Define pedestrian pathways and open space areas with landscape materials;
- e. Provide focal points within a development, such as

- f. 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 5 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or groundcover 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. At a minimum, one tree per 10 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 30 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 15 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.
3. **Buffering and Screening Required.** Buffering and screening are required under the following conditions:
- a. **Parking/Maneuvering Area Adjacent to Streets and Drives.** 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 design of the wall or screening shall also allow for visual

surveillance of the site for security. The height of the wall or screening shall not exceed 5 feet. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall

~~3.1.200 Vehicle 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 shall be maintained in good condition, or otherwise replaced by the owner.

- b. Parking/Maneuvering Area Adjacent to Building. When 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 ~~two~~ 2 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.
- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented ~~Oriented~~ oriented ~~Uses~~. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and ~~Residential~~ 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~~ Section 3.1 - Access and Circulation. See Section 3.2.500 - Fences and Walls for standards related to fences and walls.

~~3.1 Access and Circulation. (See Section 3.2.5 for standards related to fences and walls.)~~

- F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and maybe required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.
- G. Additional Requirements. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2.0, and the ~~city~~ City may require additional landscaping through the Conditional Use Permit process (~~Chapter~~ Section 4.4 - Conditional Use Permits).

~~3.2.100 Street Tree Access and Circulation (continued)~~**3.2.400 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 ~~Chapter~~ Section 3.4.1-100 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- 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, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
  8. Select trees for their seasonal color, as desired.
  9. Use deciduous trees for summer shade and winter sun.
- B. Caliper Size.** The minimum caliper size at planting shall be ~~two~~ two inches, based on the American Association of Nurserymen Standards. If this caliper is not available, the City Council 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 spacing 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~~ 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, watering, fertilization, and replacement as necessary during the first two years after planting).



~~3.2.400 Street Trees (continued)~~

~~3.1.200 Vehicular Access and Circulation (continued)~~

E. **Assurances.** At the time of building permit application submittal, ~~the city~~ City staff shall choose one of the following assurances:

1. The developer shall pay a fee to the ~~city~~ City, in accordance with the adopted fee schedule, for each required street tree. The fee shall cover the ~~city's~~ City's expense for planting and the first two years of care.
2. The ~~city~~ City shall require the developer to provide a performance and maintenance bond in an amount determined by an engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

~~3.2.500 Fences and Walls~~

3.2.500 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~~ section. The ~~city~~ City may require installation of walls and/or fences as a condition of development approval, in accordance with ~~Chapter 4.2~~ Section 4.2 - Development Review and Site Design Review or Section 4.4 - Conditional Use Permits ~~or Chapter 4.4 Site Design Review~~. Walls built for required landscape buffers shall comply with Section 3.2. ~~3.300 -~~ New Landscaping.

B. **Dimensions.**

1. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 6 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. Walls and fences to be built for required buffers shall comply with Section 3.2. ~~3.300 -~~ New Landscaping.
4. Fences and walls shall comply with the vision clearance standards of Section 3.1. ~~3.214 -~~ Vision Clearances.
5. Retaining walls shall ~~conform~~ conform to ~~State~~ Oregon building codes.

~~3.2.500 Fences and Walls (continued)~~

C. **Materials.** Prohibited materials include concrete blocks, straw bales, barbed/razor wire, and landscaped hedges greater than 6 feet in height.

D. **Maintenance.** For safety and for compliance with the purpose of this ~~Chapter~~ chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

<sup>City of Weston</sup> ~~E. **Permit Requirements:**~~ <sup>Zoning Ordinance Text</sup> An application for a fence ~~permit~~ <sup>permit</sup> shall include a site plan that identifies the location of the fence on the property <sup>and</sup> the location of property boundaries. For a fence proposed to be located on or adjacent to a property line, <sup>the applicant shall provide proof of the location of the property boundary such as a survey, letter of agreement from neighboring property owner(s), or other documents satisfactory to the City Official that demonstrates that the proposed fence will be located on or within the property owned by the applicant.</sup>

~~3.1.200 Vehicular Access and Circulation (continued)~~

# ~~Chapter 11.0 Chapter 3.3 Vehicle and Bicycle Parking~~

## Sections:

~~3.3.100 Purpose~~

~~3.3.200 Applicability~~

~~3.3.300 Vehicle Parking Standards~~

## ~~3.3.100 Purpose~~

### 3.3 Vehicle and Bicycle Parking

#### 3.3.100 Purpose

The purpose of this ~~chapter~~section 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<sup>7.2</sup>, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses<sup>7.2</sup>, paving 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~~section 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~~section also provides standards for bicycle parking because many 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

#### ~~3.3.200 Applicability~~

All developments subject to Site Design Review (~~Chapter~~ Section 4.2 - Development Review and Site Design Review), including development of parking facilities, shall comply with the provisions of this ~~Chapter~~section.

#### ~~3.3.300 Vehicle Parking Standards~~

#### 3.3.300 Vehicle Parking Standards

The minimum number of required off-street vehicle parking ~~spaces~~spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way<sup>7.2</sup>) shall be determined based on the standards in ~~the Vehicle Parking~~this section. There is no minimum number of off-street parking spaces required in the ~~Downtown Commercial~~ District (or in designated historic districts<sup>7.2</sup>); however, the “maximum parking” standards of this ~~Chapter~~section apply.

#### 3.3.301 Vehicle Parking Maximum Standards Option

~~The~~ number of required off-street vehicle parking ~~spaces~~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<sup>7.2</sup>, and pathway or landscape area. Credit shall be allowed for “on-street parking<sup>7.2</sup>,” as provided in ~~the~~Section 3.3.306 - Credit for On-Street Parking~~section~~.

~~3.3.300 Vehicle Parking Standards (continued)~~~~3.3.300 Vehicular Access and Circulation (continued)~~3.3.302 Residential Uses

- ~~Single-family detached housing - 2 parking spaces.~~ Two parking spaces shall be provided for each detached single-family dwelling or manufactured home on an individual lot.
- ~~Two- and three-family housing.~~ 1.5 spaces per dwelling unit.
- ~~Multi-family and single-family attached housing.~~
  - ~~Studio units or 1 =bedroom units less than 500 sq. ft. = space/unit.~~
    - square feet - 1= space/unit.
    - 1 bedroom units 500 sq. ft. square feet or larger = 1.50 spaces/unit.
    - 2 =bedroom units = 1.75 spaces/unit.
    - 3 =bedroom or greater units = 2.00 spaces/unit.
    - Retirement complexes for seniors 55 =years or greater = ~~One~~ 1 space per unit.
- ~~Rooming and boarding houses, dormitories.~~ Two spaces for each three guest rooms, or one per three beds, whichever is more.
- ~~Senior housing.~~ Same as for retirement complexes.
- ~~Manufactured home parks.~~ Same as for single-family detached housing.
- ~~Accessory dwelling.~~ None required.

3.3.303 Commercial Uses

- ~~Auto, boat, or trailer sales, retail nurseries, and similar bulk retail uses.~~ One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.
- ~~Business, general retail, personal services.~~ General - one space ~~for per~~ per 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.
- ~~Chapels and mortuaries.~~ One space per four fixed seats in the main chapel.
- ~~Hotels and motels.~~ One space for each guest room, plus one space for the manager.
- ~~Offices.~~ Medical and Dental Offices - one space per 350 square feet of gross floor area; General Offices - one space per 450 square feet of gross floor area.
- ~~Restaurants, bars, ice cream parlors, and similar uses.~~ One space per four seats or one space per 100 ~~sq. ft.~~ square feet of gross leasable floor area, whichever is less.
- ~~Theaters, auditoriums, stadiums, gymnasiums, similar uses.~~ One space per four seats.

3.3.304 Industrial Uses

- ~~Industrial uses, except warehousing.~~ One space per two employees on the largest shift or one space ~~for each~~ per ~~700~~ per 700 square feet of gross floor area, whichever is less, plus one space per company vehicle.
- ~~Warehousing.~~ One space per 1,000 square feet of gross floor area or one space ~~for each~~ per two employees, whichever is greater, plus one space per company vehicle.
- ~~Public utilities (gas, water, telephone, etc.), not including business offices.~~ One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.

~~3.3.300 Vehicle Parking Standards (continued)~~**305 Public and Institutional Uses**

- **Child care centers having ~~13~~12 or more children.** One space per two employees; a minimum of two spaces is required.
- **Churches and similar places of worship.** One space per four seats.
- **Golf courses, except miniature.** Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses - four spaces per hole.
- **Hospitals.** Two spaces per patient bed.
- **Nursing and convalescent homes.** One space per three patient beds.
- **Rest homes, homes for the aged, or assisted living.** One space per two patient beds or one space per apartment unit.
- **Schools, ~~(elementary and junior high middle school).~~** One and one-half spaces per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.
- **High schools.** One and one-half spaces per classroom, plus one space per ~~10~~ten students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.
- **Colleges, universities, and trade schools.** One and one-half spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing.
- **Unspecified Uses.** Where a use is not specifically listed, parking requirements shall be determined by finding a use similar to those listed in terms of parking needs.

~~Where a use is not specifically listed in this table, parking requirements shall be determine by finding that a use is similar to those listed in terms of parking needs.~~

~~3.3.300 Vehicle Parking Standards (continued)~~**3.3.306 Credit for On-Street Parking**

~~On-Street Parking Credit.~~ The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to a commercial 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,~~City, ODOT, and/or County standards. The following constitutes an on-street parking space:

- Parallel parking, ~~each~~every 24 feet of uninterrupted curb;
- 45-degree diagonal, each with 14 feet of curb;
- 90-degree (perpendicular) parking, each with 12 feet of curb;
- Curb space must be connected to the lot ~~which~~ that contains the use;

~~City of Weston~~ ~~spaces~~ ~~spaces~~ that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and

~~Zoning Ordinance Text~~

~~March 2001~~

### ~~3.1.200 Vehicular Access and Circulation (continued)~~

F. On-street parking ~~spaces~~ ~~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 is permitted.

## ~~B. Maximum Number of~~ 3.3.307 Parking ~~Spaces~~

### Location ~~and Shared Parking~~

#### A. Location

Vehicle parking is allowed only on approved parking shoulders (streets ~~7.1~~), within garages, carports and other structures ~~7.2~~, or on driveways or parking lots that have been developed in conformance with this ~~code~~ Code. Specific locations for parking are indicated in Chapter 2.0 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys ~~7.2~~ for some uses). ~~See also~~ Section 3.1 - Access and Circulation ~~7.2~~.

#### ~~G~~ B. Off-site parking

~~Except~~ for single-family dwellings, the vehicle parking ~~spaces~~ ~~spaces~~ required by this ~~Chapter~~ section may be located on another parcel of land, provided the parcel is within ~~250 of~~ 250 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 ~~7.2~~, or similar written instrument.

#### ~~H~~ C. Mixed uses

~~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 it can be shown that the peak parking demands are actually less (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.

#### D. Shared parking ~~7.2~~

Required parking facilities for two or more uses, structures ~~7.2~~, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators allow 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.

### ~~3.3.300 Vehicle Parking Standards (continued)~~

#### ~~H~~ E. 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 ~~2~~, and/or employees, as applicable. Signs shall conform to the standards of ~~Chapter~~ Section 3.6 - Other Standards.

## 3.3.308 Maximum Number of Parking Spaces

~~The~~ number of parking ~~spaces~~ ~~spaces~~ provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this ~~Section~~ section by more than 10% ~~percent~~.

Spaces provided on street ~~7.2~~, or within the building footprint of structures ~~7.2~~, such as in rooftop parking, or under-

~~City of Weston~~ structure parking, or in multi-level parking above or below surface ~~lots~~ lots, may not apply ~~to~~ ~~toward~~ toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

~~Zoning Ordinance Text~~

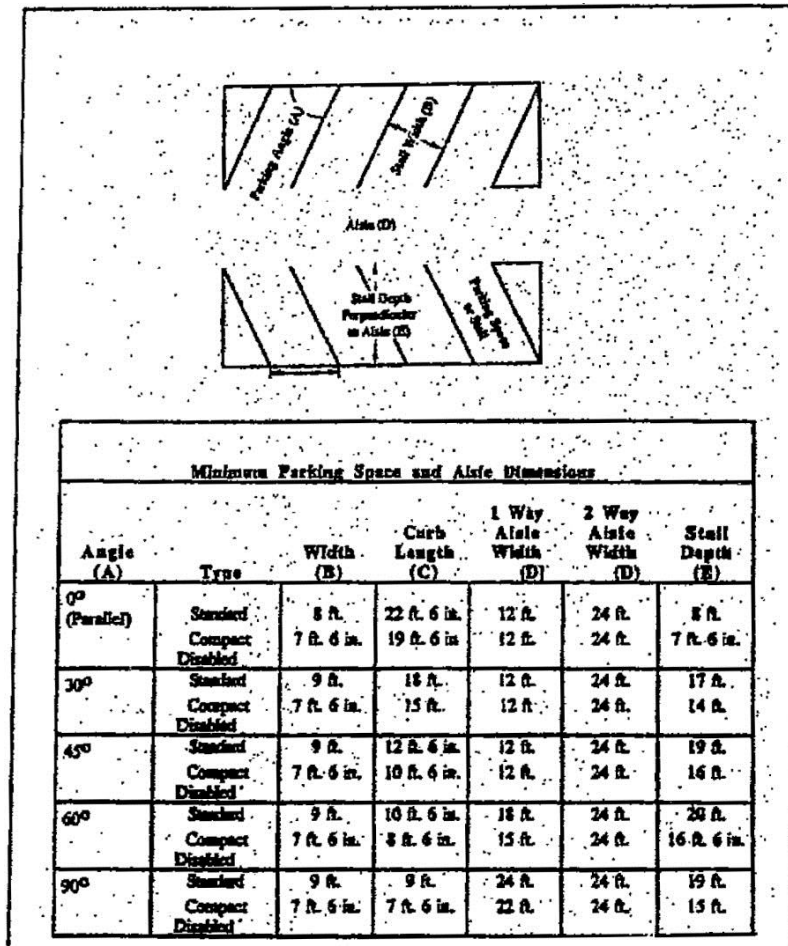
~~March 2001~~

~~3.1.200 Vehicular Access and Circulation (continued)~~

**3.3.309 Parking Stall Standard Dimensions and Compact Car Parking**

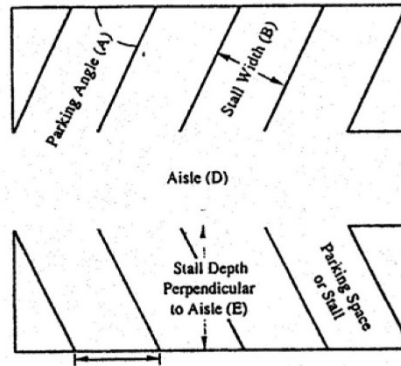
All off-street parking stalls shall be improved to conform to ~~city~~ City standards for surfacing, ~~storm~~ water stormwater management and striping, and provide dimensions in accordance with the following table: Figure 3.3.309. (Disabled person parking shall be provided in conformance with Section F3.3.310 - Disabled Person Parking Spaces.)

Figure 3.3.309 - Parking Dimensions





**3.1.200 Vehicular Access**



Minimum Parking Space and Aisle Dimensions

<u>Angle (A)</u>	<u>Type</u>	<u>Stall Width (B)</u>	<u>Curb Length (C)</u>	<u>1-Way Aisle Width (D)</u>	<u>2-Way Aisle Width (D)</u>	<u>Stall Depth (E)</u>
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.
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.
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.
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.
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.

See also, Chapter 2-0 - Land Use District standards; ~~Chapter~~ Section 3.1 - Access and Circulation; ~~Chapter~~ Section 3.2 - Landscaping, Street Trees, Fences and Walls



~~3.3.300 Vehicle Parking Standards (continued)~~

~~3.1.200 Vehicular Access and Circulation (continued)~~

### 3.3.310 Disabled Person Parking Spaces

~~=~~The following parking shall be provided for disabled persons, in conformance with the ~~Americans with Disabilities Act~~. ADA. Disabled parking is included in the minimum number of required parking spaces in Section 3.3.305 - Public and Institutional Uses.

# 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
<b>Column A</b>			
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

## A. Accessible Parking Spaces

When a business, state, or local government agency or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

The ADA Design Guide provides key information about how to create accessible car and van spaces in Section E and how many spaces to provide when parking lots are restriped.

### ~~FIGURE 3.3.3 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
<b>Column A</b>			
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

**3-1** 300 Vehicular Access and Circulation (continued)

U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section



**ADA**  
Design Guide

**1**

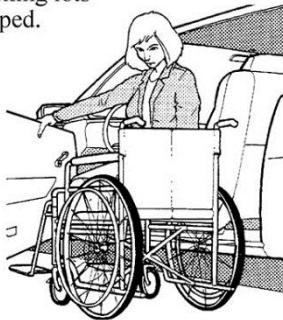
**Restriping Parking Lots**

**Accessible Parking Spaces**

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



**Accessible  
Parking Spaces for Cars**

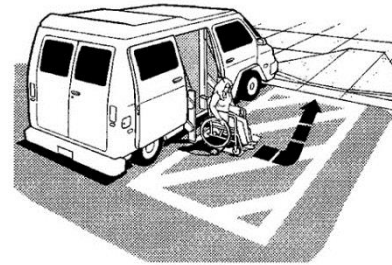
Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

**Van-Accessible Parking Spaces**

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.





**Location**

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-foot wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

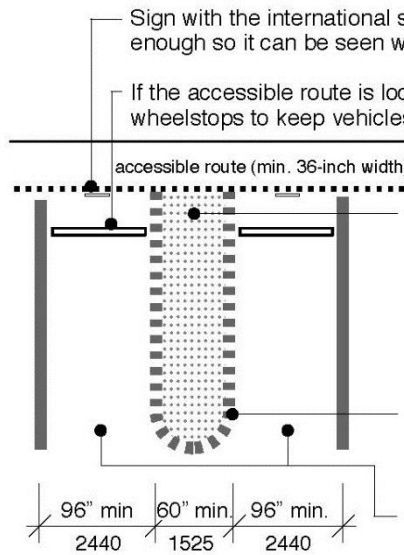
**Free Technical Assistance**

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

Department of Justice  
**ADA Information Line**

**800-514-0301 (voice)**  
**800-514-0383 (tty)**

**Features of Accessible Parking Spaces for Cars**



Sign with the international symbol of accessibility mounted high enough so it can be seen while a vehicle is parked in the space.

If the accessible route is located in front of the space, install wheelstops to keep vehicles from reducing width below 36 inches.

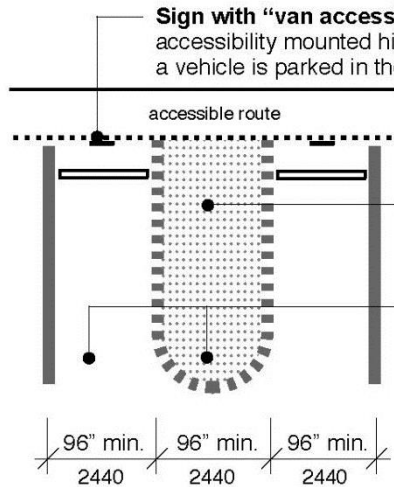
accessible route (min. 36-inch width)

Access aisle of at least 60-inch width must be level (1:50 maximum slope in all directions), be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.

Boundary of the access aisle must be marked. The end may be a squared or curved shape.

Two parking spaces may share an access aisle.

**Three Additional Features for Van-Accessible Parking Spaces**



Sign with "van accessible" and the international symbol of accessibility mounted high enough so the sign can be seen when a vehicle is parked in the space

accessible route

**96" min. width access aisle**, level (max. slope 1:50 in all directions), located beside the van parking space

**Min. 98-inch-high clearance** at van parking space, access aisle, and on vehicular route to and from van space

**Internet**

You may also review or download information on the Department's ADA Internet site at any time. The site provides access to ADA regulations, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts. Internet address:  
[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

**Reference:**

ADA Standards for Accessible Design (28 CFR Part 36):

- § 4.1.6 Alterations;
- § 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
- § 4.1.6 Parking and Passenger Loading Zones.

Duplication of this document is encouraged.

## 3.3.400 Bicycle Parking Requirements:

### B. Accessible Parking Space for Cars

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

### C. Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- A wider access aisle (96 inches) to accommodate a wheelchair lift;
- A vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space; and
- An additional sign that identifies the parking spaces as “van accessible.”

One of eight (*minimum*) accessible parking spaces must be van-accessible.



**Figure 3.3.310(2) - Van Accessible Parking Space.**

### D. Location

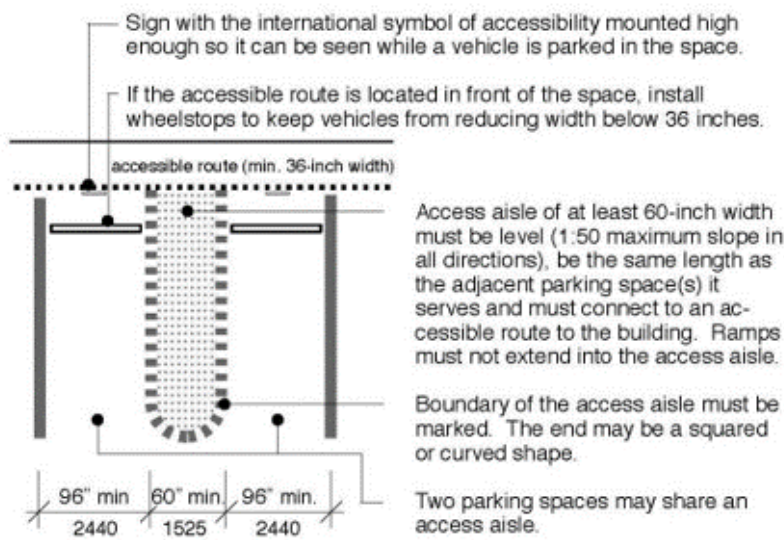
Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3 feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

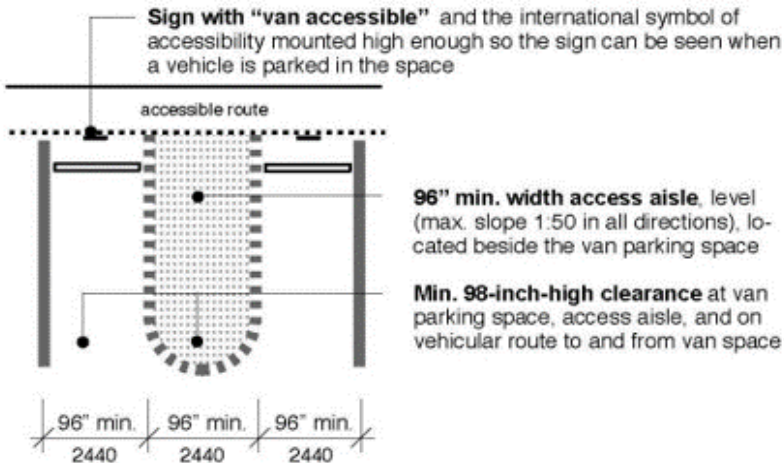
Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking

spaces located in parking garages may be located on one floor (to accommodate the 6-foot minimum height requirement).

**Figure 3.3.310(3) - Features of Accessible Parking Spaces for Cars**



**Figure 3.3.310(4) - Three Additional Features for Van Accessible Parking Spaces**



ADA Standards for Accessible Design (28 CFR Part 36):

- 4.1.6 Alterations;
- 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
- 4.1.6 Parking and Passenger Loading Zones.

**3.3.400 Bicycle Parking Requirements**

All uses ~~which~~ that are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- ~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~  
**A. Number of Bicycle Parking Spaces.** A minimum of two bicycle parking ~~spaces~~spaces per use is required for all uses with more than ~~10~~ten vehicle parking spaces. The following additional standards apply to specific types of development~~s~~:
1. Multi-Family Residences. Every residential use of four or more dwelling units provides a minimum of 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 provide a minimum of one bicycle parking space for every ~~10~~ten motor vehicle parking spaces.
  3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every ~~10~~ten students and employees. High schools provide one bicycle parking space for every five students and employees. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
  4. Colleges, universities, and trade schools ~~provide.~~ Provide one bicycle parking space for every ~~10~~ten 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. ~~Downtown~~Commercial District. Within the ~~Downtown district~~Commercial District, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six bicycles. Bicycle parking ~~spaces~~spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted “~~U~~U” style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per ~~10~~ten employees, with a minimum of one space per store.
  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~~spaces required for the entire development. A minimum of one bicycle parking space for every ~~10~~ten motor vehicle parking spaces is required.



~~3.3.400 Bicycle Parking Requirements (continued)~~

- B. **Exemptions.** This ~~Section~~section does not apply to single-family, two-family, and three-family housing (attached, detached, or manufactured housing), home ~~occupations~~occupations, agriculture and livestock uses, or other developments with fewer than ~~10~~ten vehicle parking ~~spaces~~spaces.
- C. **Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no further away than the closest parking space~~s~~). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters, and other pedestrian amenities.  
~~furniture when it is provided. Street furniture includes benches, streetlights, planters and other pedestrian amenities.~~
- D. **Visibility and Security.** Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage~~s~~.
- 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~~s~~.
- F. **Lighting.** Bicycle parking should be at least as well lit as vehicle parking for security~~s~~.
- G. **Reserved Areas.** Areas set aside for bicycle parking should 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~~Section 3.1 - Access and Circulation).

3.4 Public Facilities Standards

# ~~Chapter 12.0 Chapter 3.4 Public Facilities Standards~~

Sections:

- ~~3.4.000 Purpose and Applicability~~
- ~~3.4.100 Transportation Standards~~
- ~~3.4.200 Public Use Areas~~
- ~~3.4.300 Sanitary Sewer and Water Service Improvements~~
- ~~3.4.400 Storm Drainage Improvements~~
- ~~3.4.500 Utilities~~
- ~~3.4.600 Easements~~
- ~~3.4.700 Construction Standards and Approvals 3.4.800~~

## ~~3.4.000 Purpose and Applicability~~

### 3.4.000 Purpose and Applicability

A. **Purpose.** The purpose of this ~~chapter~~section is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this ~~Chapter~~chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking, and bicycling. This ~~Chapter~~section is also intended to implement the ~~city's Transportation System Plan~~City's TSP.

**Important cross-reference to other standards:** The ~~city~~City requires that streets provide direct and convenient access, including regular intersections. ~~Chapter~~Section 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ~~ways~~ways to break up ~~long~~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~~City shall occur in accordance with the standards of this ~~Chapter~~section. No development may occur unless the public facilities related to development comply with the public facility requirements established in this ~~Chapter~~section.

C. **Standard Specifications.** ~~City's~~The City's chosen engineer shall establish standard construction specifications consistent with the design standards of this ~~Chapter~~section and application of engineering principles. They are incorporated in this ~~code~~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. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

## ~~3.4.100 Transportation Standards~~

### 3.4.100 Transportation Standards

#### 3.4.101 Development Standards

~~=~~No development shall occur unless the development ~~has~~ has frontage or approved access to a public street, ~~in~~ in conformance with the provisions of ~~Chapter~~ Section 3.1 - Access and Circulation, ~~and the following standards are met:~~

~~=E.~~ Streets within or adjacent to a development shall be improved in accordance with the ~~Transportation System Plan~~ TSP and the provisions of this ~~Chapter~~ section.

~~=F.~~ 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~~ section, and public streets shall be dedicated to the applicable ~~city, county~~ City, County, or state jurisdiction.

~~=G.~~ New streets and drives connected to a collector or arterial street shall be paved, ~~and~~.

~~M.H.~~ The ~~city~~ City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate or object against the formation of a ~~local improvement district~~ Local Improvement District in the future) in lieu of street improvements if one or more of the following conditions exist:

4. A partial improvement may create a potential safety hazard to motorists or pedestrians;
5. 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;
6. The improvement would be in conflict with an adopted capital improvement plan; or
7. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

#### 3.4.102 Variances

~~=~~Variances to the transportation design standards in this ~~Section~~ section may be granted by means of a Class B Variance, ~~as governed by Chapter~~ Section 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~~ (Section 3.7 - Sensitive Lands).

#### 3.4.103 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 City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the city City Council for the purpose of implementing the ~~Transportation System Plan~~ TSP, 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 engineer and shall name "the public," ~~as~~ as grantee.

The ~~city~~City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with ~~Chapter~~Section 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

**3.4.100 Transportation Standards. (continued)**  
**105 Street Location, Width, and Grade**

Except as noted below, the location, width, and grade of all streets shall conform to the ~~city's~~City's adopted ~~Transportation System Plan, TSP;~~ and an approved street plan or subdivision plat. The ~~city's~~City's adopted ~~Transportation System Plan, TSP~~ is hereby incorporated by reference. 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:

- A. Street grades shall be approved by the engineer in accordance with the design standards in Section ~~4~~  
~~below;~~3.4.114 - Grades and Curves; and
- B. Where the location of a street is not shown in an existing street plan (~~See~~see Section ~~411~~),3.4.108 - Future Street Plan and Extension of Streets, the location of streets in a development shall either:
  - 1. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this ~~Chapter~~section, or
  - 2. 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.

**3.4.106 Minimum Rights-of-Way and Street Sections**

Street rights-of-way and improvements shall be the widths in Table 3.4.106. A variance shall be required in conformance with Section 3.4.100-B102 - Variances to vary the standards in Table 3.4.106. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

- Street classification in the ~~Transportation System Plan, TSP;~~
- Anticipated traffic generation;
- On-street parking needs;
- Sidewalk and bikeway requirements based on anticipated level of use;
- Requirements for placement of utilities;
- ~~Street lighting~~Streetlighting;
- Minimize drainage, slope, and sensitive lands impacts;
- ~~Street~~Street tree location, as provided for in ~~Chapter~~Section 3.222.400 - Street Trees;
- Protection of significant vegetation;
- Safety and comfort for motorists, bicyclists, and pedestrians;
- Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
- Access needs for emergency vehicles; and
- Transition between different street widths (i.e., existing streets and new streets).

3.4.100 Transportation Standards. (continued)

~~3.2.300 New Landscaping (continued)~~ STREET STANDARDS FOR CITY OF WESTON

STREET TYPE	RIGHT-OF-WAY WIDTH	TOTAL PAVED SURFACE WIDTH	PARKING STRIP WIDTH	BIKE LANE	WALKWAY
					(PLANTING STRIP)
Arterial <sup>(3)</sup>	78'-88'	52'	8' on both sides	6' on both sides	6-10' (7'-8')
<del>Collector or (2,3)</del>	<del>60'-66'</del> <del>66'</del>	<del>36'-38'</del>	<del>7-8' on both sides</del>	<del>Shared Roadway</del>	<del>5'-6'</del> <del>(7'-8')</del>
Collector <del>Water St</del> <sup>(2,3)</sup>	<del>60'-66'</del> <del>50'</del>	<del>36'-38'</del> <del>22'</del>	<del>6'-7'-8' swale or parking on both sides</del>	Shared Roadway	<del>5'-6'</del> <del>(7'-8'</del> <del>(6'-8' swale or parking on both sides)</del>
Local <del>4</del> Option <sup>(1)</sup>	54'-56'	<del>25'-28'</del>	7' on both sides	Shared Roadway	<del>7'-8'</del> <del>5'-6' (7'-8')</del>
Local <del>3</del> Option <sup>(1)</sup>	<del>54'-56'</del> <del>47'-52'</del>	<del>22'</del> <del>21'</del>	<del>8'</del> <del>7'</del> on both sides	Shared Roadway	<del>5'-6'</del> <del>(7'-8' drainage swale on one side)</del>
Local Option <del>3</del> <sup>(1)</sup>	<del>58'-62'</del> <del>56'-62'</del>	<del>32'-34'</del> <del>32'-34'</del>	7' on both sides	<del>Shared roadway</del> Shared Roadway	<del>shared/7'</del> <del>5'-6'</del> <del>(7'-8')</del>
Alley	16'-20'	12'-16'	None	None	None

Notes: For all ~~right~~ rights-of-ways ways, one street name sign shall be provided at each intersection for each street. Non-conforming streets are present in the City of Weston including undersized alleys.

<sup>(1)</sup> Paved walkways and planting strips shall be provided unless (a) the City determines they are precluded by physical constraints, such as steep slopes, wetlands, waterways, existing structures, and mature trees, or (b) the City is unable to establish a rough proportionality between this requirement, and the nature and extent of impacts of the proposed development, in accordance with Dolan v. City of Tigard (US Supreme Court, 1994).

<sup>(2)</sup> Parking may be provided on unpaved shoulder that is designated as a planting strip.

<sup>(3)</sup> In the commercial zoning districts, including ~~Downtown and~~ mixed-use districts that permit commercial uses, a minimum of ~~nine~~ ~~(9)~~ foot wide curb-tight paved walkway with tree wells for street trees shall be installed instead of a walkway and planting strip. At least ~~six~~ ~~(6)~~ feet of walkway width shall be unobstructed by tree wells, poles, signs, fire hydrants, mailboxes, benches, and other permanent objects. Obstructions shall not be placed in such a manner that they impair visibility by motorists. Spacing of Street Trees shall be as specified in Section 3.2.400 - Street Trees of this Code.

~~\*\*~~ <sup>(4)</sup> Notwithstanding, in Residential ~~&~~ and Commercial Zones, walkways may be constructed with the following surfaces.

- a. Asphalt, a minimum of ~~two~~ 2 inches over a compacted gravel base at least 4 inches thick.
  - b. Concrete, to existing City standards;
  - c. Gravel; ~~3/4~~ 3/4-inch minus only, a minimum of ~~four~~ 4 inches in depth, over a mechanically compacted earth or rock base, grade and mechanically compacted to provide passage for wheelchairs, electric scooters, or other vehicles commonly used by disabled persons.
- ~~(3/10/2010)~~

City of





**~~CITY OF WESTON ORDINANCE NO. Z2009-3-4-100~~**

**~~AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE RELATING TO  
3.2.300 New Landscaping (continued) PEDESTRIAN FACILITIES~~**

~~WHEREAS the Planning Commission of the City of Weston held a public hearings on September 1, 2009, October 20, 2009, & December 1, 2009 to consider amending the zoning ordinance provisions to allow flexibility for provision of pedestrian facilities in the Residential Zones; and~~

~~WHEREAS the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation provided advice and assistance in the development of the amendment to the pedestrian facilities; and~~

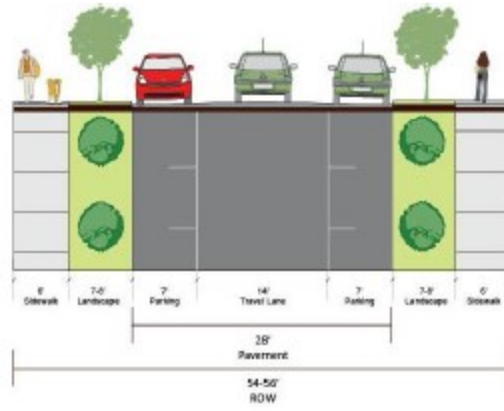
~~WHEREAS the City Council held a public hearing on December 9, 2009 to consider the proposed zoning text amendment and the Planning Commission's recommendation; and~~

~~WHEREAS the City Council has determined that the amendment as recommended by the Planning Commission is in the best interest of the community; therefore~~

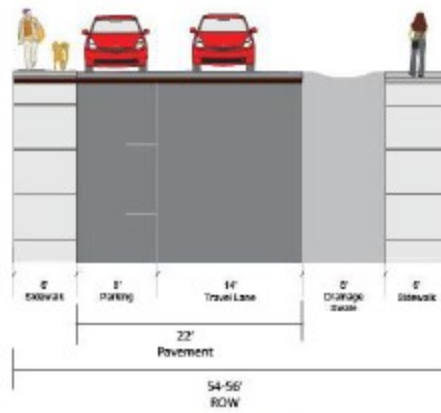
~~THE CITY OF WESTON DOES ORDAIN AS FOLLOWS:  
(new text is indicated by underlining)~~

~~Section 1. NOTE ADDED: Table 3.4.1 TSP Local Street Standards for the City of Weston, in Chapter 3.4 Public Facilities Standards of the Weston Zoning Ordinance is hereby amended as follows:~~

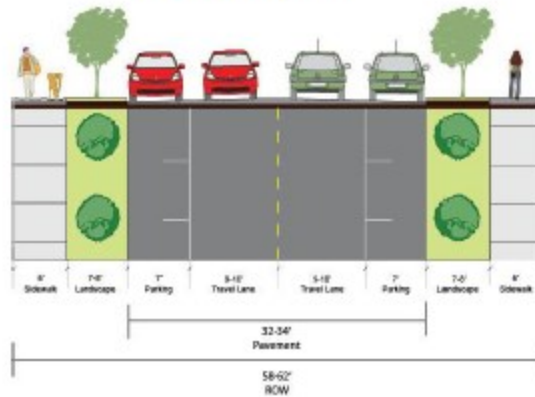
~~3.2.300 New Landscaping~~



Local Street Option 1



Local Street Option 2



Local Street Option 3

~~TABLE~~

**STREET STANDARDS FOR CITY OF WESTON****~~3.2.300 New Landscaping (continued)~~**

<del>STREET TYPE</del>	<del>RIGHT-OF-WAY WIDTH</del>	<del>TOTAL PAVED SURFACE WIDTH</del>	<del>PARKING STRIP WIDTH</del>	<del>BIKE LANE</del>	<del>WALKWAY (PLANTING STRIP)</del>
<del>Arterial (3)</del>	<del>78'-88'</del>	<del>52'</del>	<del>8' on both sides</del>	<del>6' on both sides</del>	<del>6'-10' (7'-8')</del>
<del>Collector (2,3)</del>	<del>60'-66'</del>	<del>36'-38'</del>	<del>7'-8' on both sides</del>	<del>Shared Roadway</del>	<del>5'-6' (7'-8')</del>
<del>Local Option 1 (1)</del>	<del>49'-56'</del>	<del>25'-28'</del>	<del>7' on both sides</del>	<del>Shared Roadway</del>	<del>5'-6' (7'-8')</del>
<del>Local Option 2 (1)</del>	<del>47'-52'</del>	<del>21'</del>	<del>7' on both sides</del>	<del>Shared Roadway</del>	<del>5'-6' (7'-8')</del>
<del>Local Option 3 (1)</del>	<del>56'-62'</del>	<del>32'-34'</del>	<del>7' on both sides</del>	<del>Shared Roadway</del>	<del>5'-6' (7'-8')</del>
<del>Alley</del>	<del>16'-20'</del>	<del>12'-16'</del>	<del>None</del>	<del>None</del>	<del>None</del>

~~Notes: For all right-of-ways, one street name sign shall be provided at each intersection for each street.~~

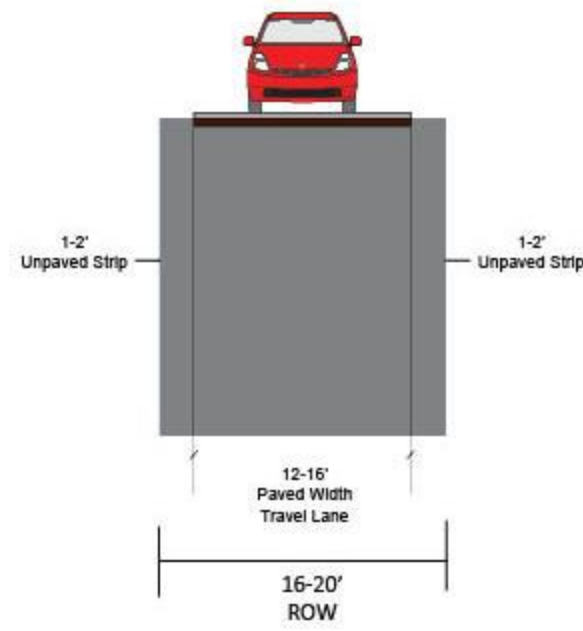
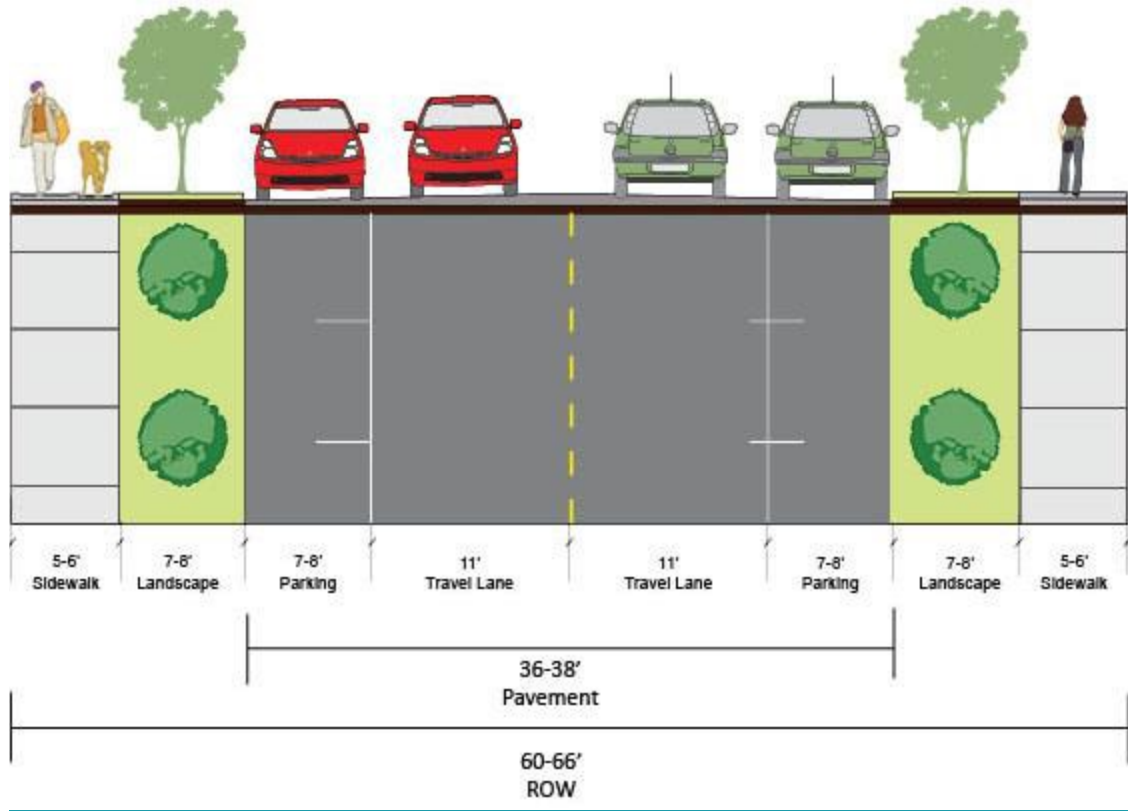
~~1. City of Weston says and planting strips shall be provided unless (a) the City determines they are precluded by physical constraints, such as steep slopes, wetlands, waterways, existing structures, and mature trees, or (b) the City is unable to establish a rough proportionality between this requirement, and the nature and extent of impacts of the proposed development, in accordance with Dolan v. City of Tigard (US Supreme Court, 1994).~~

Zoning Ordinance Text

March 2001

**3.2.10 New Landscaping Standards**

Parking may be provided on unpaved shoulder that is designated as a planting strip. [Weston TSP Collector and Alley Street Standards](#)



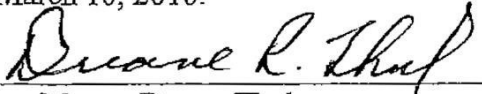
~~2. In the commercial zoning districts, including Downtown and mixed-use districts that permit commercial uses, a minimum of nine (9) foot wide curb-tight paved walkway with tree wells for street trees shall be installed instead of a walkway and planting strip. At least six (6) feet of walkway width shall be unobstructed by tree wells, poles, signs, fire hydrants, mailboxes, benches, and other permanent objects. Obstructions shall not be placed in such a manner that they impair visibility by motorists. Spacing of Street Trees shall be as specified in Section 3.2.400 of this Code.~~

- ~~3. Notwithstanding, in Residential & Commercial Zones, walkways may be constructed with the following surfaces:~~
- ~~a.) Asphalt, a minimum of two inches over a compacted gravel base at least 4" thick;~~
  - ~~b.) Concrete, to existing city standards;~~
  - ~~c.) Gravel; ¾ inch minus only, a minimum of four inches in depth, over a mechanically compacted earth or rock base, grade and mechanically compacted to provide passage for wheelchairs, electric scooters, or other vehicles commonly used by disabled persons.~~

~~Section 2. EFFECTIVE DATE: This ordinance shall take effect 30 days following its third reading by the City Council~~

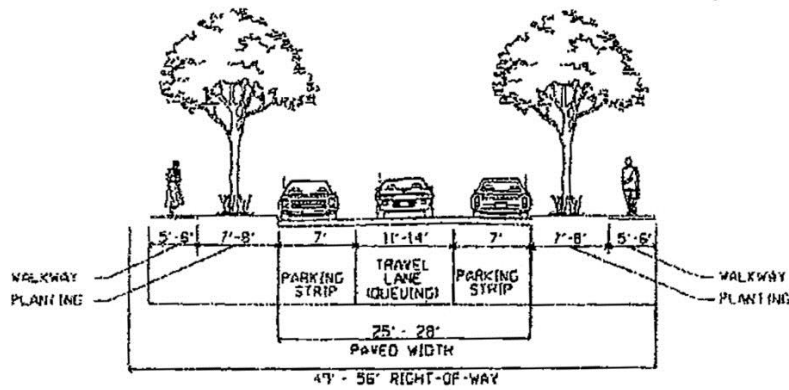
PASSED AND ADOPTED this 10<sup>th</sup> day of March 10, 2010 by the following vote  
 AYES: 4 NAYS \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_

And the Mayor having declared the ordinance enacted by a majority vote became effective on March 10, 2010.

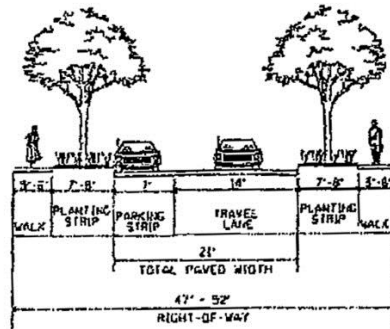
  
 \_\_\_\_\_  
 Mayor Duane Thul

Attest:   
 \_\_\_\_\_  
 City Recorder-Denise Sampson

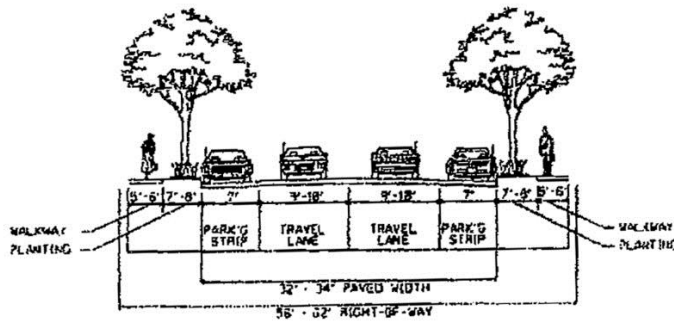
3-2-300 New Landscaping (continued)



Local Option 1



Local Option 2



Local Option 3

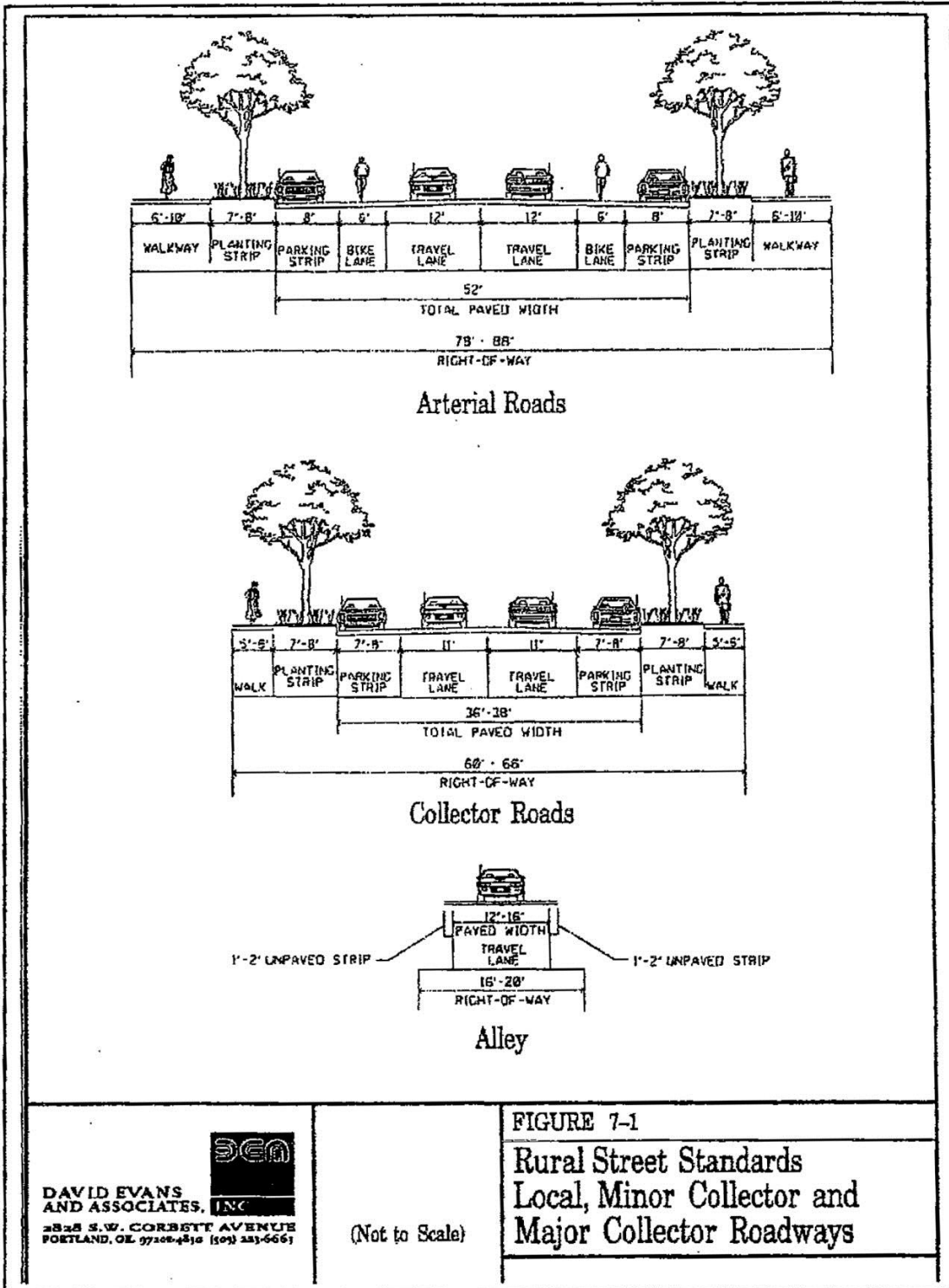
**DEA**  
**DAVID EVANS**  
**AND ASSOCIATES, INC.**  
 2828 S.W. CORBETT AVENUE  
 PORTLAND, OR 97201-4830 (503) 241-6667

(Not to Scale)

FIGURE 7-2

Rural Street Standards  
Local, Minor Collector and  
Major Collector Roadways

3.4.100 Transportation Standards. (continued)





Traffic Signals and Traffic Calming Features.

3.4.100 Transportation Standards, (continued)

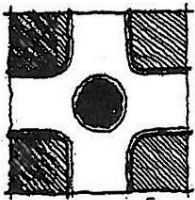
- A. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
- B. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and the 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.
- C. Traffic signals and traffic calming features on roads under State jurisdiction shall be determined by the Oregon Department of Transportation (ODOT).

Figure 3.4.107 - Traffic Calming Features

Drawing

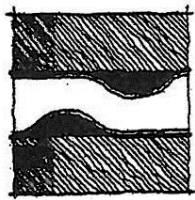
Technique

Description



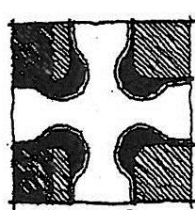
Traffic Circles

Circular raised islands centered at the intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.



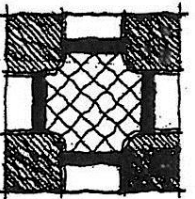
Chicanes  
Chicanes

Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicane are offset from each other in mid-block locations and can be used to keep through trucks versus local delivery off residential streets.



Curb Bulb-Outs,  
Chokers/Neckdowns  
Curb Bulb-Outs,  
Chokers/Neckdowns

Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual distinction and reduce pedestrian crossing distances. Chokers are offset from each other in mid-block locations and can be used to keep through trucks versus local delivery off residential streets. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.



Special Paving  
Special Paving

Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings. Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.





- A. 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.
- B. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Council 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 ~~§ 1 through 3~~, below:
  - 1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs or dead-end streets since they are intended to continue as through streets when the adjoining property is developed.
  - 2. 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~~ City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
  - 3. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

**3.4.109 Street Alignment and Connections**

- A. Staggering of streets making “T” intersections at collectors and arterials shall be designed so that no jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
- B. Spacing between local street intersections shall have a minimum separation of 125 feet, 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 (offset) intersections.
- C. 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~~ 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.

# FIRE APPARATUS ACCESS ROADS

~~The provisions contained in this appendix are adopted by the State of Oregon~~

## ~~SECTION D101 GENERAL~~

~~D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. The fire code official may be guided by the Oregon Department of Land Conservation and Development's *Neighborhood Street Design Guidelines, June 2001.*~~

## ~~SECTION D102 REQUIRED ACCESS~~

~~D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34,050 kg).~~

~~D102.1.1 Access in urban-wildland interface areas. For egress and access concerns in urban-wildland interface locations. The fire code official may be guided by the *Urban Wildland Interface Code.*~~

## ~~SECTION D103 MINIMUM SPECIFICATIONS~~

~~D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925mm). See Figure D103.1.~~

~~Exceptions: The fire code official is authorized to modify the provisions of Section D-103.1 when:~~

- ~~1. In accordance with OAR 918-480-0100, all buildings are completely protected with an approved automatic fire sprinkler system; or~~
- ~~2. Provisions are made for the emergency use of sidewalks by such means as rolled or mountable curbs capable of supporting the fire department's apparatus; or~~
- ~~3. Streets or roadways are identified for one-way circulating flow of traffic, or pullouts are provided every 150 feet (45,720 mm) on streets or roadways identified for two-way traffic; or~~
- ~~4. A grid system for traffic flow is provided and streets or roadways in the grid do not exceed 300 ft. (91,400mm) in length but are accessible at each end from approved access roadways or streets.~~

→ | ← 20'  
60' HAMMERHEAD

→ | ← 20'  
120' HAMMERHEAD

→ | ← 20'  
ACCEPTABLE ALTERNATIVE  
TO 120' HAMMERHEAD

~~For SI: 1 foot = 304.8 mm.~~

**FIGURE D103.1**



~~D103.2 Grades of fire apparatus roads shall not exceed 10 percent in grade.~~ ~~Locking device specifications shall be submitted for approval by the fire code official.~~

~~Exception: Grades steeper than 10 percent as approved by the fire chief.~~

~~D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.~~

~~D103.3.1 Angles of approach. The angles of approach and departure for any means of egress shall not be less than the design limitations of the fire apparatus of the fire department, subject to the approval of the fire code official.~~

~~D103.3.2 Drainage. When subject to run-off damage, the fire code official is authorized to require approved drainage.~~

~~D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.~~

~~TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS~~

<del>LENGTH (feet)</del>	<del>WIDTH (feet)</del>	<del>TURNAROUNDS REQUIRED</del>
<del>0-150</del>	<del>20</del>	<del>None required</del>
<del>151-500</del>	<del>20</del>	<del>20-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul de sac in accordance with Figure D103.1</del>
<del>501-750</del>	<del>26</del>	<del>20-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul de sac in accordance with Figure D103.1</del>
<del>Over 750</del>		<del>Special approval required</del>

~~For SI: 1 foot = 304.8 mm.~~

~~D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:~~

- ~~1. The minimum gate width shall be 20 feet (6096 mm).~~
  - ~~e.a. Gates shall be of the swinging or sliding type.~~
- ~~2. Construction of gates shall be of materials that allow manual operation by one person.~~
- ~~3. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.~~

~~f.a. Electric gates shall be equipped with any means of opening the gate by fire department personnel for emergency access.~~

~~110. Emergency opening devices shall be approved by the fire code official.~~

- ~~4. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools.~~

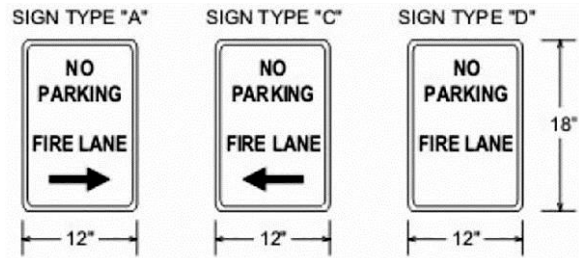
have red letters on a white reflective background. ~~Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2~~ Signing Ordinance Text

March 2001

### **FIGURE D103.6 FIRE LANE SIGNS**

~~D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.~~

~~D103.6.2 Roads are more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.~~



## **SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS**

~~D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least three means of fire apparatus access for each structure.~~

~~D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m<sup>2</sup>) shall be provided with two separate and approved fire apparatus access roads.~~

~~Exception: Projects having a gross building area of up to 124,000 square feet (11520 m<sup>2</sup>) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.~~

~~D104.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.~~

## **SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS**

~~D105.1 Where required. Building or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.~~  
~~Overhead utility~~

~~APPENDIX B~~



# **FIRE-FLOW REQUIREMENTS FOR BUILDING**

~~The provisions contained in this appendix are adopted by the State of Oregon~~

**SECTION B101  
GENERAL**

**SECTION B104  
FIRE-FLOW CALCULATION AREA**

~~**B101.1 Scope.** The procedure for determining fire flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings. The fire code official may be guided by the Oregon State Fire Marshal Interpretation #94-02, "Water Supply." See also ORS 479.200.~~

~~**B104.1 General.** The fire flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, except as modified in Section B104.3.~~

~~**B104.2 Area separation.** Portions of buildings which are separated by fire walls without openings, constructed in accordance with the *International Building Code*, are allowed to be considered as separate fire flow calculation areas.~~

~~**B104.3 Type IA and Type IB construction.** The fire flow calculation area of buildings consumed of Type IA and Type IB construction shall be the area of the three largest successive floors.~~

~~**Exception:** Fire flow calculation area for open parking garages shall be determined by the area of the largest floor.~~

ORS 479.200 is not a part of this code but is reproduced or paraphrased here for the reader's convenience. ORS 479.200 regulates water supply requirements for certain public buildings erected after July 1, 1967, as defined in ORS 479.010(1)(i).

The Oregon State Fire Marshal Interpretation #94-02, "Water Supply," is not a part of this code but is paraphrased here for the reader's convenience. The interpretation recommends methods for calculating water supply requirements based on local conditions or ISO grading using Appendix 8 or NFPA 1142.

**SECTION 8102  
DEFINITIONS**

~~**B102.1 Definitions.** For the purpose of this appendix, certain terms are defined as follows:~~

~~**FIRE FLOW.** The flow rate of a water supply measured at 20 pounds per square inch (psi) (138 kPa) residual pressure; that is available for firefighting.~~

~~**FIRE FLOW CALCULATION AREA.** The floor area in square feet (m<sup>2</sup>), used to determine the required fire flow.~~

~~**FIRE SERVICE FEATURES**  
comply with Chapter 10. Access doors for high-piled combustible storage shall comply with Section 2306.6.1.~~

**SECTION 8103  
MODIFICATIONS**

~~**B103.1 Decreases.** The fire chief is authorized to reduce the fire flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire flow requirements is impractical.~~

~~**B103.2 Increases.** The fire chief is authorized to increase the fire flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.~~

~~**B103.3 Areas without water supply systems.** For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, fire code official is authorized to utilize NFPA 1142 or the *International Urban Wildland Interface Code*.~~

~~ground. Required fire department access doors shall not be obstructed or eliminated. Exit and exit access doors shall be determined by the area of the largest floor.~~

**SECTION 8105  
FIRE FLOW REQUIREMENTS FOR BUILDINGS**

~~**B105.1 One and two family dwellings.** The minimum fire flow requirements for one and two family dwellings having a fire flow calculation area which does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785.4 L/min). Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet (344.5 m<sup>2</sup>) shall not be less than that specified in Table B105.1.~~

~~**Exception:** A reduction in required fire flow of 50 percent as approved, is allowed when the building is provided with an approved automatic sprinkler system.~~

~~**B105.2 Buildings other than one and two family dwellings.** The minimum fire flow and flow duration for buildings other than one and two family dwellings shall be as specified in Table B105.1.~~

~~**Exception:** A reduction in required fire flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or~~

~~504.3 Stair City of Weston to roof.~~ New buildings four or more stories in height, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3 percent slope), shall be provided with a stairway to the roof. Stairway access to the roof shall be in accordance with Section 1009.12. Such stairway shall be marked at street and floor levels with a sign indicating that the stairway continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

~~507.2.2 Interior access to shaftway.~~ Openings to a hoistway or shaftway from the interior of the building shall be plainly marked with the word **SHAFTWAY** in red letters at least 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible.

~~Exception:~~ Marking shall not be required on shaftway openings which are readily discernible as openings onto a shaft way by the construction or arrangement.

**SECTION 505 PREMISES IDENTIFICATION**

~~505.1 Address numbers.~~ New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

~~507.3 Pitfalls.~~ The intentional design or alteration of buildings to disable, injure, maim or kill intruders is prohibited. No person shall install and use firearms, sharp or pointed objects, razor wire, explosives, flammable or combustible liquid containers, or dispensers containing highly toxic, toxic, irritant or other hazardous materials in a manner which may passively or actively disable, injure, maim or kill a fire fighter who forcibly enters a building for the purpose of controlling or extinguishing a fire, rescuing trapped occupants or rendering other emergency assistance.

~~505.2 Street or road signs.~~ Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

**SECTION 508 FIRE PROTECTION WATER SUPPLIES**

**SECTION 506 KEY BOXES**

~~506.1 Where required.~~ Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

~~508.1 Required water supply.~~ An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

~~506.1.1 Locks.~~ An approved lock shall be installed on gates or similar barriers when required by the fire code official.

~~508.2 Type of water supply.~~ A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

~~506.2 Key box maintenance.~~ The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

~~508.2.1 Private fire service mains.~~ Private fire service mains and appurtenances shall be installed in accordance with NFPA 24.

~~508.2.2 Water tanks.~~ Water tanks for private fire protection shall be installed in accordance with NFPA 22.

**SECTION 507 HAZARDS TO FIRE FIGHTERS**

~~507.1 Trapdoors to be closed.~~ Trapdoors and scuttle covers, other than those that are within a dwelling unit or automatically operated, shall be kept closed at all times except when in use.

~~508.3 Fire flow.~~ Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method. See Appendix B. II

~~507.2 Shaftway markings.~~ Vertical shafts shall be identified as required by this section.

~~508.4 Water supply test.~~ The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

~~508.5 Fire hydrant systems.~~ Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6. See Appendix C.

~~508.5.1 Where required.~~ Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved

~~507.2.1 Exterior access to shaftways.~~ Outside openings accessible to the fire department and which open directly on a hoistway or shaftway communicating between two or more floors in a building shall be plainly marked with the word **SHAFTWAY** in red letters at least 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible from the outside of the building.

~~3.4.100 Transportation Standards (continued)~~

- ~~1. 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.~~
- ~~2. 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:~~
- ~~3. 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 3.1.3.A.~~

**Sidewalks, Planter Strips, Bicycle Lanes**

Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.106, applicable provisions of the ~~Transportation System Plan, TSP~~, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

**3.4.111 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:

- A. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
- B. Intersections ~~which~~ that are not at right angles shall have a minimum ~~corner~~ corner radius of 20 feet along the right-of-way lines of the acute angle; and
- C. Right-of-way lines ~~at intersection~~ that intersect with arterial streets shall have a ~~corner~~ corner radius of not less than 20 feet.

**3.4.112 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 Section 3.4.000 - ~~Purpose and Applicability~~, D.

**3.4.113 Cul-de-sacs**

A dead-end street shall be no more than 200 feet long, shall not provide access to more than 25 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this ~~code~~ Code preclude street extension and through circulation:

- A. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius as specified by the ~~Fire Chief~~ fire chief and generally shall be no less than 20 feet and not more than a radius of 40 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 tire apparatus lane of 20 feet in width; and
- B. 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.

~~=~~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 greater than 250 feet), and:

- A. 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
- B. 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.

### **3.4.115 Curbs, Curb Cuts, Ramps, and Driveway Approaches**

~~=~~Concrete curbs, curb cuts, wheelchair, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in ~~Chapter 3~~ Section 3.1 - Access and Circulation.

~~1 - Access and Circulation~~

### **3.4.116 Streets 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 ~~Oregon Department of Transportation~~ ODOT and the rail service provider.

### **3.4.117 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:

- A. A parallel access street along the arterial with a landscape buffer separating the two streets;
- B. 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 ~~Chapter~~ Section 3.12.F 1.206 - Access Options;
- C. 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; or
- D. Other treatment suitable to meet the objectives of this subsection;
- E. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with ~~Chapter~~ Section 3.1.200 - Vehicular Access and Circulation.

### **3.4.118 Alleys: Public or Private**

~~=~~Alleys shall conform to the standards in Table 3.4.106. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

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~~. Design standards for private streets shall conform to the provisions of Table 3.4. ~~106~~.

### **3.4.120 Street Names**

~~=~~No street name shall be used ~~which~~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.

### **3.4.121 Survey Monuments**

~~=~~Upon completion of a street improvement and prior to acceptance by the ~~city~~City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the ~~city~~City that all boundary and interior monuments shall be reestablished and protected.

### **3.4.122 Street Signs**

~~=~~The ~~city, county~~City, County, or ~~state~~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.

### **3.4.123 Street Light Standards**

~~=~~Streetlights shall be installed in accordance with ~~city~~City standards.

The final lift of asphalt or concrete pavement shall be placed on all ~~new~~ newly constructed public roadways prior to final ~~city~~ City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the Engineer. The final lift shall also be placed no later than when 50% ~~percent~~ of the structures in the new development are completed or ~~2~~ two years from the commencement of initial construction of the development, whichever is less.

- A. Sub-base and leveling course shall be of select crushed rock;
- B. Surface material shall be of Class C or B asphaltic concrete;
- C. The final lift shall be Class C asphaltic concrete as defined by ~~A.P.W.A.~~ APWA standard specifications; and
- D. No lift shall be less than 1-1/2 inches in thickness.



### 3.4.125 Fire Apparatus Access Roads

Fire apparatus access roads shall be in accordance with this section and all other applicable requirements of the International Fire Code, 2019. The fire code officials may be guided by the Oregon Department of Land Conservation and Development's (DLCD) *Neighborhood Street Design Guidelines, June 2001*.

#### A. Required Access

##### 1. Access and Loading.

Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34,050 kilograms).

**Exception:** The minimum weight specified may be increased by the fire code official based on the actual weight of the fire apparatus vehicles serving the jurisdiction that provides structural fire protection services to the location, including fire apparatus vehicles that respond under automatic and mutual aid agreements.

##### 2. Access in Urban-wildland Interface Areas.

For egress and access concerns in urban-wildland interface locations, the fire code official may be guided by the Urban Wildland Interface Code.

#### B. Minimum Specifications

##### 1. Access Road Width with a Hydrant.

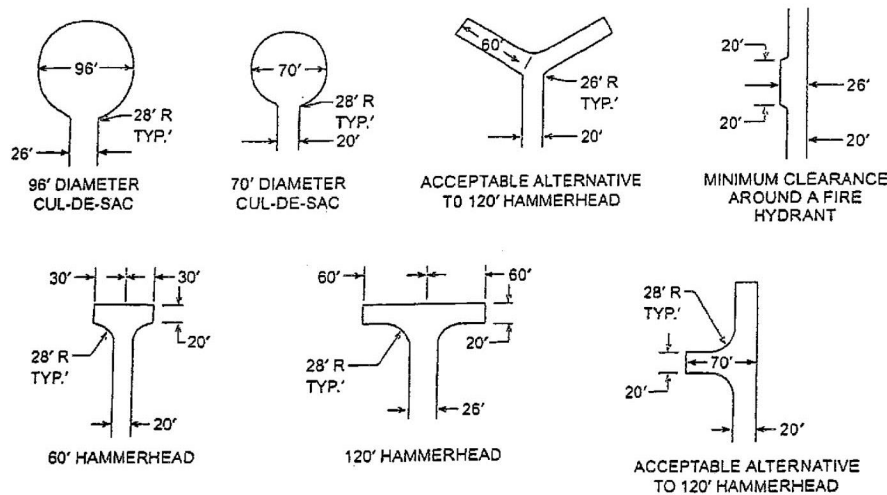
Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7,925 millimeter [mm]), exclusive of shoulders (see Figure 3.4.125(1)).

**Exceptions:** The fire code official is authorized to modify the provisions of Section 3.4.125 - Fire Apparatus Access Roads, subsection B.1., above where:

- a. All one- and two-family dwellings located along the narrowed fire apparatus access road are protected with an approved automatic fire sprinkler system.
- b. Provisions are made for the emergency use of sidewalks by such means as rolled or mountable curbs capable of supporting the fire department's apparatus.
- c. Streets or roadways are identified for one-way circulating flow of traffic, or pullouts are provided every 150 feet (45,720 mm) on streets or roadways identified for two-way traffic.
- d. A grid system for traffic flow is provided and streets or roadways in the grid do not exceed 300 feet (91,400 mm) in length and are accessible at each end from approved access roadways or streets.

**Figure 3.4.125(1)**

#### Dead-End Fire Apparatus Access Road Turnaround



(For SI: 1 foot=305 mm)

#### 2. Grade:

Exception: Grades steeper than 10 percent as approved by the fire code official.

~~4.3. Turning radius~~

The minimum turning radius shall be determined by the fire code official.

4. Angles of Approach

The angles of approach and departure for any means of egress shall not be less than the design limitations of the fire apparatus of the fire department, subject to the approval of the fire code official.

5. Dead-ends:

Dead-end fire apparatus access roads in excess of 150 feet (45,720 mm) shall be provided with width and turnaround provisions in accordance with Table 3.4.125(1) and Section 3.4.125 - Fire Apparatus Access Roads, subsection B.

**TABLE 3.4.125(1) REQUIREMENTS FOR DEAD-END FIRE**

Apparatus Access Roads

(For SI: 1 foot = 305 mm)

<u>LENGTH (feet)</u>	<u>WIDTH (feet)</u>	<u>TURNAROUNDS REQUIRED</u>
<u>0 to 150</u>	<u>20</u>	<u>None required</u>
<u>151 to 500</u>	<u>20</u>	<u>120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure 3.4.125(1)</u>
<u>501 to 750</u>	<u>26</u>	<u>120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure 3.4.125(1)</u>
<u>Over 750</u>		<u>Special approval required</u>

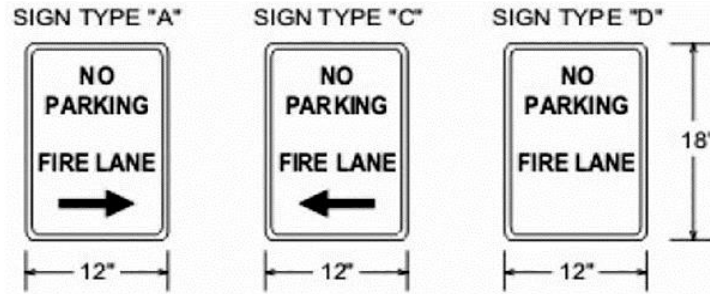
6. Fire apparatus access road gates:

Gates securing the fire apparatus access roads shall comply with all of the following criteria:

- a. Where a single gate is provided, the gate width shall be no less than 20 feet (6,096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3,658 mm).
- b. Gates shall be of the swinging or sliding type.
- c. Construction of gates shall be of materials that allow manual operation by one person.
  
- d. Construction of gates shall be maintained in an operative condition at all times and replaced or repaired when defective.
- e. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
- f. Methods of locking shall be submitted for approval by the fire code official.
- g. Electric gate operators, where approved, shall be listed in accordance with UL 325.
- h. Gates intended for automatic operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure 3.4.125(3) below. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road.

Figure 3.4.125(3) Fire Lane Signs



8. Roads 20 to 26 Feet in Width

Fire lane signs as specified in subsection g., above shall be posted on both sides of fire apparatus access roads that are to 20 26 feet wide (6,059 to 7,926 mm).

9. Roads More Than 26 feet in Width Fire lane signs as specified in subsection g., above shall be posted on one side of fire apparatus access roads more than 26 feet wide (7,925 mm) and less than 32 feet wide (9,754 mm).

C. Commercial and Industrial Developments

1. Buildings Exceeding Three Stories or 30 Feet in Height

Buildings or facilities exceeding 30 feet (9,144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

2. Buildings Exceeding 62,000 Square Feet in Area

Buildings or facilities having a gross building area of more than 62,000 square feet (5,760 m<sup>2</sup>) shall be provided with two separate and approved fire apparatus access roads.

**Exception:** Projects having a gross building area of up to 124,000 square feet (11,520 m<sup>2</sup>) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

3. Remoteness

Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

D. Aerial Fire Apparatus Access Roads

**3.4.200 Public Use Areas.**

Where required

1. **Dedication**

Building or portions of buildings or facilities exceeding 30 feet (9,144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.

2. Where required

Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9,144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the

~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~  
highest roof surface shall be measured by measurement of the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

- E. Fire-Flow Requirements for Buildings  
Fire-flow requirements for buildings will conform to the Oregon Fire Code Appendix B: Fire-Flow Requirements for Buildings.

A. Dedication Requirements.

1. Where a proposed park, playground, or other public use shown in a plan adopted by the ~~city~~City is located in whole or in part in a subdivision, the ~~city~~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~~Comprehensive Plan policies, and where an adopted plan of the ~~city~~City does not indicate proposed public use areas, the ~~city~~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 Section 3.4. ~~0.0 (Conditions of~~700 - Construction Plan Approval) ~~and Assurances.~~

~~A~~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 purchased by the appropriate public agency within ~~6~~six 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.

### ~~3.4.200 Public Use Areas. (continued)~~

- ~~B.~~ **C. System Development Charge Credit.** Donation of a ~~conservation~~ conservation easement on land to the City for public use areas shall be eligible as a half credit toward any system development charge for parks.

### ~~3.4.300 Sanitary Sewer and Water Service Improvements.~~

#### 3.4.300 Sanitary Sewer and Water Service Improvements

- A. Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the ~~city's~~ City's construction specifications and the applicable Comprehensive Plan policies.
- B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the engineer has approved all sanitary sewer and water plans in conformance with ~~city~~ City standards.
- C. Over-sizing.** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to ~~system development charge~~ System Development Charge credits for the over-sizing.
- D. Permits Denied.** Development permits may be restricted by the ~~city~~ City where a deficiency exists in the existing water or sewer system ~~which that~~ cannot be rectified by the development and ~~which that~~ if not ~~r~~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 and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 191.505.

### ~~3.4.400 Storm Drainage.~~

#### 3.4.400 Storm Drainage

- A. General Provisions.** The ~~city~~ City shall issue a development permit only where adequate provisions for ~~storm water~~ stormwater and floodwater runoff have been made in conformance with ~~Chapter~~ Section 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 Engineer.
- C. Effect on Downstream Drainage.** Where it is anticipated by the Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the ~~city~~ 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~~ City standards.
- D. Easements.** Where a development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a ~~storm water~~ stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

~~3.4.5.0 Utility Standards (continued)~~

- ~~3.4.100~~ **Lighting, Traffic Signs, Signs, Services, and**
- A. Underground Utilities.** All utility lines including, but not limited to, those required for electric, communication, ~~lighting, traffic signs, signs, 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. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (~~Chapter 3.1~~ Section 3.1 - Access and Circulation);
  2. The ~~city~~ City reserves the right to approve the location of all surface-mounted facilities;
  3. All underground utilities, including sanitary sewers 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.
- B. Easements.** Easements shall be provided for all underground utility facilities.
- C. Exception to Under-Grounding Requirement.** The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (~~Chapter~~ Section 3.7 - Sensitive Lands), or existing development conditions.

~~3.4.600 Easements~~

3.4.600 Easements

Easements for sewers, 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~~ Section 4.2 - Development Review and Site Design Review, and ~~Chapter~~, and Section 4.3 - Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the ~~city~~ City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The ~~city's~~ City's standard width for public main line utility easements shall be 5 feet unless otherwise specified by the utility company, applicable district, or ~~city~~ City-appointed engineer.

~~3.4.700 Construction Plan Approval and Assurances~~

3.4.700 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the ~~city~~ City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the ~~city~~ City for construction and other services in connection with the improvement. The permit fee shall be set by City Council. The ~~city~~ City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, ~~Chapter~~ Section 4.2.4 - 400 - Site Design Review, Application Review Procedure and ~~Chapter~~ Section 4.3.180 - Land Divisions Performance Guarantee.



~~3.4.800 Installation Standards (continued)~~

**3.4.800 Installation**

- A. **Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this ~~chapter~~section, approved construction plans, and to improvement standards and specifications adopted by the ~~city~~City.
- B. **Adopted Installation Standards.** The Standard Specifications for Public Works Construction, Oregon Chapter ~~A.P.W.A.~~APWA shall be a part of the ~~city's~~City's adopted installation standard(s); other standards may also be required upon recommendation of the Engineer.
- C. **Commencement.** Work shall not begin until the ~~city~~City has been notified in advance in writing.
- D. **Resumption.** If work is discontinued for more than one month, it shall not be resumed until the ~~city~~City is notified in writing.

- ~~3-4-100 Transportation Standards (continued)~~
- E. City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the ~~city~~ City. The ~~city~~ 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~~ Section 4.6 - 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 engineer shall provide written certification in a form required by the ~~city~~ 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~~ City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide ~~3~~ three set(s) of "as-built" plans, in conformance with the Engineer's specifications, for permanent filing with the ~~city~~ City.

# ~~Chapter 13.0 Chapter 3.5 Surface Water Management~~

~~Reserved for Surface Water Management standards that may be adopted by City. Note: The Department of Land Conservation and the Development and Department of Environmental have published a model ordinance for Urban Surface Water Management/Water Quality that could be added to this document.~~

# ~~Chapter 14.0 Chapter 3.6 Other Standards~~

## Sections:

~~3.6.100 – Density Transfer~~

~~3.6.200 – Telecommunication Facilities~~

~~3.6.300 – Solid Waste Storage~~

~~3.6.400 – Environmental Performance~~

~~3.6.100 Density Transfers~~

## 3.5 Surface Water Management

The City of Weston manages surface water as required by state and federal agencies. The Oregon Department of Environmental Quality (DEQ) standards for Erosion and Sediment Control as well as Stormwater Management should be complied with for all development within the City of Weston.

**3.6.100 Density Transfers**

- A. **Purpose.** The purpose of this section is to implement the Comprehensive Plan and protection of open spaces through the allowance of housing density transfers. “Density ~~transfers~~Transfers” are the authorized transfer of allowed housing units (per Chapter 2.0) from one portion of a property to another portion of the same property, or from one property to another property.
  
- B. **Determination of Allowable Housing Units.** The number of allowed housing units on a property is based on the surface area of the property (acres) times the maximum allowed housing density ~~in Chapter 2~~ in Chapter 2.0.
  
- C. **Density Transfer Authorized.** Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A density transfer shall not be approved unless it meets one or more of the criteria in 1- through 4 below, and it conforms to ~~subsections~~ Section 3.6.100 - Density Transfers, D= and E=.
  - 1. Protection of sensitive land areas as defined in ~~Chapter~~ Section 3.7 - Sensitive Lands (and listed below) either by dedication to the public or a land trust, or by a non-revocable conservation easement~~;~~. Sensitive land areas include:
    - a. Land within the 100-year floodplain;
    - b. Land or slopes exceeding 20% percent;
    - c. Drainage ways;
    - d. Wetlands~~;~~.
  - 2. Dedication of land to the public for park or recreational purposes; or
  - 3. The density transfer is used to develop a mix of single-family and multi-family housing on the same property or development site~~;~~.
  
- D. **Prohibited Density Transfers.** Density shall not be transferred from~~;~~ land proposed for street right-of-way~~, storm water,~~ stormwater detention facilities, private streets, and similar areas ~~which~~ that do not provide open space or recreational values to the public.
  
- E. **Density Transfer Rules.** All density transfers shall conform to all of the following rules:

~~3.6.100 Density Transfers (continued)~~

~~3.4.100 Transportation Standards (continued)~~

1. Allowed housing units shall be transferred only to buildable lands (“receiving areas”). The number of allowed housing units shall be reduced on properties from which density is transferred (“sending areas”) based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the ~~city,~~ City, in accordance with current zoning and development codes;
2. The number of units ~~which~~ that can be transferred is limited to the number of units ~~which~~ that would have been allowed on 100 percent of the unbuildable area if not for these regulations; and
3. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per gross acre permitted under the applicable ~~comprehensive plan~~ Comprehensive Plan designation; except as otherwise permitted through the Master Planned Development process (~~Chapter~~ Section 4.5 - Master Planned Developments).
4. All density transfer development proposals shall comply with the development standards of the applicable land use district, ~~;~~ except as otherwise allowed by the Master Planned Development process (~~Chapter~~ Section 4.5 - Master Planned Developments).

~~3.6.200 Telecommunication Facilities.~~

~~{Reserved for optional adoption of standards for telecommunication facilities in conformance with the Federal Telecommunication Act (1996)}~~

~~3.6.300 Solid Waste Storage.~~

~~{Reserved for optional adoption of standards for solid waste storage and recycling facilities. Note: Chapter~~

3.1 ~~3.2~~ 3.6.200 Solar Access

The use of solar energy collectors for the purpose of providing domestic energy is a permitted accessory use within all zones, whether as a part of a structure or incidental to a group of structures in the vicinity. Use of solar energy collectors is subject to the restraints imposed by the diversity of topography within the city limits, plus existing structures and vegetation. No guarantee is hereby given that all property within the city limits is entitled to the use of solar collectors. However; as a general policy, reasonable care shall be taken to protect the opportunity for the utilization of solar collectors at all of the locations available, while limiting visual impacts (glare) to the greatest extent practicable.

3.6.300 Windmills

The use of windmills for the purpose of providing domestic energy is a permitted accessory use within all zones, whether as a part of a structure or incidental to a group of structures in the vicinity. Use of windmills is subject to the restraints imposed by the diversity of topography within the city limits, plus existing structures and vegetation. No guarantee is hereby given that all property within the city limits is entitled to the use of windmills. However, as a general policy, reasonable care shall be taken to protect the opportunity for the utilization of windmills at all of the locations available, while limiting visual impacts (glare) and noise impacts to the greatest extent practicable.

3.6.400 Environmental Performance

The City of Weston requires ~~landscaping or other screening of these facilities.~~

~~3.6.400 Environmental Performance.~~

~~Reserved for reference projects to meet state and federal standards for air quality, water quality, emissions, and similar other environmental concerns, when applicable, but does not require any additional local compliance verification.~~

~~3.4.100 Transportation Standards (continued)~~

~~3.6.500 Signs~~

~~A. Residences~~

3.6.500 Signs

A. Residence

1. One name plate or home occupation sign shall be allowed on each dwelling unit. These signs shall not be larger than ~~four~~4 square feet in area.
2. House numbers shall be placed on the front of all dwelling units.
3. Signs not larger than 12 ~~sq. ft.~~square feet may be placed on or at the entrances to apartments and ~~mobile home~~manufactured dwelling parks.

~~3.6.500 Signs (continued)~~~~3.4.100 Transportation Standards (continued)~~

4. Signs advertising the property for sale, lease, or rent shall not exceed ~~six~~6 square feet. Such signs shall not be allowed to remain on the property after the property is sold, leased, or rented.
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 ~~fifty~~50 square feet in area, shall be set back at least ~~twenty~~20 feet from the nearest street, and shall not obstruct the view from existing residences.
7. Billboards are not allowed. However, small signs providing direction to community facilities are allowed.
8. Other sign types, such as murals and banners, will require approval through the sign permit process and shall be designed so as not to constitute a nuisance to properties within the viewshed of the sign.

**B. Commercial Buildings**

1. Signs shall be set back at least ~~ten~~10 feet from any residential property.
2. Moving or flashing signs ~~are prohibited~~ are generally restricted but may be permitted through a Conditional Use Permit.
3. Total area of all signs shall not exceed ~~one~~1 square foot per 100 ~~sq. ft.~~square feet of the ~~building's~~building's ground floor area, except that no sign need be smaller than 4 square feet in area.
4. No sign shall project above the roof edge of the building containing the business ~~which~~that 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.

**3.6.500 Signs Commercial Cont.**

6. Street numbers shall be placed on the front and rear facades of each building or shop where applicable.
7. No commercial signs are allowed off-site.
8. Billboards are not allowed. However, small signs providing direction to community facilities are allowed.
9. Other sign types, such as murals and banners, will require approval through the sign permit process and shall be designed so as not to constitute a nuisance to properties within the viewshed of the sign.

**C. Industrial Facilities**

1. Signs shall be set back at least ~~ten~~10 feet from a residential property.
2. Moving or flashing signs ~~are prohibited~~ are generally restricted but may be permitted through a Conditional Use Permit.
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.
4. ~~Billboards~~—Billboards are not allowed. However, small signs providing direction to community facilities are allowed.



~~Chapter 15.0 Chapter 3.7 - Flood Hazard Overlay Standards Has Been REPLACED BY CHAPTER 3.9 FLOOD DAMAGE PREVENTION~~

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- ~~3.7.100 Purpose~~
- ~~3.7.200 Flood Hazard Area~~
- ~~3.7.300 Alteration of Watercourses~~
- ~~3.7.400 Construction~~
- ~~3.7.500 Encroachments~~

~~3.7.100 Purpose~~

~~3.7.200 Flood Hazard~~

~~3.7.300 Alteration of Watercourses~~

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~~3.7.600 Utilities~~

~~3.7.700 Encroachments~~

# ~~Chapter 16.0 Chapter 3.8 Loading Standards~~

## Sections:

~~3.8.100 Purpose and Intent~~

~~3.8.200 Loading Standards~~

~~2.8.100 Purpose and Intent~~

5. Other sign types, such as murals and banners, will require approval through the sign permit process and shall be designed so as not to constitute a nuisance to properties within the viewshed of the sign.

~~3.4.100 Storage on Residentially Zoned Properties~~ 3.4.100 Storage on Residentially Zoned Properties. Only accessory storage buildings shall be outright permitted as accessory storage in any residential zone. Cargo containers, recreational vehicles, bus bodies, and similar prefabricated items are not permitted to be used as permanent accessory storage buildings on residential properties.

B. Temporary placement of cargo containers and other portable storage containers (PSC) are allowed for the purposes of unloading or loading household contents, for up to 30 days in any one calendar year. Allowed for construction purposes for duration and up to 30 days from when construction is completed.

C. PSCs may be permitted in residential zones if the following standards are met:

1. The maximum allowable area of a PSC shall be 160 square feet with no dimension exceeding 20 feet.
2. No more than one PSC shall be placed on any lot at one time.
3. PSCs shall not be placed or unloaded on any street within the City.
4. PSCs shall be placed no closer than 10 feet to a front property line and shall comply with the side and rear lot setback requirements and vision clearance standards for structures in the applicable zone.
5. PSCs shall only be placed on a hard surface and shall not be located in any required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.
6. During a construction project under an active building permit, PSCs and trailers may be used to store tools and materials on site. All such storage facilities must be removed within 30 days of completion or cessation of construction.
7. No PSCs shall be placed for a total of more than 180 days under any circumstances.

D. Cargo Containers. Placement of cargo containers as an accessory storage use is limited to commercial and industrial zones. Cargo containers must meet the Building Code, and require a County Building Permit. Cargo containers must meet setback requirements of the underlying zone, may not be stacked (except industrial zones), must be painted a single uniform color matching or complimenting adjacent structure(s), and materials stored in them may be subject to review and approval by the fire marshal.

~~3.8.100 Transportation Standards (continued)~~  
The City ~~of Weston~~ requires ~~its~~ standards (to be applied) ~~to~~ federal standards for sensitive lands, including wetlands, waterbodies, conservation areas, and other designated lands, when applicable, but does not require any additional local compliance verification.

3.8 Loading Standards

3.8.100 Purpose

The purpose of this section of the ~~code~~ Code is to provide standards for a minimum number of loading spaces ~~that are~~ required to ensure adequate areas for loading for larger uses and developments. The regulations ensure that the appearance of loading areas will be consistent with that of parking areas.

3.8.200 Loading Standards

**A. Number of Loading Spaces.**

~~3.8.200 Loading Standards.~~

1. Buildings where all of the floor area is ~~in Residential uses~~ residential use must meet the standards of this ~~Paragraph~~ paragraph.
  - a. No loading spaces are required where there are less 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. Buildings where any of the floor area is in ~~uses~~ use other than the Residential District must meet the standards of this ~~Paragraph~~ paragraph.
  - a. No loading spaces are required for buildings with less than 20,000 square feet of floor area.
  - b. One loading space is required for buildings with 20,000 ~~or more~~ square feet or more of floor area.
  - c. Two loading spaces are required for buildings with more than 50,000 square feet of floor area.

**B. Size of Loading Spaces.** Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

**C. Placement, Setbacks, and Landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in ~~Chapter~~ Chapters 2 ~~&~~ and 3. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

3.9.000

~~3.4.100 Transportation Standards (renumbered)~~  
State of Oregon Model of Flood Hazard Management Ordinance

Current Version Effective: October 23, 2020

(Minor typo and reference corrections effective: Nov. 27, 2019) (Last version effective: Aug. 9, 2019)

Introduction

~~City of Weston~~

The model flood hazard ordinance has been prepared by the State of Oregon Department of Land Conservation and Development ~~Code~~ ~~Page 3-8-1~~

~~AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE RELATING TO FLOOD DAMAGE~~

~~3.4.100 Transportation Standards (continued) PREVENTION~~

~~WHEREAS the Planning Commission (DLCD) and has been reviewed and approved by FEMA Region X. Adoption of the City of Weston held a public hearing on June 2, 2010 to consider amending the zoning ordinance to adopt revisions to comply ordinance language provided will ensure compliance with requirements of the the minimum standards for participation in the National Flood Insurance Program, and (NFIP).~~

~~The model flood hazard ordinance includes standards and provisions that encourage sound floodplain management. The language is based on the minimum requirements of the NFIP found in the Code of Federal Regulations (CFRs), Oregon’s statewide land use planning Goal 7, and the Oregon specialty codes.~~

Instructions for How to Use this Document:

This 2019 version of the model ordinance includes a Table of Contents and a Regulatory Crosswalk that identifies the federal and state standards that align to and are reflected in each section.

Ordinance Language Legend:

- [Hyperlinks](#): Link to other sections of the document; including the Appendix

Note Regarding the Appendices:

As updates are implemented by either FEMA, the Federal Government, the State of Oregon, or Umatilla County, these enhancements to the primary document, along with pertinent supplemental data, will be integrated into the relevant sections, including forthcoming amendments to Chapter 7. It is essential to recognize that these documents will need additional referencing when making decisions pertaining to future planning cases and applications.

Summary of Changes from the 2014 version to the 2019 Version of the Oregon Model Flood Hazard Ordinance:

The 2019 version of the Oregon Model Flood Hazard Ordinance (to be referred to herein as the “2019 model ordinance”), varies from the previous version in its reorganization of some sections and subsections, as well as the modification of content to include new sections and revisions to existing sections.

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1 Oregon Flood

In general, the content was revised to more closely match (verbatim) the language in the sections of Code of Federal Regulations (CFR), which contain the minimum requirements for the National Flood Insurance Program (NFIP) ~~3.1.100 Transportation Standards (applicable)~~ relevant standards in the State of Oregon’s Specialty Codes, and updates to those standards that have changed in the last 5 – 10 years. A breakdown of the primary changes found in the 2019 model ordinance is provided below:

1. Some definitions have been added, removed, or reworded to match the CFR definitions verbatim, as required by FEMA. There are additional optional and recommended definitions provided in Appendix A.
2. The 2019 model ordinance notes the requirement for coordination with State of Oregon Specialty Codes (section **3.0.230(sec.3.3)** and incorporates relevant requirements (higher standards) from the Specialty Codes to ensure alignment between the model flood ordinance language and the building code language. For example, the 2019 model ordinance:
 
  - a. Directly addresses “Garages” (section **3.9.574(sec.5.2.2)** and “Tanks” (section **3.9.550(sec.5.15)** by incorporating the relevant NFIP and State of Oregon Specialty Code requirements into the ordinance language.
  - b. Incorporates the Specialty Codes additional standards for flood openings in residential structures that require a building permit (section **3.9.573(sec.5.2.1)**.
3. The floodplain development permit and permit review requirements have been expanded in the 2019 model ordinance (sections **3.9.466(4.3.2)** and **3.9.430(sec.4.21)** to more accurately capture all of the information a community Floodplain Administrator is required to obtain and review to ensure a floodplain development proposal complies with the standards of the 2019 model ordinance (minimum NFIP and state standards).
4. The 2019 model ordinance expands the requirements for “Information to be Obtained and Maintained” (section **3.9.440(sec.4.2.2)**. To reflect the NFIP minimum requirements and Oregon Specialty Code Requirements.
5. The 2019 model ordinance also has a new section, **3.9.460(sec.4.2.3.1)**, “Community Boundary Alterations”, that reflects the NFIP minimum requirement for communities to notify FEMA when their boundaries change (i.e. when annexations occur).

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~~City of Weston Zoning Ordinance Text March 2004~~  
6. The 2019 model ordinance clearly indicates that floodplain managers have a duty to conduct Substantial Improvement (SI) assessments and Substantial Damage (SD) determinations in a new

section 3.9.463(sec.4.24). Both SI and SD are defined in section 3.9.150(sec.2). SI review is required for all structural development proposals and other development activities associated with or attached to a structure. This section is designed to help ensure that each floodplain development file includes SI calculations whenever appropriate, as well as the floodplain administrator’s determination of whether the proposed development activity qualifies as SI. SD review is required whenever structures have been damaged due to natural or other events (i.e. house fire). Please refer **FEMA Publication 758: Substantial Improvement/Substantial Damage Desk Reference**, available for download at: <https://www.fema.gov/media-library/assets/documents/18562> for additional details regarding SI and SD.

7. There is a change to the “Variance Conditions” section in the 2019 model ordinance. Per FEMA guidance, the variance condition related to historic structures has been removed. For more details, including an explanation of the reasons for this change, please see the note in Appendix, for section 3.9.468(sec.4.4.1).

8. In the 2019 model ordinance, subdivisions and other development proposals (including manufactured dwelling parks and subdivisions) have been addressed directly in the new section 3.9.560(sec.5.16), and the language reflects the requirements minimum NFIP requirements in 44 CFR 60.3(a)(4), and 60.3(b)(3).

9. Section 3.9.570(sec.5.1.7), “Use of Other Base Flood Data” has been moved out of the administration section and the language has been updated to reflect the minimum state and NFIP standards.

10. Section 3.9.571(sec.5.1.8), “Structures Located in Multiple or Partial Flood Zones”, has been added to reflect how the NFIP and State of Oregon Specialty Codes address structures that fall within multiple flood zones or are partially within one or more flood zones.

11. Section 3.9.572(sec.5.2), which addresses the specific standards for riverine flood zones has been re-organized slightly, but it is still broken down by the type of FEMA Flood Insurance Rate Map (FIRM) flood zone and the level of detail or information available. It has also been amended to add the following sections at the beginning:

a. Section 3.9.573(sec.5.2.1), “Flood Openings,” which covers the NFIP minimum requirements and additional Oregon Specialty Code requirements for residential structures requiring a building permit.

b. Section 3.9.574(sec.5.2.2), “Garages,” addresses the specific requirements for attached and detached garages under the NFIP minimum standards and Oregon Specialty Code requirements.

3 Oregon Flood

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1. Addition of the word “and” after the first bullet in Section **3.9.583(sec.5.2.3.5)**, the standards for recreational ~~3.4.100 Transportation Standards (continued)~~ regulatory language for this standard in **44 CFR 60.3** as having an implied “and”.
2. Addition of the words “conversion to” into the residential and non-residential development standards Sections **3.9.580(sec.5.2.3.2)** and **3.9.581(sec.5.2.3.3)**. This language was added to ensure that structures that are converted to different uses within the Special Flood Hazard Area are brought into compliance with residential standards for life, safety, and property damage prevention purposes.
3. Addition of “replacement” to the language in **3.9.582(Sec. 5.2.3.4)** standards for manufactured dwellings to ensure that the standards in this section are applied to replacement manufactured homes as well as new and substantially improved manufactured dwellings.



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<a href="#">4.4.1 Conditions for Variances</a> <a href="#">4.4.2 Variance Notification</a>	<a href="#">60.3(c)(4)</a> <a href="#">60.6(a)</a>	<a href="#">R322.3.6</a> <a href="#">Goal 7 Goal 7</a>
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<a href="#">5.1.5 Tanks</a>	<a href="#">60.3(a)(3)</a>	<a href="#">R322.2.4; R322.3.7 Goal</a>
<a href="#">5.1.6 Subdivision Proposals</a>		<a href="#">7</a>
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<a href="#">5.1.8 Structures Located in Multiple or Partial Flood Zones</a>	<a href="#">60.3(a)(3); 60.3(b)(4);</a> <a href="#">60.3(b)(3); TB 10-01</a>	<a href="#">R322.1</a>
<a href="#">5.2.1 Flood Openings</a>		<a href="#">Goal 7; R322.2.2;</a> <a href="#">R322.2.2.1</a>
<a href="#">5.2.2 Garages</a>	<a href="#">60.3(c)(5); TB 1; TB 11</a>	<a href="#">R309 Goal 7</a>
<a href="#">5.2.3.1 Before Regulatory Floodway</a> <a href="#">5.2.3.2 Residential Construction</a> <a href="#">5.2.3.3 Non-residential Construction</a>	<a href="#">TB 7-93</a> <a href="#">60.3(c)(10)</a>	<a href="#">Goal 7</a> <a href="#">Goal 7; R322.2.2;</a> <a href="#">R322.2.2.1</a>
<a href="#">5.2.3.4 Manufactured Dwellings</a>	<a href="#">60.3(c)(2)</a> <a href="#">60.3(c)(3) – (5); TB 3</a>	<a href="#">Goal 7; State of OR</a> <a href="#">Manufactured Dwelling</a>
	<a href="#">60.3(b)(8); 60.3(c)(6)(iv);</a> <a href="#">60.3(c)(12)(ii)</a>	<a href="#">Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011</a> <a href="#">Goal 7</a>
<a href="#">5.2.3.5 Recreational Vehicles</a>		
	<a href="#">60.3(c)(14)(i) – (iii)</a>	





<a href="#"><u>3.9.463</u></a>	<del>City of Weston</del>	<a href="#"><u>4.2.4 Substantial Improvement and Substantial Damage Assessments and Determinations</u></a>	<del>Zoning Ordinance Text</del>	<del>March 2001</del>
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<a href="#"><u>3.9.466</u></a>		<a href="#"><u>4.3.2 Application for Development Permit</u></a>		
<a href="#"><u>3.9.467</u></a>		<a href="#"><u>4.4 Variance Procedure</u></a>		
<a href="#"><u>3.9.468</u></a>		<a href="#"><u>4.4.1 Conditions for Variances</u></a>		
<a href="#"><u>3.9.469</u></a>		<a href="#"><u>4.4.2 Variance Notification</u></a>		
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<a href="#"><u>3.9.530</u></a>		<a href="#"><u>5.1.2 Anchoring</u></a>		
<a href="#"><u>3.9.540</u></a>		<a href="#"><u>5.1.3 Construction Materials and Methods</u></a>		
<a href="#"><u>3.9.542</u></a>		<a href="#"><u>5.1.4.1 Water Supply, Sanitary Sewer, and On-site Waste Disposal Systems</u></a>		
<a href="#"><u>3.9.543</u></a>		<a href="#"><u>5.1.4.2 Electrical, Mechanical, Plumbing, and other Equipment</u></a>		
<a href="#"><u>3.9.550</u></a>		<a href="#"><u>5.1.5 Tanks</u></a>		
<a href="#"><u>3.9.560</u></a>		<a href="#"><u>5.1.6 Subdivision Proposals</u></a>		
<a href="#"><u>3.9.570</u></a>		<a href="#"><u>5.1.7 Use of Other Base Flood Data</u></a>		
<a href="#"><u>3.9.571</u></a>		<a href="#"><u>5.1.8 Structures Located in Multiple or Partial Flood Zones</u></a>		
<a href="#"><u>3.9.573</u></a>		<a href="#"><u>5.2.1 Flood Openings</u></a>		
<a href="#"><u>3.9.574</u></a>		<a href="#"><u>5.2.2 Garages</u></a>		
<a href="#"><u>3.9.576</u></a>		<a href="#"><u>5.2.3.1 Before Regulatory Floodway</u></a>		
<a href="#"><u>3.9.580</u></a>		<a href="#"><u>5.2.3.2 Residential Construction</u></a>		
<a href="#"><u>3.9.581</u></a>		<a href="#"><u>5.2.3.3 Non-Residential Construction</u></a>		
<a href="#"><u>3.9.582</u></a>		<a href="#"><u>5.2.3.4 Manufactured Dwellings</u></a>		
<a href="#"><u>3.9.583</u></a>		<a href="#"><u>5.2.3.5 Recreational Vehicles</u></a>		

Oregon Flood Ordinance Regulatory Crosswalk Cont.

<a href="#">5.2.3.6 Accessory (Appurtenant) Structures</a> <a href="#">Floodways</a>	<del>5.2.4</del> <del>City of Weston</del> <del>Zoning Ordinance Text</del>	<a href="#">60.3(c)(5); TB 1; TB 7-93</a> <a href="#">60.3(d); FEMA Region X Fish Enhancement Memo (Mark Riebau)</a>	<a href="#">S105.2; B105.2 Goal 7</a>
<a href="#">5.2.5 Standards for Shallow Flooding Areas</a>		<a href="#">60.3(c)(7),(8),(11), and (14)</a> <a href="#">60.3(e); TB 5; TB 8; TB 9</a>	<a href="#">Goal 7</a>
<a href="#">*Link to Oregon Specialty Codes</a>			



*Additional Requirements*

*5.19.-Added Critical Facilities*

5.2.3.3 (D)

& (E)

Oregon Flood Ordinance Regulatory Crosswalk Cont.

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<u><a href="#">3.9.584</a></u>	<u><a href="#">5.2.3.6 Accessory Structures</a></u>
<u><a href="#">3.9.590</a></u>	<u><a href="#">5.24 Floodways</a></u>
<u><a href="#">3.9.591</a></u>	<u><a href="#">5.25 Standards for Shallow Flooding Areas</a></u>
<u><a href="#">3.9.592 STANDARDS FOR AH ZONES</a></u> .....	
<u><a href="#">3.9.593 STANDARDS FOR AO ZONES</a></u>	
<u><a href="#">3.9.594 (see-5.1.9) Added</a></u>	<u><a href="#">Critical Facilities</a></u>
<u><a href="#">3.9.595 Below Grade Crawl Spaces</a></u>	<u><a href="#">Below Grade Crawl Spaces</a></u>
<u><a href="#">3.9.600</a></u>	<u><a href="#">Appendix – Additional Definitions</a></u>

3.9.100

STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

3.9.110

STATUTORY AUTHORIZATION

The ~~Legislature of the~~ State of Oregon has in ~~Umatilla County~~ ORS 203.035 (FOR COUNTIES) OR ORS 197.175 (FOR CITIES) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Weston, in Umatilla County, Oregon does ordain as follows:

3.9.120

FINDINGS OF FACT

A. The flood hazard areas of the City of Weston, ~~Umatilla County,~~ Oregon are subject to periodic inundation which ~~results~~ may result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses ~~are~~ may be caused by the cumulative effect of obstructions in ~~areas of~~ special flood ~~hazards~~ hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage ~~uses~~ in other areas. Uses that are inadequately ~~flood-proofed~~ floodproofed, elevated, or otherwise protected from flood damage also contribute to ~~the~~ flood loss.

3.9.130

STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote ~~the~~ public health, safety, and general welfare, and to minimize public and private losses due to ~~flood conditions~~ flooding in ~~specific~~ flood hazard areas by provisions designed to:

~~To protect~~ A. Protect human life and health;

~~To minimize~~

B. Minimize expenditure of public money ~~and~~ for costly flood control projects;

~~To minimize~~

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

~~To minimize~~

D. Minimize prolonged business interruptions;

~~To minimize~~

E. Minimize damage to public facilities and utilities such as water and gas mains, ~~;~~ electric, telephone and sewer lines, and streets, ~~;~~ and bridges located in ~~areas of~~ special flood hazard areas;

~~To help~~

F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas of special flood hazard so as to minimize ~~future flood~~ blight areas caused by flooding;

~~To ensure that~~

G. Notify potential buyers ~~are notified~~ that the property is in ~~an~~ a special flood hazard area ~~of special flood hazard, and,~~

~~To ensure that~~

H. Notify those who occupy ~~the areas of~~ special flood hazard areas that they assume responsibility for their actions.

I. Participate in and maintain eligibility for flood insurance and disaster relief.

3.9.140 **METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

A. Restricting or prohibiting ~~uses~~ development which ~~are~~ is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.7.2

B. Requiring that ~~uses~~ development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.7.2

C. Controlling the alteration of natural ~~flood plains~~ floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.7.2

D. Controlling filling, grading, dredging, and other development which may increase flood damage.7.2

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood  
Manual for Ordinance Drafting and Maintenance waters or may increase flood hazards in other areas.

~~Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.~~

~~(1) Coordinating and supplementing the provisions of the state building codes and local land use and development ordinances.~~



Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage ~~and to give this ordinance its most reasonable application.~~

~~"APPEAL" means a~~ **Appeal: A** request for a review of the interpretation of any provision of this ordinance or a request for a variance.

~~"AREA OF SHALLOW FLOODING" means a~~ **Area of shallow flooding: A** designated Zone AO, AH, AR/AO or AR/AH Zone on ~~the~~ a community's Flood Insurance Rate Map (FIRM). ~~The base flood depths range from~~ with a one percent or greater annual chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and ~~indeterminate, and,~~ where velocity flow may be evident. ~~AO~~ Such flooding is characterized as by ponding or sheet flow ~~and AH indicates ponding.~~

~~"AREA OF SPECIAL FLOOD HAZARD" means the~~ **Area of special flood hazard: The** land in the ~~flood plain~~ floodplain within a community subject to a one 1 percent or greater chance of flooding in any given year. ~~Designation on maps always includes the letters A or V. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, V1-30, VE).~~ "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

~~"BASE FLOOD" means the~~ **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 maps always includes the letters A or V.~~

~~"BASEMENT" means any~~ **Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.**

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

~~"BELOW GRADE CRAWL SPACE" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the adjacent exterior grade and the height measured from the interior grade of the crawlspace to the top of the crawlspace foundation does not exceed 4 feet at any point.~~

~~"BREAKAWAY WALL" means a~~ **Breakaway wall: A** wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

~~"COASTAL HIGH HAZARD AREA" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1, V30, VE or V.~~

~~"CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.~~

~~"DEVELOPMENT" means any~~ **Development: Any** man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations ~~located within the area of special flood hazard~~ or storage of equipment or materials.

~~"ELEVATED BUILDING" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.~~

~~"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.~~

~~"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~



(a) 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~~ or runoff of surface waters from any source. (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined

~~"FLOOD INSURANCE RATE MAP~~ in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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## Flood or Flooding Cont.

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(b)The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood elevation study: See "Flood Insurance Study".

Flood Insurance Rate Map (FIRM) ~~means the~~: The official map of a community, on which the Federal Insurance Administration Administrator has delineated both the ~~areas of special flood hazards~~ hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (D-FIRM).

~~"FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.~~

~~"FLOODWAY" means the~~ Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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 a designated height. Also referred to as "Regulatory Floodway."

~~"LOWEST FLOOR" means the~~ Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance ~~found at Section 5.2-1(2).~~

~~"MANUFACTURED HOME" means a~~ Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term ~~"manufactured home"~~ "dwelling" does not include a ~~"recreational vehicle."~~ and is synonymous with "manufactured home".

~~"MANUFACTURED HOME PARK OR SUBDIVISION" means a~~ Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured ~~home~~ dwelling lots for rent or sale.

~~NEW CONSTRUCTION~~ Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" ~~commented~~ commenced on or after the effective date of ~~this ordinance~~ a floodplain management regulation adopted by the City of Weston Oregon and includes any subsequent improvements to such structures.

~~"NEW MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.~~

~~"RECREATIONAL VEHICLE" means a vehicle which is:~~

~~1. Built on a single chassis;~~

~~2.1. 400 square feet or less when measured at the largest horizontal projection;~~

~~3.1. Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~Designed primarily not for use as a permanent dwelling but as temporary living quarters for~~

Recreational Vehicle: A vehicle which is:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~"STATE BUILDING CODE" means the combined specialty codes~~

~~"START OF CONSTRUCTION" includes~~

Special flood hazard area: See "Area of special flood hazard" for this definition.

Start of construction: Includes substantial improvement, and 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 from the date 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~~ dwelling 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 foundations or the erection of temporary forms; nor does it include the installation ~~of 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~~ 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.

~~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.~~

~~"STRUCTURE" means~~

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. ~~Page 3,~~ as well as a manufactured dwelling.

~~"SUBSTANTIAL DAMAGE" means~~  
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**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" means any repair,~~ **Substantial improvement:** 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 which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: ~~either:~~

~~Before the~~

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~~(1) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

1. ~~The term does not, however, include either:~~ 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

2. Any alteration of a "historic structure listed on," provided that the National Register of Historic Places or alteration will not preclude the structure's continued designation as a State Inventory of Historic Places. "historic structure."

~~"VARIANCE" means a~~ Variance: A grant of relief by the City of Weston from the ~~requirements~~ terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance ~~which permits construction in a manner that would otherwise be prohibited by this ordinance~~ is presumed to be in violation until such time as that documentation is provided.

~~"WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.~~

~~SECTION~~ See Additional Language Provided in Appendix A





**GENERAL PROVISIONS**

**3.9.210 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all special flood hazard areas ~~of special flood hazards~~ within the jurisdiction of the City of Weston, ~~Umatilla County~~ Oregon.

**3.9.220 BASIS FOR ESTABLISHING THE ~~AREAS OF~~ SPECIAL FLOOD HAZARD AREAS**

The ~~area of~~ special flood hazard areas identified by the Federal ~~Emergency Management Agency in Its Flood~~ Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for *Basis for Establishing the Areas of Special Flood Hazard.*"

The Special Flood Hazard Areas identified by the Federal Insurance and Mitigation Administration in a scientific and engineering report entitled Flood Insurance Study (FIS) for Umatilla County, Oregon, and Incorporated areas" dated September 3, 2010, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM panels (41059C0758G, effective on 9/3/2010 and 41059C0766G, effective on 9/3/2010) are on file at City Hall, Weston, ~~OR~~ Oregon, 97886, ~~and with the State Flood Plain Program Manager.~~

**3.9.230 COORDINATION WITH STATE OF OREGON SPECIALTY CODES**

Pursuant to the requirement established in ORS 455 that the City of Weston, Oregon administers and enforces the State of Oregon Specialty Codes, the City of Weston, Oregon does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

**COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE**

**3.9.310**

**COMPLIANCE**

All

~~Page 4~~

~~CITY OF WESTON  
P.O. BOX 579 114 EAST MAIN  
WESTON, OR 97886  
PHONE: (541) 566-3313 FAX: (541) 566-2792  
E-Mail: westsamp@gwestoffice.net~~

~~City of Weston is an Equal Opportunity Employer.  
Discrimination is prohibited by Federal Law.  
Complaints of discrimination may be filed with the Secretary of Agriculture, Washington,  
D.C. 20250~~

~~\*\*\*\*\*  
\*\*\*\*\*~~

~~September 2, 2010~~

~~Steve Lucker  
Floodplain/Natural Hazards Mapping Specialist Oregon  
DLCD  
635 Capital St NE, Suite 150  
Salem, OR 97301-2540~~

~~Dear Steve,~~

~~The City of Weston's Planning Commission held a public hearing on June 2, 2010 for the adoption of the new text for its "Flood Damage Prevention" zoning ordinance as mandated by FEMA. On August 11, 2010, Weston's City Council adopted this revised ordinance and forwarded it to DLCD.~~

~~However, on page 6 of the Flood Damage Prevention Ordinance 3.9, a scripture error has been corrected as outlined below (highlighted in yellow). This correction has been documented and the corrected page is now of file at City Hall, 114 E. Main, Weston, OR 97886.~~

~~Sincerely,~~



~~Denise D. Sampson  
City Recorder/City of Weston~~

development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

**3.9.320 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions ~~77~~) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$~~1,000 per day or imprisoned for not more than 10 days, or both~~ 1,000 per day, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing ~~herein~~ contained herein shall prevent the City of Weston, Oregon from taking such other lawful action as is necessary to prevent or remedy any violation.

**3.9.330 ABROGATION AND ~~GREATER RESTRICTIONS~~ SEVERABILITY**

**3.9.340 ABROGATION**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, ~~state building code~~, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

~~Severability.~~

**3.9.350 SEVERABILITY**

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then ~~and~~ said holding shall in no way effect the validity of the remaining portions of this ~~ordinance~~ Ordinance.

**3.9.360 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit ~~or~~ nor repeal any other powers granted under ~~State~~ state statutes ~~and~~ ~~rules including the state building code.~~

**3.9.370 WARNING AND DISCLAIMER OF LIABILITY**

**3.9.380 WARNING**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

**3.9.390 DISCLAIMER OF LIABILITY**

This ordinance shall not create liability on the part of the City of Weston, Oregon, any officer or employee thereof, or the Federal Insurance ~~Administration~~ Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**3.9.400 ADMINISTRATION**

**3.9.410 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Planning Commission and the City Council are hereby appointed as the designees to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrators may further delegate authority to assist with implementation of these provisions.

Additional Language Provided in Appendix

3.9.420

**DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

3.9.430

**PERMIT REVIEW**

Review all development permits to determine that:

- A. The permit requirements of this ordinance have been satisfied;
- B. All other required local, state, and federal permits have been obtained and approved.
- C. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section **3.9.590 (sec.5.2.4 )** are met; and
- D. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of sections **3.9.570 (Sec. 5.1.7);** and
- E. Provide to building officials the Base Flood Elevation (BFE) and the appropriate required elevations shall be set (at freeboard which is set at 2' above BFE) where applicable to any building requiring a development permit.
- F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in **3.9.150 (sec. 2.0).**
- G. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section **3.9.520 (sec.5.1.1.)**
- H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section **3.9.570 (sec. 5.1.7)**
- B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections **3.9.590 (sec. 5.2.4)**, **3.9.430 (sec. 4.2.1(B))** are adhered to.
- C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- D. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- E. Maintain all Elevation Certificates (EC) submitted to the community;
- F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section **3.9.570 (sec. 5.1.7)**.
- G. Maintain all floodproofing certificates required under this ordinance;
- H. Record and maintain all variance actions, including justification for their issuance;
- I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section **3.9.590 (sec. 5.2.4)**.
- J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section **3.9.463 (sec. 4.2.4)**.
- K. Maintain for public inspection all records pertaining to the provisions of this ordinance.



**3.9.450 REQUIREMENT TO NOTIFY OTHER ENTITIES AND  
SUBMIT NEW TECHNICAL DATA**

**3.9.460 COMMUNITY BOUNDARY ALTERATIONS**

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community’s boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

**3.9.461 WATERCOURSE ALTERATIONS**

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- A. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- B. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
- C. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 3.9.462 (sec. 4.2.3.3). Ensure compliance with all applicable requirements in sections 3.9.462 (sec. 4.2.3.3) and 3.9.520 (sec. 5.1.1).
  - i. The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.
  - ii. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

**3.9.462 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with **Title 44 of the Code of Federal Regulations (CFR), Section 65.3**. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- A. Proposed floodway encroachments that increase the base flood elevation; and
- B. Proposed development which increases the base flood elevation by more than

One (1) foot in areas where FEMA has provided base flood elevation but no floodway.

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

Additional Language Provided in Appendix

~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2004~~

### 3.9.463 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 3.9.150 (sec 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 3.9.440 (sec.4.2.2). Conduct Substantial Damage (SD) (as defined in section 3.9.150 (sec. 2.0) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 3.9.200 (sec. 3.2) are damaged to the extent that 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.

### 3.9.464 ESTABLISHMENT OF DEVELOPMENT PERMIT

~~4.1.1~~ ~~Development Permit Required~~

### 3.9.465 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction, or development begins within any area ~~of~~ horizontally within the special flood hazard area established in ~~Section~~ section 3.9.200 (sec.3.2). The development permit shall be required for all structures, including manufactured homes, ~~as set forth in the "DEFINITIONS,"~~ dwellings, and for all other development, as defined in section 3.9.150 (sec. 2.0), including fill and other development activities, ~~also as set forth in the "DEFINITIONS."~~

### ~~4.1.2~~ 3.9.466 APPLICATION FOR DEVELOPMENT PERMIT

Application for ~~Development Permit~~

~~Application for~~ a development permit ~~shall~~ may be made on forms furnished by the ~~City of Weston~~ Floodplain Administrator 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 of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

~~Elevation A.~~ In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) ~~of~~ and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 3.9.440 (sec. 4.2.2).

~~Elevation B.~~ Proposed elevation in relation to mean sea level to which any non-residential structure ~~has been flood proofed,~~ will be floodproofed.

C. Certification by a registered professional engineer or architect licensed in the State of Oregon that the ~~flood proofing~~ floodproofing methods proposed for any ~~nonresidential non-residential~~ non-residential structure meet the ~~flood proofing~~ floodproofing criteria ~~in Section~~ for non-residential structures in section 3.9.581 (sec. 5.2-2, and 3.3).

D. Description of the extent to which any watercourse will be altered or relocated ~~as a~~  
~~result of proposed~~.

E. Base Flood Elevation data for subdivision proposals or other development, when  
required per sections 3.9.560 (sec.4.2.1) and 3.9.400 (sec. 5.1.6).

~~4.1~~ ~~DESIGNATION OF THE "Local Administrator."~~

~~The City Recorder is hereby appointed to administer and implement this ordinance by granting or denying  
development permit applications in accordance with its provisions.~~

~~4.2~~ ~~DUTIES AND RESPONSIBILITIES OF THE CITY RECORDER:~~

~~Duties of the City Recorder and/or the Planning Commission shall include, but not be limited to: 4.3-1~~

~~Permit Review~~

- City of Weston ~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~
- ~~(1) Review all development permits to determine that the permit requirements and conditions of this ordinance have been satisfied.~~
  - ~~(2) 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.~~
  - ~~(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.~~

~~4.3.2 Use of Other Base Flood Data~~ F. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

G. The amount and location of any fill or excavation activities proposed.

### 3.9.467

~~When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the (local administrator) shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.3 FLOODWAYS.~~

#### ~~4.3.3 Information to be Obtained and Maintained~~

- ~~(1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3.2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement and below grade crawl spaces) of all new or substantially improved structures, and whether or not the structure contains a basement.~~
- ~~(2) For all new or substantially improved flood proofed structures:
  - ~~(i) Verify and record the actual elevation (in relation to mean sea level), and~~
  - ~~(ii) Maintain the flood proofing certifications required in Section 4.1.2(3).~~~~
- ~~(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.~~

#### ~~4.3.4 Alteration of Watercourses~~

~~Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.~~

- ~~(1) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.~~

#### ~~4.3.5 The Duties of the Planning Commission Shall include the 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). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.~~

~~NOTE If you do not include Section 4.4 (Variance Procedure), end the above sentence after the word "interpretation," and add the following sentence: "such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59.76)."~~

### City of Weston Development Code **VARIANCE PROCEDURE**

**Page 3-4-10**

#### ~~4.4.1 Appeal Board~~

- ~~(1) LUBA as established by the State of Oregon shall hear and decide appeals and requests for variances from the requirements of this ordinance.~~

~~(2) <sup>City of Weston</sup> Zoning Ordinance Text <sup>March 2001</sup> LUBA shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Weston, Umatilla County, in the enforcement or administration of this ordinance.~~

~~Page 7~~

- ~~(3) Those aggrieved by the decision of the LUBA, or any taxpayer, may appeal such decision to the Supreme Court of Oregon, as provided in ORS 197.015.~~
- ~~(4) In passing upon such applications, LUBA shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 
  - ~~(i) The danger that materials may be swept onto other lands to the injury of others;~~
  - ~~(ii) The danger to life and property due to flooding or erosion damage;~~
  - ~~(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
  - ~~(iv) The importance of the services provided by the proposed facility to the community;~~
  - ~~(v) The necessity to the facility issuance of a waterfront location, where applicable;~~
  - ~~(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
  - ~~(vii) The compatibility of the proposed use with existing and anticipated development;~~
  - ~~(viii) The relationship of the proposed use to the comprehensive plan and flood plain variance is for floodplain management program for that area;~~
  - ~~(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
  - ~~(x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;~~
  - ~~(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~~~

Upon consideration of the factors of Section ~~4.4.1 (4)~~ and the purposes of this ordinance, the City of Weston may attach such conditions to the only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of ~~variances as it deems necessary to~~ further the purposes of this ordinance a variance.

- ~~(5) The City of Weston shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.~~

~~4.4.2~~ Conditions for Variances

3.9.468 CONDITIONS FOR VARIANCES

A. Generally, ~~the only condition under which a variance from the elevation standard~~ variances may be issued ~~is~~ for new construction and substantial improvements to be erected on **a lot of one-half acre or less** in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, ~~providing items (1-xi) in Section~~ conformance with the provisions of sections 3.9.300 (sec. 4.4-1 (.1 (C) and (E), and 3.9.300 (sec. 4) have been fully considered. 4.2). As the lot size increases beyond one-half acre, the technical justification required for issuing ~~the~~ a variance increases.

- ~~(1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.~~
- ~~(2) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~

B. Variances shall only be issued upon a determination that the variance is the minimum



~~City of Weston~~ necessary, considering the flood hazard, to afford relief.

~~Zoning Ordinance Text~~ ~~March 2001~~

C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

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3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public ~~as identified in Section 4.1-4(4)~~, or conflict with existing ~~local~~ laws or ordinances.

E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 3.9.468 (sec. 4.4.1 (B) – (D) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

30 Oregon Flood

Hazard Ordinance (Replica) – Effective August 9, 2019

G.

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of historic will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

FEMA Region X advocates for the use of the Substantial Improvement Definition historic structure exclusion. The Region believes it may represent a less rigorous process for exclusion than the variance process.

- ~~(3) For Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property, they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.~~
- ~~(4) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4.4-2(1), and otherwise complies with Sections 5.1-1 and 5.1-2 of the GENERAL STANDARDS.~~
- Historic Buildings the term substantial improvement does not, however, include: Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions."

*Per FEMA P-467-2 (May 2008) Floodplain Management Bulletin Historic Structures, and FEMA P-993 (July 2014) Floodplain Management Bulletin: Variances and the National Flood Insurance Program. Always check for updates to FEMA region x for any changes to rulings for all parts of the Flood Plain Management Criteria....*

Additional Language Provided in Appendix

RESERVED FOR ADDITIONAL SPECIAL INFORMATION AND RULES AND OR DATA PERTAINING TO HISTORIC PRESERVATION AND VARIANCES THERE BY ASSIGN TO HISTORIC PRESERVATION OF HISTORIC SITES







3.9.469

VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the ~~structure will be permitted to be built with a lowest floor elevation~~ issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 3.9.400 (sec. 4.2.2) and 3.9.140 (Sec. 1.4).

~~SECTION 5.0~~



**3.9.500 PROVISIONS FOR FLOOD HAZARD REDUCTION**

~~3.4.100 Transportation Standards (continued)~~

**3.9.510 GENERAL STANDARDS**

In all ~~areas of special flood hazards~~ hazard areas, the following standards ~~are required:~~ 5.1.1 Anchoring shall be adhered to:

**3.9.520 ALTERATION OF WATERCOURSES**

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 3.9.461 (sec. 4.2.3.2) and 3.9.462 (sec. 4.2.3.3).

**3.9.530 ANCHORING**

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~(1) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).~~



~~5.1.2 Construction Materials and Methods~~

~~3.4.100 Transportation Standards (continued)~~

~~B. All manufactured dwellings shall be anchored per section 3.9.582 (sec. 5.2.3.4).~~

**3.9.540 CONSTRUCTION MATERIALS AND METHODS**

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

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

~~(1) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~5.1.3 Utilities~~

**3.9.541 UTILITIES AND EQUIPMENT**

**3.9.542**

**WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS**

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system~~7.~~

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters~~, and,~~

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

~~5.1.4 Subdivision Proposals~~

**ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT****~~3.4.100 Transportation Standards (continued)~~**

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level (*new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE*) or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

- A. If replaced as part of a substantial improvement shall meet all the requirements of this section.

**3.9.550****TANKS**

- A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- B. Above-ground tanks shall be installed at or above the base flood elevation levels (at the freeboard elevation of a minimum 2'ft above the determined BFE) or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**3.9.560****SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS**

- A. All new subdivision proposals ~~shall be~~ and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
1. Be consistent with the need to minimize flood damage<sub>7</sub>.  
~~All subdivision proposals shall have~~
  2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage<sub>7</sub>.  
~~All subdivision proposals shall have~~
  3. Have adequate drainage provided to reduce exposure to flood damage<sub>7</sub> and hazards.  
~~All subdivision proposals shall have~~

**3.9.570 USE OF OTHER BASE FLOOD ELEVATION DATA**

~~3.4.100 Transportation Standards (continued)~~

~~When~~ Where base flood elevation Base Flood Elevation data has not been provided ~~or is not available~~ from another authoritative source, it shall be generated for in accordance with section 3.9.220 (sec. 3.2) the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 3.9.500 (sec. 5.0). All new subdivision proposals and other proposed new developments ~~which contain at least (including proposals for manufactured dwelling parks and subdivisions)~~ must meet the requirements of section 3.9.560 (sec. 5.1.6).

~~(1)~~ Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or 5 acres (more, whichever is less).

~~5.1.5~~ Review of Building Permits

~~Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.3.2), Applications for building permits~~ lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc., where available, and at least (2 FEET ABOVE HIGHEST ADJACENT GRADE).

**NOTE:** Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

**3.9.571 STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES**

~~5.2~~ ~~SPECIFIC STANDARDS~~

~~3.4.100 Transportation Standards (continued)~~

~~In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3.2, Use of Other Base Flood Data, the following provisions are required: 5.2.1~~

Residential Construction

New coordination with the State of Oregon Specialty Codes:

- A. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation improvements.

Fully

Additional Language Provided in Appendix

3.9.572 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON- COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 3.9.510 (sec. 5.1) of this ordinance.

37 Oregon Flood

Hazard Ordinance (Replica) – Effective August 9, 2019

**FLOOD OPENINGS**

All new construction and substantial improvements with fully enclosed areas below the lowest floor that (excluding basements) are subject to flooding are prohibited, or the following requirements.

Enclosed areas below the Base Flood Elevation, including crawl spaces shall be:

- A. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs;
- B. Be used solely for meeting this requirement must be either be parking, storage, or building access;
- C. Be certified by a registered professional engineer or architect or must meet or exceed all of the following minimum criteria:

- 1. A minimum of two openings having a
- 2. The total net area of non-engineered openings shall be not less than one (1) square inch for every each square foot of enclosed area subject to flooding shall be provided, where the enclosed area is measured on the exterior of the enclosure walls,

~~##~~

- 3. The bottom of all openings shall be no higher than one foot above grade.
- 4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

#### 5.2-2 Nonresidential Construction

~~New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:~~

- ~~(1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- ~~(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted All additional higher standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications flood openings in the State of Oregon Residential Specialty Codes Section R-322.2.2 shall be provided to the official as set forth in Section 4.3-3(2); complied with when applicable.~~

- ~~(3) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 5.2-1 (2);~~
- ~~(4) Applicants flood proofing nonresidential 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 flood proofed to the base flood level will be rated as one foot below.~~

~~5.2.3 Manufactured Homes~~

~~(1) All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:~~

- ~~(i) Outside of a manufactured home park or subdivision,~~
- ~~(ii) In a new manufactured home park or subdivision,~~
- ~~(iii) In an expansion to an existing manufactured home park or subdivision, or~~
- ~~(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum 18 inches (46cm) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.~~

~~(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:~~

- ~~(i) The lowest floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation, or~~
- ~~(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.~~

~~5.2.4 Recreational Vehicles~~

~~Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:~~

- ~~(i) Be on the site for fewer than 180 consecutive days,~~

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

~~Meet **3.9.574** **GARAGES**~~

~~A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:~~

- ~~1. If located within a floodway the proposed garage must comply with the requirements of section 3.9.590 (sec. 5.2-3.4).~~
- ~~2. The floors are at or above and the elevation and anchoring requirements for manufactured homes grade on not less than one side;~~

~~5.2.5 Below-grade crawl spaces~~

~~Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawl-space Construction for Buildings Located in Special Flood Hazard Areas:~~

~~The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy can usually be addressed through the required openings stated in Section 2 below.~~

~~Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional;~~

~~such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.~~ 3. The crawlspace garage is an enclosed area below the base used solely for parking, building access, and/or storage;

4. The garage is constructed with flood elevation (BFE) and as such, must have openings that in compliance with section 3.9.573 (sec. 5.2.1) to equalize hydrostatic pressure flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade floodwater.

~~Portion~~ 5. The portions of the building garage constructed below the BFE must be are constructed with materials resistant to flood damage. This includes not only;

6. The garage is constructed in compliance with the foundations walls standards in section 3.9.500 (sec.5.1); and

7. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the crawlspace used base flood.

B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 3.9.584 (sec.5.2.3.6) or non-residential structures in section 3.9.581 (sec.5.2.3.3) depending on the square footage of the garage.

**3.9.575 FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS**

In addition to elevate the building, but also any joists, insulation, or other materials that extend below general standards listed in section 3.9.500 (sec. 5.1) the BFE. The recommended construction practice is to elevate the bottom of the joists and all insulation above BFE following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

~~A. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork in particular, must either be placed above the BFE or sealed from floodwaters.~~

~~B. A. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.~~

~~The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analysis and building code requirements for flood hazard areas.~~

~~C. A. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.~~

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~~The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second other foundation types should be used.~~

**3.9.576**

~~For more detailed information refer to FEMA Technical Bulletin 11-01.~~



## **BEFORE REGULATORY FLOODWAY**

In areas where a regulatory floodway has not been designated, no new construction, substantial ~~improvements~~ improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM<sub>7</sub>), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

39 Oregon Flood

Hazard Ordinance (Replica) – Effective August 9, 2019

A.

**RESIDENTIAL  
CONSTRUCTION**

New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) (*new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area*) Enclosed areas below the lowest floor shall comply with the flood opening requirements in section **3.9.573 (sec. 5.2.1).**



A.

New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:

1. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) and ***(new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2’ft above the determined BFE, including any basement area)***

Or, together with attendant utility and sanitary facilities:

Additional Language Provided in Appendix

- i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth **3.9.440 (section 4.2.2).**

B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in **3.9.573 (section 5.2.1).**

C. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

Additional Language Provided in Appendix

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- B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 3.9.573 (sec. 5.2.1).
- C. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.  
Additional Language Provided in Appendix

- A. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 3.9.573 (sec. 5.2.1):
- B. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation:
- C. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and:
- D. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

3.9.583

RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:



C.

**3.9.584**

Be on the site for fewer than 180  
consecutive days, and  
Be fully licensed and  
ready for highway use,  
on its wheels or jacking  
system, is attached to the  
site only by quick  
disconnect type utilities  
and security devices, and  
has no permanently  
attached additions; or

~~5.3.1 FLOODWAYS~~

Meet the requirements  
of section 3.9.582 (sec.  
5.2.3.4), including the  
anchoring and  
elevation requirements  
for manufactured  
dwellings.

**ACCESSORY**  
**(APPURTENANT)**  
**STRUCTURES**

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

41 Oregon Flood

Hazard Ordinance (Replica) – Effective August 9, 2019

- A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 3.9.590 (sec. 5.2.4).
- B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
- D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 3.9.573 (sec. 5.2.1);
- G. Appurtenant structures shall be located and constructed to have low damage potential;
- H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 3.9.550 (sec.5.1.5).
- I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

Additional Language Provided in Appendix

**3.9.590 FLOODWAYS**

Located within ~~areas of~~the special flood hazard areas established in ~~Section~~section **3.9.220 (sec.3.2)** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of ~~flood waters~~the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

42 Oregon Flood

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development ~~unless certification by a registered professional civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~ within the adopted regulatory floodway unless:

- ~~(1) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.~~
- ~~3) New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:~~
  - ~~(i) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public or~~
  - ~~(ii) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:
    - ~~As required. Certification by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices practice that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge:~~
      - ~~1. The replacement manufacture dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map.~~
      - ~~2. The replacement manufacture dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction.~~~~

~~The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures of property.~~  
City of Weston ~~Planning Ordinance Text~~ ~~March 2001~~  
Or

2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.

~~3-B. If the requirements of section 3.9.590 (sec. 5.2.4 (A)) are satisfied, all new construction, substantial improvements (encroachments) do not displace water to the degree that causes a rise in the water level or diverts water in a manner that causes erosion or damage to, and other properties;~~

~~4. The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances and~~

~~5. Any other requirements deemed necessary by the authority having jurisdiction.~~

### ~~5.3 ENCROACHMENTS~~

~~The cumulative effect of any proposed development, where combined shall comply with all other existing and anticipated development, shall not increase the water surface elevation applicable flood hazard reduction provisions of the base flood more than one foot at any point section 3.9.500 (sec. 5.0.)~~

### 3.9.591 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. ~~The or as AH zones with Base Flood Elevations. For AO zones the~~ base flood depths ~~in these zones~~ range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. ~~In these areas, the following provisions apply.~~ For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

### 3.9.592 STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 3.9.500-3.9.510, 3.9.572, 3.9.591, (sec. 5.1, 5.2, and 5.2.5).

3.9.50

STANDARDS FOR AG ZONES

In

AO zones, the following provisions apply in addition to the requirements in sections 3.9.500-3.9.510, and 3.9.591 (sec.5.1 and 5.2.5):

A. New construction, conversion to, and substantial ~~improvements~~improvement of residential structures and manufactured ~~homes~~dwellings within AO zones shall have the lowest floor ~~(including basement)~~, elevated above the highest grade adjacent to the building, ~~at~~ at minimum ~~of one foot to or~~ above the depth number specified on the Flood Insurance Rate Maps (FIRM) ~~(at least two feet if no depth number)~~ (new or substantially improved shall be at the freeboard elevation which is specified), ~~set at the minimum at 2'ft above the determined BFE~~ For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

B. New construction, conversion to, and substantial improvements of ~~nonresidential~~non-residential structures within AO zones shall either:

- 1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, ~~one foot at minimum to~~ or more above the depth number specified on the ~~FIRM~~Flood Insurance Rate Maps (FIRMS) (new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE) (at least two (2) feet if no depth number is specified); or
- 2. Together with attendant utility and sanitary facilities, be completely ~~flood proofed~~floodproofed to or above ~~that level~~the depth number specified on the FIRM (new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE) or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 3.9.581 (sec. 5.2) ~~(3.3(A)(4))~~.

~~(1) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.~~

C. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:

- 1. Be on the site for fewer than 180 consecutive days, and
- 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- ~~(i)~~ 3. Meet the elevation requirements of ~~5.5 above~~ section 3.9.591 (sec. 5.2.5.2(A)), and the ~~elevation and~~ anchoring and other requirements for manufactured ~~homes~~.

CERTIFICATION

~~I hereby Certify that City dwellings of Weston's Revised Zoning Ordinance 3.9 Flood Damage Prevention was passed and approved by the City of Weston, City Council on the 11th day of August 2010, four yes/1 abstain. Said Ordinance will take effect 30 days following, September 11, 2010. section 3.9.582 (sec. 5.2.3.4).~~

D. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 3.9.584( sec.5.2.3.6).

E. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 3.9.573 (sec. 5.2.1).

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Hazard Ordinance (Replica) – Effective August 9, 2019

3.9.594

CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

This regulatory language has been developed to prevent the location of critical facilities within high-risk flood hazard areas. This is because critical facilities when damaged by flooding cause significant impacts to a community, risk to lives, and/or risks to critical infrastructure. Critical facilities like schools, hospitals, and fire stations often act as shelters and are required to provide aid during flood events and should not be placed in special flood hazard area.

3.9.595

BELOW-GRADE CRAWL SPACES

A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated (3.9.573). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

B. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade

C. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

D. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork,



in particular, must either be placed above the BFE or sealed from floodwaters.

~~City of Weston~~

~~Zoning Ordinance Text~~

~~March 2001~~

- E. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- F. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

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Oregon Flood Hazard Ordinance (Replica) – Effective August 9, 2019

**3.9.595 Cont. BELOW-GRADE CRAWL SPACES**

- G. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- H. The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.
- I. Below-grade crawlspaces are allowed subject to the standards in the optional language, as found, in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in special.

**3.9.596 Additional Criteria**

The more elevated a structure is the more it is protected from flood hazards. ASCE 24 provides recommended levels of elevation for different types of non-residential structures, and these can provide guidance on the appropriate amount of freeboard (additional elevation) to be used for this section.

- A. The Flood Insurance Manual indicates that flood insurance companies are requiring both a Maintenance Plan and an Emergency Action Plan (EAP) for flood insurance policies to be rated based on floodproofing providing protection to the structure during the base flood event.
- B. The lowest floor, including basement elevated to one (2) foot above the Base Flood Elevation (BFE).
- C. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure
- D. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.



Appendix A – Additional Definitions

**Building:** See "Structure."

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

**Critical facility:** Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

**Elevated building:** Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Floodplain or flood prone area:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Floodplain administrator:** The community officials designated by title to administer and enforce the floodplain management regulations.

**Floodplain management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain management regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Hazardous material:** The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;

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Hazard Ordinance (Replica) – Effective August 9, 2019

- (d) Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (e) Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- (f) Material regulated as a Chemical Agent under ORS 465.550;
- (g) Material used as a weapon of mass destruction, or biological weapon; (h) Pesticide residue;
- (i) Dry cleaning solvent as defined by ORS 465.200(9).

**Letter of Map Change (LOMC):** Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- (a) **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- (b) **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- (c) **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- (d) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.

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- (e) **Letter of Map Revision (LOMR):** A LOMR is FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
- (f) **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- (g) **PMR:** A PMR is FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

**Regulatory floodway:** See “Floodway”.

**Sheet flow area:** See "Area of shallow flooding".

**Water dependent:** Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

**Water surface elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.



**3.10.100 Purpose**

The City of Weston, Umatilla County, recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable and as such, merit preservation. This ordinance establishes a Historic Landmark Commission; a program for the identification, evaluation, and designation of historic resources as landmarks; public incentives for the preservation of Designated Landmarks; and land use regulations regarding the alteration, moving, or demolition of Designated Landmarks and Historic Resources of Statewide Significance.

**3.10.200 The City of Weston, Umatilla County Historic Landmark Commission**

- A. The Mayor and City Council shall appoint a Historic Landmark Commission, hereinafter the Commission, of seven, with two alternate members, with a demonstrated interest, knowledge, or competence in historic preservation to carry out the provision of this ordinance. A majority of the members shall reside within the corporate boundaries of the City of Weston, Umatilla County. Members shall serve without compensation but are eligible for reimbursement of expenses related to their service.
- B. Initial appointments to the Commission shall be for terms of one, two and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.
- C. A simple majority of the seated members shall constitute a quorum to conduct official business.
- D. A chair and vice-chair shall be elected annually by and from the seated membership. Officers are eligible for re-election.
- E. The Commission shall meet at least four times per year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Copies of the minutes, applications, staff reports, findings, and decisions of the Commission shall be maintained as public records in accordance with applicable state law. A copy of the minutes, applications, staff reports, findings, and decisions of the Commission shall be provided to the City of Weston, Oregon.

**3.10.300 Powers and Duties of the Historic Landmark Commission**

- A. The Commission may adopt and amend bylaws subject to approval by the City Council to regulate its internal operations.
- B. For purposes consistent with this ordinance, and subject to the approval of the City Council, the Commission may see, accept and expand public and private entities; and employ clerical and expert assistance. The Commission is required to obtain prior authorization from the Mayor and City Council before making any financial commitments or seeking grants that could potentially create financial obligations for the City. All financial transactions will require prior approval from the City Council and shall be primarily funded through grants or donations.
- C. The Commission may undertake to inform the citizens and visitors to the City of Weston, Umatilla County, regarding the community's history and prehistory, promote research into its history and prehistory, collect and make available materials on the preservation of historic resources, provide information on state and federal preservation programs, document historic resources prior to their alteration, demolition, or relocation and archive that documentation, assist the owners of historic resources in securing funding for the preservation of their properties, and recommend public incentives and code amendments to the City Council and the Planning Commission.
- D. The Commission may develop and publish or adopt written and graphic guidelines and example materials to clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.
- E. Employing the procedures and criteria in Section 3.10.400 - The Inventory of Historic Resources of this ordinance, the Commission shall periodically identify and evaluate the historic resources of the City of Weston, Umatilla County, and maintain an Inventory of Historic Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.
- F. Employing the procedures and criteria in Section 3.10.500 - The Designated Landmarks Register of this ordinance, the Commission shall periodically revise the Designated Landmarks Register for the City of Weston, Umatilla County, by adding or deleting properties.
- G. Employing the procedures and criteria in Section 3.10.600 - Alterations, Relocations, and Demolitions of this ordinance the Commission shall review and act upon applications for the alteration, relocation, or demolition of Historic Resources of Statewide Significance.





~~City of Weston~~ ~~Zoning Ordinance Text~~  
**3.10.000 Alterations, Relocations, and Demolitions**

~~March 2001~~

~~City of Weston~~

~~March 2001~~

- ~~A. No exterior, interior, landscape, or archaeological element of a Designated Landmark that is specified as significant in its designation shall be altered, removed, or demolished without a permit issued pursuant to this ordinance.~~
- ~~B. No major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this ordinance.~~
- ~~C. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The Planning Commission and or the City Council may form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex-parte contact at the time of a public hearing on the proposal.~~
- ~~D. The Historic Landmarks Commission shall in conjunction with the Planning Commission, City Council, and DLCD establish the standards for a complete application. Upon acceptance of a complete application, the Planning Commission shall schedule a public meeting or hearing pursuant to applicable state laws.~~
- ~~E. In cases requiring a public hearing, the Commission shall review and act upon applications for the alteration, relocation, or demolition of a Designated Landmark, or the major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant, applications may be approved, approved with conditions, or denied. The City of Weston, Umatilla County, shall include any conditions imposed by the Commission in permits issued pursuant to this section.~~
- ~~F. In order to approve an application for the alteration of a Designated Landmark or the major alteration of a Historic Resource of Statewide Significance, the Commission must find that the proposal meets the following standards as applicable:
  - ~~1. A property shall be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships; and/or~~
  - ~~2. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided; and/or~~
  - ~~3. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties shall not be undertaken; and/or~~
  - ~~4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or~~
  - ~~5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or~~
  - ~~6. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence; and/or~~
  - ~~7. Chemical and physical treatments; if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and/or~~~~

~~Dated this 16th day of August 2010.~~

~~Attest by:~~



~~Denise D. Sampson  
City Recorder/City of Weston~~

# ~~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 Master Planned Developments~~

### ~~4.6 Modifications to Approved Plans and Conditions of Approval~~

### ~~4.7 Land Use District Map and Text Amendments~~

### ~~4.8 Code Interpretations~~

### ~~4.9 Miscellaneous Permits~~

### ~~4.10 Traffic Naming and Streets Property Numbering~~

# ~~Chapter 17 0 1 0 Administration of Code~~

## ~~4.0.100 Introduction.~~

8. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property.
10. new additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~  
~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~
- G. In order to approve an application for the relocation or demolition of a Designated Landmark or the Historic Resource of Statewide Significance, the Historic Landmark Commission, in conjunction with the Planning Commission and or the City Council must find as applicable that:
1. No prudent and feasible alternative exists; and/or
  2. The designated property is deteriorated beyond repair; and/or
  3. The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.
- H. At the hearing of an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance, the Historic Landmark Commission, may, in conjunction with the Planning Commission, and or the City Council may in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If ten days prior to the expiration of the delay period, the Historic Landmark Commission in conjunction with the Planning Commission finds that there are still reasonable alternatives to explore, it may apply to the City Council for permission to continue the delay for an additional period of up to 120 days.
- I. In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Historic Landmark Commission in conjunction with the Planning Commission and or the City Council may impose the following conditions:
1. Photographic, video or drawn recordation of the property to be demolished; and/or
  2. Salvage and curation of significant elements; and/or
  3. Other reasonable mitigation measures
- J. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance when such action does not involve a change in design, materials, or appearance.

### **3.10.700 Severability**

The provisions of this ordinance are severable.

### **3.10.800 Enforcement and Penalties**

Violations of Section 3.10.500 of this ordinance shall be subject to the same procedures and penalties that apply to violations of the Planning Code.

### **3.10.900 Appeals**

Decisions of the Commission are appealable to the City Council. Procedures for appeals to Historic Landmarks Commission decisions shall be the same as those for appeals of Planning Commission decisions. Decisions of the City Council are appealable to the Oregon State Land Use Board of Appeals.





# Chapter 4.0 - Applications and Review Procedures

## Chapter 4.0 - Applications and Review Procedures

### 4.1 Types of Applications and Review Procedures

#### 4.1.100 Purpose

#### 4.1.200 Description of Permit/Decision-Making Procedures

#### 4.1.300 Type I Procedure (Ministerial)

#### 4.1.400 Type II Procedure (Quasi-Judicial)

#### 4.1.500 Type III Procedure (Legislative)

#### 4.1.600 General Provisions

#### 4.1.700 Special Procedures

#### 4.1.800 Neighborhood Meetings

### 4.2 Development Review and Site Design Review

#### 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

### 4.3 Land Divisions and Lot Line Adjustments

#### 4.3.100 Purpose

##### 4.3.110 General Requirements

##### 4.3.120 Approval Process

##### 4.3.130 Preliminary Plat Submission Requirements

##### 4.3.140 Approval Criteria: Preliminary Plat

##### 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 Replating and Vacation Plats

##### 4.3.210 Lot Line Adjustments

### 4.4 Conditional Use Permits

#### 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 Use Types

### 4.5 Master Planned Developments

#### 4.5.100 Purpose

##### 4.5.110 Applicability

##### 4.5.120 Review and Approvals Process

##### 4.5.130 Overlay Zone and Concept Plan Submission

##### 4.5.140 Overlay Zone and Concept Plan Approval Criteria

##### 4.5.150 Administrative Procedures

<a href="#">4.5.160 Detailed Development Plan Submission Requirements</a>
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<a href="#">4.6.100 Purpose</a>
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<a href="#">4.7 Land Use District Map and Text Amendments</a>
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<a href="#">4.7.400 Conditions of Approval</a>
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<a href="#">4.8 Code Interpretations</a>
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<a href="#">4.11 Street Names</a>
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<a href="#">4.11.500 Renaming of Existing Public Streets or Assignment of a Name to a Public Street Platted without a Name</a>
<a href="#">4.11.600 Property Numbering</a>
<a href="#">4.11.700 Posting of Site, Property, or Building Address</a>
<a href="#">4.11.800 Violation and Penalties</a>
<a href="#">4.12 Annexation Procedures</a>
<a href="#">4.12.100 Purpose</a>
<a href="#">4.12.200 Initiation</a>
<a href="#">4.12.300 Application Requirements</a>
<a href="#">4.12.400 Notice</a>
<a href="#">4.12.500 Public Hearing</a>
<a href="#">4.12.600 Criteria</a>
<a href="#">4.12.700 Application of Zoning Districts</a>
<a href="#">4.12.800 Effective Date, Filing of Approved Annexation, and Notice</a>
<a href="#">4.12.900 Withdrawal</a>

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 Section 4.1 - Types of Applications and Review Procedures](#) 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 18.0 Chapter 4.1~~ Types of Applications and Review Procedures

## Sections:

~~4.1.100 Purpose~~  
~~4.1.200 Description of Permit Procedures~~  
~~4.1.300 Type I Procedure~~  
~~4.1.400 Type II Procedure~~  
~~4.1.500 Type III Procedure 4.1.600~~  
~~General Provisions 4.1.700~~

## ~~4.1.100 Purpose:~~

### 4.1 Types of Applications and Review Procedures

#### 4.1.100 Purpose

The purpose of this chapter is to establish standard decision-making procedures that will enable the ~~city,~~ City of Weston, 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:~~

#### 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~~ chapter. General procedures for all permits are contained in Section 4.1. ~~700-600 - General Provisions~~. 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 three types of permit/decision-making procedures: ~~Type~~ Types I, II, and III. These procedures are described in Section 4.1.200, subsections A- through C, below. In addition, Table 4.1.200 lists all of the ~~city's~~ City's land use and development applications and their required permit procedure(s).

- A. **Type I Procedure (Ministerial)**. Type I decisions are made by ~~a City Official~~ the Planning Commission or ~~someone that he or she officially designates, without~~ City Council with public notice (at a regular planning meeting) and without a public hearing. ~~The~~ Type I procedure is used when there are clear and objective approval criteria, and applying ~~city~~ City standards and criteria requires no use of discretion.
- B. **Type II Procedure**. Type II decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type II decisions generally use discretionary approval criteria.
- C. **Type III Procedure (Legislative)**. Type III 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, ~~& comprehensive plan~~ and Comprehensive Plan amendments, which apply to entire districts). Type III matters are considered initially by the Planning Commission, which makes a recommendation to the City Council, and with final decisions made by the City Council.



**Table 4.1.200**

**Summary of Development Decisions/Permit by Type of Decision-making Procedure**

Action	Decision Type	Applicable Criteria and Standards for Review
Access Permit (public street)	Type I	<del>Chapter</del> <a href="#">Section</a> 3.1, 4.2, 4.3
Annexation	Type III	Comprehensive Plan and city/county intergovernmental agreement(s), as applicable
Building Permit	N/A	Building Code
Code Interpretation	Type II	<del>Chapter</del> <a href="#">Section</a> 4.8
Code Amendment	Type III	<del>Chapter</del> <a href="#">Section</a> 4.7
Comprehensive Plan Amendment	Type III	Comprehensive Plan
Conditional Use Permit	Type II	<del>Chapter</del> <a href="#">Section</a> 4.4 <a href="#">1.400</a>
<del>Flood Plan Development Permit</del>	<del>Type I</del>	<del>Building Code (requires Sensitive Land development permit first)</del>
Master Planned Development	Type II	<del>Chapter</del> <a href="#">Section</a> 4.5
Modification to Approval	Type II	<del>Chapter</del> <a href="#">Section</a> 4.6
Land Use District Map Change	<a href="#">Type III</a>	<a href="#">Section 4.7</a>
Quasi-Judicial (no plan amendment required)	Type II	<del>Chapter</del> <a href="#">Section</a> 4.7
Legislative (plan amendment required)	Type III	<del>Chapter</del> <a href="#">Section</a> 4.7
Lot Line Adjustment	Type I	<del>Chapter</del> <a href="#">Section</a> 4.3
Non-Conforming Use or Developmental Confirmation	Type I	<del>Chapter</del> <a href="#">Section</a> 5.2
Partition	Type II	<del>Chapter</del> <a href="#">Section</a> 4.3
<del>Sensitive Lands</del> <a href="#">Floodplain Development</a> Permit	Type II	<del>{Chapter 3.7}</del> <a href="#">Section 3.9 (Building Code and Sensitive Land)</a>
Sign Permit <del>New Street</del>	Type I	<del>Chapter</del> <a href="#">Section</a> 3.6
<a href="#">New Street</a>	Type I	<del>Chapter</del> <a href="#">Section</a> 4.1
	<del>Type I or II</del>	
Existing Streets	<a href="#">Type I or II</a>	<del>Chapter</del> <a href="#">Section</a> 4.1
Development Review	Type I	<del>Chapter</del> <a href="#">Section</a> 4.2 <del>7</del> <a href="#">(Building Code)</a>
Site Design Review	<a href="#">Type II</a>	<a href="#">Section 4.2</a>
Type II	Type II	<del>Chapter</del> <a href="#">Section</a> 4.2
Subdivision	Type II <a href="#">and/or Type III</a>	<del>Chapter</del> <a href="#">Section</a> 4.3
Temporary Use Permit	Type II	<del>Chapter</del> <a href="#">Section</a> 4.9
Traffic Impact Study	Type I	<del>Chapter</del> <a href="#">Section</a> 4.10
Transportation Facilities and Improvements	Type II	<del>Chapter</del> <a href="#">Section</a> 4.4
Tree Removal	Type I <del>7</del> <a href="#">or</a> <a href="#">Type II</a>	<del>Chapter 3.2 (may require Sensitive Land development permit first)</del> <a href="#">Section 3.2 (Historic)</a>
Variance	<a href="#">Type I</a> <a href="#">and/or Type II</a>	<a href="#">Section 5.1</a>
Class A	Type I	<del>Chapter</del> <a href="#">Section</a> 5.1
Class B	Type II	<del>Chapter</del> <a href="#">Section</a> 5.1
Class C	Type II	<del>Chapter</del> <a href="#">Section</a> 5.1

\*The ~~city~~ City shall send [Oregon Department of Transportation \(ODOT\)](#) written notice for all Type II and III applications.





## 4.1.300 Type I Procedure (Ministerial)

~~City of Weston~~

~~Zoning Ordinance Text~~  
Zoning Ordinance Text

~~March 2001~~

March 2001

City of Weston

### **A. Application Requirements.**

1. Application Forms. Type I applications shall be made on forms provided by the City ~~Official~~ Recorder.
2. Application Requirements. Type I applications shall:
  - a. Include the ~~information~~ 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 and/or City ~~Official's~~ Council's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Commission and/or City ~~Official~~ Council shall approve, approve with conditions, or deny the requested permit or action. The City ~~Clerk~~ Recorder will provide a list of applications to the Planning Commission and City Council. A written record of the decision shall be provided to the applicant and kept on file at ~~city hall~~ 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. The decision may be appealed to the Planning Commission by any party to the decision, according to the procedures for a Type II review.

**D. Effective Date.** The decision is effective the day after it is final.

### **E. Notice of Decision.**

1. Within five business ~~days~~ days after the Planning Commission and/or City ~~Staff or designee~~ Council signs the decision, a Notice of Decision shall be posted on the property and 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; ~~7.~~
  - d. Umatilla County and any other governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City
2. The City Official or designee shall cause an ~~affidavit~~ Affidavit of ~~mailing~~ Mailing and ~~posting~~ Posting of the notice to be prepared and made part of the file. The affidavit shall show the date the notice was mailed and posted, 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~~ [applicant's](#) proposal and the ~~City's~~ [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~~ [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.

#### ~~4.1.400 Type II Procedure (Quasi-Judicial)~~

#### 4.1.400 Type II Procedure (Quasi-Judicial)

- A. Pre-application Conference.** A pre-application conference may be requested by an applicant for all Type II applications. The requirements and procedures for a pre-application conference are described in Section 4.1.600 ~~€~~ General Provisions, C., Pre-application Conferences.
- B. Application Requirements.**
1. Application Forms. Type II applications shall be made on forms provided by the Planning Commission.
  2. Content. Type II application 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 criteria in sufficient detail for review and action~~€~~;
    - c. Be accompanied by the required fee;
    - d. The records of the Umatilla County Department of Assessment and Taxation are the official records for determining ownership. The ~~city~~City shall prepare (for a fee noted on the ~~city's~~City's fee list) the public notice. The ~~city~~City shall use the most current assessment records to produce the notice list~~€~~;
    - e. Include an impact study for all Type II applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The impact study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet ~~city~~City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the ~~city~~City, the ~~city~~City shall either (1) include in the written decision evidence that shows 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.



**4.1.400 Type II Procedure (Quasi-Judicial) (continued)****C. Notice of Hearing.**

1. Mailed notice. Notice of a Type II application hearing or Type I appeal hearing shall be given by the City ~~Recorder~~ Official in the following manner.
  - a. At least 20 ~~days~~ business days before the hearing date, notice shall be mailed to:
    - A. The applicant and all owners or contract purchasers of record of the property ~~which~~ that is the subject of the application.
    - B. All property owners of record within ~~100~~ 100 feet of the subject site.
    - C. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;
    - D. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development.
    - E. Any person who submits a written request to receive a notice;
    - F. For appeals, the appellant and all persons who provided testimony or submitted written comments; and
    - G. For a land use district change affecting a manufactured ~~home or mobile home~~ dwelling park, all mailing addresses within the park, in accordance with ORS 227.175.
    - H. Umatilla County and any other governmental agency that is entitled to notice under an intergovernmental agreement entered into with the ~~city~~ City, and other agencies that were noticed or provided comment.
  - b. The City ~~official~~ Official shall have an ~~affidavit~~ Affidavit of ~~notice~~ be Notice prepared and made part of the file. The affidavit shall state the date that the notice was posted on the property and mailed to the person/persons who must receive notice.
  - c. At least 14 business ~~days~~ days before the hearing, notice of the hearing shall be printed in the newspaper of general circulation within the ~~city~~ City. The newspaper ~~affidavit~~ Affidavit of ~~publication~~ Publication of the notice shall be made part of the administrative record.
  - d. At least 14 business ~~days~~ days before the hearing, the applicant shall post notice of the hearing, on the property per ~~Subsection~~ subsection 2, below. The applicant shall prepare and submit an ~~affidavit~~ Affidavit of ~~posting~~ Posting of the notice, ~~and it~~ shall be made part of the administrative record.
2. Content of the Notice. Notice of ~~appeal~~ Appeal for a Type I Ministerial decision or a Type II hearing to be mailed, posted ~~&~~ and published per ~~Subsection~~ subsection 1 above shall contain the following information:
  - a. The nature of the application and the proposed land use or uses which 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 references 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~~that an appeal based on that issue ~~cannot~~ be filed with the State Land Use Boards of Appeal.
- f. The name of a ~~city~~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 Weston City Hall a ~~not~~no cost and that copies shall be provided at a reasonable cost;
- h. A statement that a copy of the ~~city's~~City's staff report and recommendations 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~~;~~;
- j. The following notice: ~~"Notice"~~"Notice" to mortgagee, lienholder, vendor, or seller. The ~~city~~City of Weston Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser~~;"~~"

#### D. ~~D~~Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance that:
  - 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~~Comprehensive Plan or land use regulations, which 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 Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body 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 Planning Commission 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 Planning Commission 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~~City, in writing, for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the ~~Plan~~ingPlanning Commission shall reopen the record per ~~subsection~~ E of this section;
  - a. When the Planning Commission ~~re-opens~~reopens the record to admit new evidence or testimony, any person may raise new issues which ~~relates~~relate to that new evidence or testimony;
  - b. An extension of the hearing or record granted pursuant to ~~Section~~section 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~~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 the right. The ~~applicant's~~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~~City and the hearings body and not rejected;
  - e. The hearings body may take official notice of judicially ~~cognizable~~recognizable facts under the applicable law. If the review authority takes official notice; it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;
  - f. The review authority shall retain custody of the record until the ~~city~~City issues a final decision.
4. Participants in the appeal of a Type I Ministerial decision or a Type II hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts (see ~~Section 6~~subsection 5 below) as ~~reasonable~~reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore;
  - a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing *ex parte* contacts (as defined in ~~Section 6~~section 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 shall participate or abstain accordingly.

- b. A member of the hearings body 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 hearings body 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 hearings body abstains or is disqualified, the ~~city~~City shall provide a substitute in a timely manner subject to the impartiality rules in ~~Section~~section 6;
  - f. Any member of the public may raise conflict of interest issues prior to or during the hearing. To which the member of the hearings body shall reply in accordance with this section.
5. *Ex parte* communications.
- a. Members of the hearings body shall not:
    - A. 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 ~~Section~~section 5 above;
    - B. 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 hearings body 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'~~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~~City staff and the hearings body is not considered an *ex parte* contact.

6. Presenting and receiving evidence~~;~~
  - a. The hearings body 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 ~~Section~~section D;
  - c. Members of the hearings body 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 hearings body 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~~Decision. Approval or denial of an appeal of a Type I Ministerial decision or a Type II application shall be based on standards and criteria in the ~~development code~~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~~Comprehensive Plan for the area in which the development would occur and to the development regulations and ~~comprehensive plan~~Comprehensive Plan for the ~~city~~City as a whole;
  2. Findings and ~~conclusions~~Conclusions. Approval 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;
  3. Form of ~~decision~~Decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection E.2, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
  4. Decision-making ~~time limits~~Time Limits. A final order for any Type I Ministerial Appeal or Type II action shall be filed by the Planning Commission within ten business ~~days~~days after the close of the deliberation.
- F. **Notice of Decision.** Written notice of a Type I Ministerial Appeal decision or a Type II decision shall be mailed to the applicant and to all participants of record within five business ~~days~~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.

- G. Final Decision and Effective Date.** The decision of the hearings body on any Type I Ministerial or any Type II 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 (14 days after the decision is signed and mailed) expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type I Ministerial applications on appeal to the City Council shall be the same as for the initial hearing.

#### ~~4.1.500 Type III Procedure (Legislative)~~

#### 4.1.500 Type III Procedure (Legislative)

- A. Pre-Application Conference.** A pre-application conference may be requested by the applicant for all Type III applications. The requirements and procedures for a pre-application conference are described in ~~Section 4.1.700~~ Section 4.1.600 - General Provisions, C.
- B. Timing of Requests.** The City shall review proposed Type III actions no more than twice yearly, based on the ~~city's~~ City's approved schedule for such actions.
- C. Application Requirements.**
1. Application forms ~~Forms~~. Type III applications shall be made on forms provided by the City.
  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. Five copies 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 ~~Hearings~~. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type III applications, except annexations where only a hearing by the City Council is required.
  2. Notification requirements ~~Requirements~~. Notice of public hearings for the request shall be given by the City 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~~ 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:





- A. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a ~~comprehensive plan~~ Comprehensive Plan amendment shall be notified if a zone change would be required to implement the proposed ~~comprehensive plan~~ Comprehensive Plan amendment);
    - B. Any affected governmental agency;
    - C. Recognized neighborhood groups or associations affected by the ordinance;
    - D. Any person who requests notice in writing;
    - E. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
    - F. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
  - b. At least 10 days before the scheduled Planning Commission public hearing date, and 10 days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the ~~city~~ City.
  - c. The City shall:
    - A. For each mailing of notice, file an ~~affidavit~~ Affidavit of ~~mailing~~ Mailing in the record as provided by ~~Subsection~~ subsection 2.a, above; and
    - B. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
  - d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed ~~comprehensive plan~~ Comprehensive Plan and ~~development code~~ Development Code amendments at least 35 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~~ section and ORS ~~199~~ 222.
3. Content of notices Notices. The mailed and published notices shall include the following information:
  - a. The number and title of the file containing the application, and the address and telephone number of the City 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 and available at City Hall (~~See~~ see subsection E., Hearing Process and Procedure, below); and

- e. Each mailed notice required by Section D.5 shall contain the following statement: "Notice to mortgagee, lienholder, vendor, or seller: The Weston Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser"

4. ~~Failure to receive notice~~ 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 hearings body:
  - a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:
    - A. Regulate the course, sequence, and decorum of the hearing;
    - B. Direct procedural requirements or similar matters; and
    - C. Impose reasonable time limits for oral presentations.
  - b. No person shall address the Planning Commission or the City Council without:
    - A. Receiving recognition from the presiding officer; and
    - B. 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 hearings body, the presiding officer of the Planning Commission and of the City 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~~ that will be made is a recommendation to the City Council or the final decision of the Council;
  - b. The ~~City~~ Planning Commission and City ~~Engineer's~~ Engineer's report and other applicable staff reports 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~~ hearings body 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-Makingmaking Considerations.** The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:
1. Approval of the request is consistent with the Statewide Planning Goals;
  2. Approval of the request is consistent with the Comprehensive Plan~~;~~ and
  3. The property and affected area is 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. ApprovalApproved 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~~14 business ~~days~~days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Official~~;~~.
  2. Any member of the Planning Commission who votes in opposition to the Planning ~~Commission's~~Commission's majority recommendation may file a written statement of opposition with the City Official before the City Council public hearing on the proposal. The City Official 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 Planning Commission 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~~ 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 Planning Commission.
  4. The City Council shall:
    - a. Approve, approve with modifications, approve ~~;~~with conditions, deny the proposed change, 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~~ Commission's recommendation; and
  - c. Act by ordinance, which shall be signed by the Mayor after the ~~Council's~~ 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 III decision shall be mailed to the applicant, all participants of record, the ~~Department of Land Conservation and Development~~ DLCD and Umatilla County within five business ~~days~~ days after the City Council decision is filed with the Planning Commission. The ~~city~~ City shall also provide notice to all persons as required by other applicable laws.
- K. Final Decision and Effective Date.** A Type III 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 Planning Commission or any other party 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 ~~which~~ that were given as required by this ~~Chapter~~ chapter.

**4.1.600 General Provisions.****4.1.600 General Provisions**

- A. 120-day Rule.** The ~~city~~City shall take final action on permit applications that are subject to this ~~Chapter~~chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type III 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~~that is not a Saturday ~~or Sunday~~ or legal holiday.
- C. Pre-application Conferences.**
1. ~~Participants~~Participants. When a pre-application conference is requested, the applicant shall meet with the City Official and his/her designee(s); including the City Engineer and any other consultants.
  2. ~~Information provided~~Provided. At such conference, the Planning Commission and/or City Official~~Council~~ shall:
    - a. Cite the ~~comprehensive plan~~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 ~~which~~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 and/or City Official~~Council~~ or his/her designee to provide any of the information required by this ~~Section C~~Section (Pre-application Conferences) shall not constitute a waiver of any of the standards, criteria, or requirements for the application;
  4. Changes in the lawLaw. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

**D. Applications.**1. Initiation of ~~applications~~ Applications.

a. Applications for approval under this ~~chapter~~ section may be initiated by:

A. Order of City Council~~;~~ ;

B. Resolution of the Planning Commission;

C. The ~~city engineer~~ City Engineer;

D. 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~~ 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 utilizing the higher procedure type.

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 Planning Commission, or the City Official~~;~~ .

b. When proceedings are consolidated:

A. The notice shall identify each application to be decided;

B. 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

C. Separate findings and decisions shall be made on each application.

c. 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 Official 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:~~

A. The required form;

B. The required fee;

- C. 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.



- d. Completeness.
- A. Review and notification. After the application is accepted, the City ~~Official~~ Recorder shall review the application for completeness. If the application is incomplete, the City ~~Official~~ Recorder 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;
  - B. When the application is 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 ~~Official~~ Recorder of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City ~~Official in (1), above~~ Recorder. For the refusal to be valid, the refusal shall be made in writing and received by the City Official no later than ~~14~~ 14 business ~~days~~ days after the date on the City ~~Official~~ Recorder'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 ~~Official~~ Recorder first accepted the application.
  - C. 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.
  - D. Coordinated ~~Review~~ review. The ~~city~~ City shall also submit the application for review and comment to the City Engineer and any other appropriate consultant at the ~~City's~~ City's sole discretion, ~~e.g.,~~ ODOT, County, State, and federal agencies.
3. 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 ~~Official~~ Recorder at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received 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 ~~sub mitted~~ 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 ~~"d"~~ "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~~ applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the ~~city~~ City shall take one of the following actions, at the choice of the applicant:

- A. ~~(H)~~ 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;
- B. 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 (Section 4.1.600 - General Provisions, A., above) on the existing application. If the applicant does not consent, the ~~city~~City shall not select this option; and
- C. 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~~City will complete its decision-making process without considering the new evidence~~;~~.
- e. If a new application is submitted by the applicant, 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 Officials~~ Official's Duties. The City ~~Official~~Recorder shall:
1. ~~Prepare~~The City Recorder shall receive prepared application forms based on the criteria and standards in applicable state law, the ~~city's comprehensive plan,~~City's Comprehensive Plan, and implementing ordinance provisions~~;~~.
  2. Accept all development applications ~~which~~that comply with Section 4.1.~~7~~700 - Special Procedures.
  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 should 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 review process, the City ~~Official~~Recorder 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 II or III process), the City ~~Official~~Recorder 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.
  5. Administer the hearings process.
  6. File notice of the final decision in the ~~city's~~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~~that was considered by the decision maker(s) on the application; and
8. Administer the appeals and review process.

**F. ~~C~~ Amended Decision Process.**

1. The purpose of an amended decision process is to allow the City ~~Official~~ Recorder to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The City ~~Official~~ Recorder 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~~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~~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 utilized for the original approval. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

- G. ~~D~~ Re-submittal of Application Following Denial.** An application which has been denied, or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the 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~~City action is made denying the application, unless there is substantial change in the facts or a change in ~~city~~City policy ~~which~~that would change the outcome, as determined by the City Council.

**~~4.1.700 Special Procedures.~~**

**~~A~~ 4.1.700 Special Procedures**

- A. Expedited Land Divisions.** An Expedited Land Division (~~“ELD”~~“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~~7~~2 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 procedureProcedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365.

~~City of Weston~~ ~~1 - Appeal procedure~~ Procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375 ~~and Section~~ 4.1.800 - ~~Neighborhood Meetings~~ March 2001

~~4.1.800 Neighborhood Meetings.~~

~~3. **A. Neighborhood Meetings.**~~

**4.1.800 Neighborhood Meetings**

- A. **Neighborhood Meeting Requirement.** Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. In some cases, the ~~City Official~~ [Planning Commission and/or City Council](#) may require the applicant to meet with a ~~city~~ [City](#)-recognized neighborhood association or group prior to accepting an application as complete. A Neighborhood Meeting is optional 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 and/or City Council](#).

**4.1.900 Traffic Impact Study.**

# ~~Chapter 19.0 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~~

~~4.2.600~~

### 4.2.100 Purpose

The purpose of this ~~Chapter~~ chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of ~~site development review~~ Development Review and Site Design Review;
- B. Carry out the development pattern and plan of the ~~city~~ City and its ~~comprehensive plan~~ Comprehensive Plan policies;
- C. Promote ~~the~~ public health, safety, and general welfare;
- D. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution, and other dangers;
- E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage;
- F. Encourage the conservation of energy resources; and
- G. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

### 4.2.200 Applicability

### 4.2.200 Applicability

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments 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 Planning Commission and City Planner ~~(in a regular planning meeting)~~ without a public hearing. (See ~~Chapter~~ ~~Section~~ 4.1 - ~~Types of Applications and Review Procedures~~ for review procedure.) It applies to all developments in the ~~city~~ ~~City~~, except those specifically listed under ~~"B"~~ (Development Review~~s~~). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks~~s~~, lot coverage~~s~~, 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 ~~"ministerial"~~ review conducted by the Planning Commission and City Engineer without a public hearing. (See ~~Chapter~~ ~~Section~~ 4.1 - ~~Types of Applications and Review Procedures~~ for review procedure.) It is for less complex developments and land uses that do not require ~~site design review~~ ~~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~~s~~, such as building setbacks~~s~~, lot coverage~~s~~, maximum building height, and similar provisions of Chapter 2.0. 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 ~~development review~~ ~~Development Review~~ procedures for those districts.
1. ~~Single-family detached dwelling~~ (including manufactured ~~homes~~ ~~homes~~ on lots and parcels created prior to the adoption of this ordinance);
  2. A single duplex~~s~~ up to two single-family attached (townhome) units, or a single triplex ~~which~~ ~~that~~ is not being reviewed as part of any other development~~s~~ and accessory parking on the same lot~~s~~;
  3. Building additions of not more than 200 square feet, and ~~Minor Modifications~~ ~~minor modifications~~ to development approvals as defined by ~~Chapter 4.6~~ ~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval~~;
  4. Any proposed development ~~which~~ ~~that~~ has a valid ~~conditional use permit~~ ~~Conditional Use Permit~~. Major modifications to a development with a ~~conditional use permit~~ ~~Conditional Use Permit~~ shall require review and approval in accordance with ~~Chapter~~ ~~Section~~ 4.4 - Conditional Use Permits.
  5. Home occupation~~s~~ subject to review under ~~Chapter~~ ~~Section~~ 4.9 - ~~Miscellaneous Permits~~;
  6. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in ~~Chapter 4.9~~ ~~Section 4.9 - Miscellaneous Permits~~;
  7. Accessory structures with less than 600 square feet of floor area, including accessory dwellings;
  8. Other developments~~s~~ when required by a condition of approval.

#### ~~4.2.300 Development Review Approval Criteria~~

#### 4.2.300 Development Review Approval Criteria

- A. Development Review** shall be conducted only for the developments listed in Section 4.2.200~~s~~ - Applicability, B~~s~~, above, and it shall be conducted as a Type I procedure as described in Section 4.1.300~~s~~ - Type I Procedure (Ministerial). Prior to issuance of building permits, the following standards shall be met:



**B.** The proposed land use is permitted by the underlying land use district (Chapter 2.0);

#### ~~4.2.300 Development Review Approval Criteria (continued)~~

- 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 sub-district(s) are met (Chapter 2.0);
- D. The standards in Section 3.2.200 - Landscape Conservation, 3.2.300 - New Landscaping, 3.2.500 - Fences and Walls, and 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.~~

#### 4.2.400 Site Design Review shall be - Application Review Procedure

- A. Site Design Review. Site Design Review shall be conducted as a Type II or a Type III procedure (as specified in ~~"B"~~ below), using the procedures in ~~Chapter~~ Section 4.1 - Types of Applications and Review Procedures, and using the approval criteria contained in Section 4.2.500 - Site Design Review - Application Submission Requirements.
- B. Site Design Review - Determination of Type II Applications. Applications for Site Design Review shall be subject to Type II or ~~Type~~ III review, based on the following criteria:
  - 1. Residential buildings with ~~3~~ three or fewer dwelling units shall be reviewed as a Type II application, except when Development ~~Review~~ Review is allowed under Section 4.2.300 - Development Review Approval Criteria. Residential buildings with more than ~~3~~ three units shall be reviewed as a Type ~~III~~ application.
  - 2. Commercial, industrial, public/semi-public, and institutional buildings with 5,000 square feet of gross floor area or less shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.300 - Development Review Approval Criteria. Commercial, industrial, public/semi-public, and institutional buildings with more than 5,000 square feet of gross floor area shall be reviewed as a Type ~~III~~ application.
  - 3. Developments with more than one building (e.g., two duplex buildings or an industrial building with accessory workshop) shall be reviewed as a Type III applications, notwithstanding the provisions contained in subsections 1 and 2, above.
  - 4. Developments with ~~4~~ four or fewer required off-street vehicle parking ~~spaces~~ spaces in conformance with ~~Chapter 3.3~~ Section 3.3 - Vehicle and Bicycle Parking shall be reviewed as Type II applications, and those with more than ~~4~~ four off-street vehicle parking spaces shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1- through 3 (above) and 5- through 6 (below).
  - 5. Developments involving the clearing and/or grading of ~~1/2~~ 1/2 acre or a larger area shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1- through 5 (above) and subsection 6 (below).
  - 6. All developments in designated sensitive land districts shall be reviewed as Type III applications.

~~4.2.500 Site Design Review – Application Submission Requirements.~~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 general information required by Section 4.1.400 ~~(Type - Type II Procedure (Quasi-Judicial) (Type II application))~~ or Section 4.1.500 ~~- Type III Procedure (Legislative)~~ (Type III application). The type of application shall be determined in accordance with ~~subsection A of~~ Section 4.2.400 ~~- Site Design Review - Application Review Procedure, A.~~
- B. Site Design Review Information.** An application for ~~site design review~~ Site Design Review shall include the following additional information, as deemed applicable by the Planning Commission.
1. ~~Site analysis map~~ Analysis Map. At a minimum the site map shall contain the following:
    - a. The ~~applicant's~~ applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the ~~city~~ City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
    - b. Topographic contour lines at intervals determined by the ~~city~~ City;
    - c. Identification of slopes greater than 5 percent;
    - d. 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;
    - e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, ~~areas~~ subject to high water table, and areas mapped by the ~~city~~ City, County, or State as having a potential for geologic hazards;
    - f. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the ~~city~~ City or any natural resource regulatory agencies as requiring protection;
    - g. Site features, including existing structures, ~~pavement~~, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
    - h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
    - i. The location, size, and species of trees and other vegetation having a caliper (diameter) of 4 inches or greater at ~~four~~ 4 feet above grade;
    - j. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.
    - k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
    - l. Other information, as determined by the Planning Commission. The ~~city~~ City may require studies or exhibits prepared by qualified professionals to address specific site features.



2. ~~Proposed site plan~~ Site Plan. The site plan shall contain the following information, if applicable:
- a. The proposed development site~~s~~, including boundaries, dimensions, and gross area;
  - b. Features identified on the existing site analysis map, which are proposed to remain on the site.
  - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development~~s~~;
  - d. The location and dimensions of all proposed public and private streets~~s~~, drives, rights-of-way~~s~~, and easements~~s~~;
  - e. The location and dimensions of all existing and proposed structures~~s~~, utilities, pavement and other improvements on the site~~s~~. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
  - f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access~~s~~;
  - g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, if applicable);
  - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways~~s~~, pathway connections to adjacent properties, and any bicycle lanes or trails;
  - i. Loading and service areas for waste disposal, loading and delivery;
  - j. Outdoor recreation spaces, common areas~~s~~, plazas~~s~~, outdoor seating, street furniture~~s~~, and similar improvements, as applicable;
  - k. Location, type, and height of outdoor lighting;
  - l. Location of ~~mail boxes~~ mailboxes, if known;
  - m. Name and address of project designer, if applicable.
  - n. Location of bus stops and other public or private transportation facilities.
  - o. Locations, sizes, and types of signs~~s~~;
  - p. Other information determined by the Planning Commission. The ~~city~~ City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards~~s~~, etc.), in conformance with this Code.

3. ~~Architectural drawings~~ Drawings. The Planning Commission may request architectural drawings showing one or all of the following:
  - a. Building elevations (as determined by the Planning Commission) with building height and width dimensions;
  - b. Building materials, colors, and type.
  - c. The name of the architect or designer.
4. ~~Preliminary grading plan~~ Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for developments ~~which that~~ would result in the grading (cut or fill) of 1,000 cubic yards or greater. 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.
5. ~~Landscape plan~~ Plan. A landscape plan may be required and at the direction of the Planning Commission, shall show the following:
  - a. The location and height of existing and proposed fences and other buffering or screening materials;
  - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
  - d. Existing and proposed building and pavement outlines;
  - e. 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.
  - f. Other information as deemed appropriate by the Planning Commission. For example, an ~~arborist's~~ arborist's report may be required for sites with mature trees that are protected under Section 3.2. Landscape, Street Trees, Fences and Walls of this Code.

### ~~3.2. Landscape, Street Trees, Fences and Walls of this Code~~

6. Sign drawings shall be required in conformance with the ~~city's~~ City's Sign Code ~~(Chapter~~ (Section 3.6.500 - Signs).
7. Copies of all existing and proposed restrictions or covenants.
8. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.600 - Site Design Review Approval Criteria.
9. Traffic Impact Study. Section 660-12-045 (2) (e) of the Transportation Planning Rule requires that jurisdictions develop a process that allows them to apply conditions to development proposal in order to minimize impacts to the transportation facilities.

- a. Proposed land use actions, new developments and/or redevelopment will need review from the local reviewing jurisdiction and ODOT when one or more of the following occur:
  - A. Change in zoning or a plan amendment designation;
  - B. Construction of a new building~~;~~;
  - C. Increase in floor space on an existing building~~;~~;
  - D. Division or consolidation of property boundaries;
  - E. Change in character of the traffic using the approach;
  - F. Change in internal circulation or design; or
  - G. Reestablishment of a property use where such use has been disconnected for a period of two years or more; and
  - H. Results in one or more of the following effects:
    - i. The site traffic volume generation increases by 100 vehicles or more, in the peak hour, or creates operational problems on the adjacent roadway;
    - ii. The peak hour volume of a particular movement to and from the highway ~~increase~~increases by 20% ~~percent~~percent or more;
      - ~~i. Use of the approach by vehicles exceeding the 20,000 pound gross vehicle weight increases by 10 vehicles or more per day;~~
      - iii. Use of the approach by vehicles exceeding the 20,000 pound gross vehicle weight increases by 10 vehicles or more per day;
      - ~~ii.i. The location of the approach does not meet minimum site ~~distance requirement or is located where vehicles entering or leaving the property is restricted or such vehicles queue or hesitate on the highway, creating a safety hazard; or~~~~
      - ~~iii.i. A change in internal traffic patterns that may cause safety problems such as back up onto the highway or traffic crashes in the approach throat area.~~
      - i. distance requirement or is located where vehicles entering or leaving the property is restricted or such vehicles queue or hesitate on the highway, creating a safety hazard; or
      - J. A change in internal traffic patterns that may cause safety problems such as back up onto the highway or traffic crashes in the approach throat area.
    - ~~K. The effects of proposed land use actions can be determined, but field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip~~

~~Zoning Ordinance Text~~  
Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT.

~~L.~~ Review of proposed land use action might require modifications to a driveway approach or roadway or Traffic Impact Study.

b. A Traffic Impact Study shall be ~~required with~~ prepared when required by ODOT as set forth in OAR 734-051-0180 including when:

A. Any proposed development is expected to generate vehicle trips that equal or exceed 600 daily trips or 100 hourly trips;

B. Any proposed zone change or ~~comprehensive plan~~ Comprehensive Plan change; or

C. Any proposed development or land use action indicates operation or safety concerns along a state highway.

c. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.

~~c. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.~~



~~4.2.600 Site Design Review Approval Criteria.~~4.2.600 Site Design Review Approval Criteria

The ~~review~~ reviewing 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~~ Section 4.1 - Types of Applications and Section 4.2.500, ~~above~~ - Site Design Review - Application Submission Requirements.
- B. The application complies with the all of the applicable provisions of the underlying Land Use District (Chapter 2.0), 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~~ Section 5.2 - Non-Conforming Uses and Development;
- D. The application complies with the Design Standards contained in Chapter 3.0. All of the following standards shall be met:
  - 1. ~~Chapter~~ Section 3.1 - Access and Circulation;
  - 2. ~~Chapter~~ Section 3.2 - Landscaping, ~~Significant Vegetation~~, Street Trees, Fences and Walls;
  - 3. ~~Chapter~~ Section 3.3 - ~~Automobile~~ Vehicle and Bicycle Parking;
  - 4. ~~Chapter~~ Section 3.4 - Public Facilities ~~and Franchise Utilities~~ Standards;
  - 5. ~~Chapter~~ Section 3.5 - Surface Water Management;
  - 6. ~~Chapter~~ Section 3.6 - Other Standards ~~(Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs)~~, as applicable.
- E. Conditions required as part of a Section 4.3 - Land Division ~~(Chapter, Section 4.3)~~, 4 - Conditional Use Permit ~~(Chapter, Section 4.4)~~, 6 - Master Planned Development ~~(Chapter 4.6)~~, Specific Area Plan ~~(Chapter 2.5)~~, or other approval shall be met.
- F. Exceptions to criteria ~~D~~ 4.2.600 - Site Design Review Approval Criteria, D., subsections 1= through 6 above, may be granted only when approved as a Variance ~~(Chapter Section 5.3)~~ 1 - Variances.

## 4.2.700 Bonding and Assurances

### 4.2.700 Bonding and Assurances

- A. **Performance Bonds for Public Improvements.** On all projects where public improvements are required, the ~~city~~ City shall require a bond in an amount not greater than ~~100%~~ 100 percent 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~~ Official assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the ~~city~~ City to complete the installation.
- D. **Business License Filing.** The applicant shall ensure that all business occupants of the completed project, whether permanent or temporary, shall apply for and receive a Business License Filing. ~~The applicant shall ensure that all business occupants of the completed project, whether permanent or temporary, shall apply for and receive a~~ city City business license prior to initiating business.

## 4.2.800 Development in Accordance With Permit Approval

### 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~~ Site Design Review approval, land division plat approval, and building permits. Construction of public improvements shall not commence until the city City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The city 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. ~~7-700 - Bonding and Assurances.~~ 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~~ Section 4.6 - Modifications to Approved Plans and Conditions of Approval, shall be processed as a Type I procedure and require only Development Review. Major modifications, as defined in ~~Chapter~~ Section 4.6 - Modifications to Approved Plans and Conditions of Approval, shall be processed as a Type II procedure and shall require ~~site design review~~ Site Design Review. For information on Type I, Type II, and Type III procedures, please refer to ~~Chapter 4.1~~ Section 4.1 - Types of Applications and Review Procedures. For ~~Modifications~~ modifications approval criteria, please refer to ~~Chapter 4.6~~ Section 4.6 - Modifications to Approved Plans and Conditions of Approval.

- B. **Approval Period.** Development Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

~~B.A. 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.

~~Zoning Ordinance Text~~

C. Extension. The Planning Commission may, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:

~~4.2.800 Development in Accordance With Permit Approval. (continued)~~

City of Weston

Zoning Ordinance Text

March 2001

~~C. A Extension.~~ The Planning Commission may, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved ~~site design review~~ 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. ~~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~~ 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~~ 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 Planning Commission 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~~ two years without reapplying for ~~site design review~~ Site Design Review.
3. Approval of a phased ~~site design review~~ 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 Planning Commission approval. Temporary facilities shall be approved only upon ~~city~~ City receipt of bonding or other assurances to cover the cost of required public improvements, ~~in~~ in accordance with Section 4.2.400~~7~~ - Site Design Review - Application Review Procedure. A temporary public facility is any facility not constructed to the applicable ~~city~~ City or district standard, subject to review by the City Engineer.
  - c. The phased development shall not result in requiring the ~~city~~ 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~~ Section 4.6 - Modifications to Approved Plans and Conditions of Approval).

# ~~Chapter 20.0 Chapter 4.3 Land Divisions and Lot Line Adjustments~~

## Sections:

~~4.3.100 Purpose~~

~~4.3.110 General Requirements~~

~~4.3.120 Approvals Process~~

~~4.3.130 Preliminary Plat Submission Requirements~~

~~4.3.140 Approval Criteria: Preliminary Plat~~

~~4.3.150 Variances Authorized~~

~~4.3.160 Final Plat Submission Requirements and Approval Criteria~~

~~4.3.170 Public Improvements~~

~~4.3.180 Performance Guarantees~~

~~4.3.190 Filing and Recording~~

~~4.3.100 Purpose~~

## 4.3 Land Divisions and Lot Line Adjustments

### 4.3.100 Purpose

The purpose of this ~~chapter~~ section is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions, and lot line ~~adjustments~~ adjustments.
  1. Subdivisions involve the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
  2. Partitions involve the creation of three or fewer lots within one calendar year.
  - ~~2.1. Partitions involve the creation of three or fewer lots within one calendar year.~~
  3. Lot line ~~adjustments~~ adjustments involve modifications to lot lines or parcel boundaries ~~which~~ that do not result in the creation of new lots (includes consolidation of lots).
- B. Carry out the ~~city's~~ City's development pattern, as envisioned by the Comprehensive Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options.
- ~~C.A. Encourage efficient use of land resources, full utilization of urban services, and transportation options.~~
- D. Promote the public health, safety, and general welfare through orderly and efficient urbanization.
- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution, and other dangers.
- F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and resources.
- G. Encourage the conservation of energy resources.

~~City of Weston~~ ~~E.A. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage, and resources.~~ ~~Zoning Ordinance Text~~ ~~March 2001~~

~~City of Weston~~ ~~CA. Encourage the conservation of energy resources.~~ ~~Zoning Ordinance Text~~ ~~March 2001~~

## 4.3.110 General Requirements

### 4.3.110 General Requirements

- A. Subdivision and Partition Approval Through Two-step Process.** Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.
1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and
  2. The final plat shall include all conditions of approval of the preliminary plat.
- B. Compliance ~~With~~with ORS Chapter 92.** All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised ~~Statute~~Statutes (ORS) Chapter 92, Subdivisions and Partitions.
- C. Future ~~Re-division~~Redivision Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district~~),~~ the ~~city~~City shall require that the lots be of such size, shape, and orientation as to facilitate future ~~re-division~~redivision in accordance with the requirements of the land use district and this Code. A ~~re-division~~redivision plan shall be submitted ~~which~~that identifies:
1. Potential future ~~lot~~lot division(s) in conformance with the housing and density standards of Chapter 2.0;
  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~~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,~~District, as long as the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 50% ~~percent~~ 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.
- E. Temporary Sales Office.** A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.100. ~~Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.100;~~ Temporary ~~Uses~~Use Permits.
- F. Minimize Flood Damage.** All subdivisions and partitions shall be designed based on the need to minimize the risk of 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~~floodplain shall comply with Federal Emergency Management Agency (FEMA) requirements, including filling to elevate structures above the base flood elevation~~.~~ (BFE). The applicant shall be responsible for obtaining such approvals from the appropriate agency before ~~city~~City approval of the final plat~~.~~

**4.3.110 General Requirements. (continued)**

- G. **Determination of Base Flood Elevation.** Where a development site consists of three or more lots, or is located in or near areas prone to inundation, and the ~~base flood elevation~~ BFE has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by ~~the City Staff~~ staff or designee.
- H. **Need for Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.
- I. **Need for Adequate Drainage.** All subdivision and partition proposals ~~shall~~ shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required ~~and~~.
- J. **Floodplain, Park, and Open Space Dedications.** Where land filling and/or development is allowed within or adjacent to the 100-year ~~flood plain~~ floodplain outside the zero-foot rise ~~flood plain~~ floodplain, and the Comprehensive Plan designates the subject ~~flood plain~~ floodplain for park, open space, or trail use, the ~~city~~ City may require the dedication of sufficient open land area for a greenway adjoining or within the ~~flood plain~~ floodplain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the ~~flood plain~~ floodplain in accordance with the ~~city's~~ City's adopted trails plan or pedestrian and bikeway plans, as applicable. The ~~city~~ City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the ~~development's~~ development's impact to the park and/or trail system, consistent with ~~Chapter 3.4~~ Section 3.4 - Public Facilities Standards, and Section 3.4.000.D in particular.

**4.3.120 Approval Process.**

**4.3.120 Approval Process**

- A. **Review of Preliminary Plat.** Review of a preliminary plat with ~~two~~ two or ~~three~~ three lots (partition) shall be processed by means of a Type II procedure, as governed by Section 4.1.400 ~~- Type II Procedure (Quasi-Judicial)~~. Preliminary plats with more than ~~three~~ three lots (subdivision) shall be processed with a Type ~~III~~ III procedure under 4.1.500 ~~- Type III Procedure (Legislative)~~. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.140 ~~- Approval Criteria: Preliminary Plat~~. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under ~~Chapter 4.5~~ Section 4.5 - Master Planned Developments.
- B. **Review of Final Plat.** Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under Section 4.1.300 ~~- Type I Procedure (Ministerial)~~, using the approval criteria in Section 4.3.160 ~~- Final Plat Submission Requirements and Approval Criteria~~.
- C. **Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of three ~~(3)~~ (3) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted to the ~~city~~ City for approval within a two ~~(2)~~ (2) year period.



~~Chapter 4.6 - Modifications and Extensions.~~ ~~Modifications and Extensions~~

The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in ~~Chapter~~ Section 4.6 - ~~The City Staff~~ to Approved Plans and Conditions of Approval. ~~The City staff~~ or designee shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one ~~(1)~~ year; provided that:

1. Any changes to the preliminary plat follow the procedures in ~~Chapter~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. 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~~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

~~1. The extension request is made before expiration of the original approved plan.~~

5. The extension request is made before expiration of the original approved plan.

#### **E. Phased Development:**

1. The ~~city~~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 greater than two ~~(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~~City receipt of bonding or other assurances to cover the cost of required permanent public improvements~~;~~ in accordance with Section 4.3.180~~;~~ - Performance Guarantee. A temporary public facility is any facility not constructed to the applicable ~~city~~City or district standard;
  - c. The phased development shall not result in requiring the ~~city~~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~~

#### 4.3.130 Preliminary Plat Submission Requirements

- A. General Submission Requirements.** For Type ~~II~~ subdivisions (~~8~~eight lots or fewer) and partitions, the applicant shall submit an application containing all of the information required for a Type II procedure under Section 4.1.400~~;~~ - Type II Procedure (Quasi-Judicial). For Type ~~III~~ subdivisions (more than ~~9~~nine lots), the application shall contain all of the information required for a Type III procedure under Section 4.1.500~~;~~ - Type III Procedure (Legislative), except as required for Master Planned ~~Neighborhood~~ Developments:

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 1. Master Planned Development (Residential District only): Submission of a ~~master plan~~ Master Plan, as provided in Chapter 2.0 shall be required for:

- a. Parcels~~7~~ and development sites with more than one parcel~~7~~ in the Residential District~~2~~ which are 40 acres or larger; and
  - b. The Master Plan shall be approved either prior to, or concurrent with, the preliminary plat application.
- B. Preliminary Plat Information.** In addition to the general information described in ~~Subsection~~ Section 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) adequate to provide the following information:
1. General information:
    - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
    - 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~~7~~;
    - d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor~~2~~, if any, and the date of the survey; and
    - e. Identification of the drawing as a "~~preliminary plat~~"
  2. Site analysis:
    - a. Streets~~7~~. Location, name, present width of all streets, alleys~~2~~ and rights-of-way on and abutting the site~~7~~;
    - b. Easements~~7~~. Width, location and purpose of all existing easements of record on and abutting the site~~7~~;
    - c. Utilities~~7~~. Location and identity of all utilities on and abutting the site~~7~~. If water mains and sewers 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;
    - 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. Such ground elevations shall be related to some established benchmark or other datum approved by the County ~~Surveyor~~ surveyor. This requirement may be waived for partitions when grades, on average, are ~~less~~ 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 ~~flood plains~~ floodplains, areas subject to high water table, landslide areas, and areas having ~~a~~ high erosion potential;
    - g. Sensitive lands~~7~~, including wetland areas, streams, wildlife habitat, and other areas identified by the ~~city~~ City or natural resource regulatory agencies as requiring protection. ~~(See (see also, Chapter~~ Section 3. ~~77 - Sensitive Lands~~ and relevant portions of the Comprehensive Plan~~7~~).

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h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and 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 5 inches or greater at ~~four~~ 4 feet above grade in conformance with ~~Chapter~~ Section 3.2 - Landscaping, Street Trees, Fences and Walls;
  - k. North arrow, scale, name and address of owner;
  - l. Name and address of project designer, if applicable; and
  - m. ~~m.~~ Other information, as deemed appropriate by the Planning Commission. The ~~city~~ City may require studies or exhibits prepared by qualified professionals to address specific site features and ~~code~~ Code requirements.
3. Proposed Improvements:
- a. Public and private streets, ~~tracts~~, driveways, ~~open space~~, and park land: location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts ~~which~~ 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 easements;
  - c. 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 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, ~~recreation~~, or other use; potential location of future buildings;
  - e. Proposed improvements required by Chapter 3.0 (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 base zone;
  - 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 (ODOT) related to proposed railroad crossing(s);
  - k. Changes to navigable streams, ~~or~~ other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, ~~as applicable~~.

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Identification of the ~~base flood elevation for development of more than~~ ~~lots or acres, whichever is less.~~ ~~BFE.~~ Written evidence of initiation of a ~~Federal Emergency Management Agency (FEMA) flood plain floodplain~~ map amendment shall be required when development is proposed to modify a designated 100-year ~~flood plain floodplain~~. FEMA approval of the amendment shall be a condition of ~~city~~ 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~~ State's jurisdiction; and
  - n. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, ~~as identified in Chapter~~ Section 3.7 - Sensitive Lands.
4. Traffic Impact Study. Section 660-12-045 (2) (e) of the Transportation Planning Rule requires that jurisdictions develop a process that allows them to apply conditions to development proposal in order to minimize impacts to the transportation facilities.
- a. Proposed land use actions, new developments, ~~and/or~~ redevelopment will need review from the local reviewing jurisdiction and ODOT when one or more of the following occur:
    - A. Change in zoning or a plan amendment designation;
    - B. Construction of a new building;
    - C. Increase in floor space on an existing building;
    - D. Division or consolidation of property boundaries;
    - E. Change in character of the traffic using the approach;
    - F. Change in internal circulation or design; or
    - G. Reestablishment of a property use. Where such use has been disconnected for a period of two years or more; and
    - H. Results in one or more of the following effects:
      - ~~iv.i.~~ i. The site traffic volume generation increases by 100 vehicles or more, in the peak hour, or creates operational problems on the adjacent roadway;
      - ~~(1)~~ The peak hour volume of a particular movement to and from the highway ~~increase by 20% or more;~~
      - ~~iv.ii.~~ ii. ~~Use of the approach by vehicles exceeding the 20,000 pound gross vehicle weight~~ increases by ~~10 vehicles~~ 20 percent or more ~~per day;~~
      - iii. Use of the approach by vehicles exceeding the 20,000 pound gross vehicle weight increases by 10 vehicles or more per day;
      - iv. The location of the approach does not meet the minimum site distance requirement or is located where vehicles entering or leaving the property is restricted or such vehicles queue or hesitate on the highway, creating a safety hazard; or

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4.3.130 Preliminary Plat Submission Requirements

~~K. A distance requirement or is located where vehicles entering or leaving the property is restricted or such vehicles queue or hesitate on the highway, creating a safety hazard; or~~

~~L. A change in internal traffic patterns that may cause safety problems such as back up onto the highway or traffic crashes in the approach throat area.~~

I. The effects of proposed land use actions can be determined, ~~but~~ 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.

J. Review of proposed land use action might require modifications to a driveway approach or roadway or Traffic Impact Study.

b. A Traffic Impact Study shall be ~~required with~~ prepared when required by ODOT as set forth in OAR 734-051- 0180 including when:

A. Any proposed development is expected to generate vehicle trips that equal or exceed 600 daily trips or 100 hourly trips;

B. Any proposed zone change or ~~comprehensive plan~~ Comprehensive Plan change; or

C. Any proposed development or land use action indicates operation or safety concerns along a state highway.

D. Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.

~~4.3.140 Approval Criteria: Preliminary Plat~~

4.3.140 Approval Criteria: Preliminary Plat

A. **General Approval Criteria.** The ~~city~~ City may approve, approve with conditions or deny a preliminary plat based on the following approval 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~~ section, and the applicable sections of Chapter 2.0 ~~( Land Use Districts )~~ and Chapter 3.0 ~~( 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 5.0 ~~( Exceptions )~~ to Code Standards;

2. 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 major 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; and
  - 4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.
- B. Housing Density.** The subdivision meets the ~~city's~~ City's housing development standards in Chapter 2.0 - Land Use Districts.
- C. Block and Lot Standards.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels 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 2.0), and the standards of ~~Chapter 3.1,~~ Section ~~2-3.1.200,~~ ~~J-~~ Street Connectivity and Formation of Blocks.
  - 2. Setbacks shall be as required by the applicable land use district (Chapter 2.0).
  - 3. Each lot shall conform to the standards of ~~Chapter~~Section 3.1 - Access and Circulation.
  - 4. Landscape or other screening may be required to maintain privacy for abutting uses. ~~Also see~~See also Chapter ~~2-.0 -~~ Land Use Districts, and ~~Chapter~~Section 3.2 - Landscaping, Street Trees, Fences and Walls.
  - 5. In conformance with the Uniform Fire Code, a 20-foot ~~width fire~~wide 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. Also see ~~Chapter~~Section 3.1 - Access and Circulation.
  - 6. Where a common drive is to be provided to serve more than one ~~lot~~lot a reciprocal easement to ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.
- D. Conditions of Approval.** The ~~city~~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~~City for the purpose of controlling access to adjoining undeveloped properties. ~~Also see Chapter~~See also Section 3.4.000 - Purpose and Applicability, D. Conditions of Development Approval.

~~3.4.000.D (Public Facilities)~~

~~4.3.150 Variances Authorized~~

4.3.150 Variances Authorized

Variation from the standards of this ~~Chapter~~chapter shall be processed in accordance with ~~Chapter~~Section 5.1 - Variances. Applications for variances shall be submitted at the same time an application for land division or ~~lot~~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 ~~city~~City prior to recording with Umatilla County. The applicant shall submit the final plat within ~~one~~ year of the approval of the preliminary plat as provided by Section 4.3.120 - Approval Process. Specific information about the format and size of the plat, number of copies, and other detailed information can be obtained from the City ~~Staff or designee~~Recorder.
- B. Approval Criteria.** By means of a Type I procedure, the City ~~Recorder~~Official and City Engineer 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 - Performance Guarantee;
  3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
  4. The streets and roads held for private use have been approved by the ~~city~~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, sewage disposal storm drainage and water supply systems;
  6. The applicant has provided copies of all recorded homeowners association codes, covenants, and restrictions (CC&Rs); 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~~sections of this ~~code~~Code (i.e., there have been no changes in land use or development resulting in a ~~code~~Code violation since preliminary plat approval);
  8. Certification by the ~~city~~City or service district that water and sanitary sewer service is 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~~City that such services will be installed in accordance with ~~Chapter~~Section 3.4 - Public Facilities Standards, and the bond requirements of Section 4.3.180 - Performance Guarantee. 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~~City;
  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~~corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.



4.3.170 Public Improvements

The following procedures apply to subdivisions and partitions when public improvements are ~~require~~required as a condition of approval:

- A. **Public Improvements Required.** Before ~~city~~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 - Performance Guarantee.

~~4.3.180 Performance Guarantee~~

4.3.180 Performance Guarantee

- A. **Performance Guarantee Required.** When a performance guarantee is required under Section 4.3.170 - Public Improvements, the subdivider/partitioner shall file an assurance of performance with the ~~city~~City supported by one of the following:
  1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
  2. A surety bond executed by a surety company authorized to transact business in the state of Oregon ~~which~~that remains in force until the surety company is notified by the ~~city~~City in writing that it may be terminated; or
  3. Cash.
- B. **Determination of Sum.** The assurance of performance shall be for a sum determined by the ~~city~~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~~City an itemized improvement estimate, certified by a registered civil engineer, to assist the ~~city~~City in calculating the amount of the performance assurance.
- D. **Agreement.** An agreement between the ~~city~~City and developer shall be recorded with the final plat that stipulates all of the following:
  1. Specifies 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~~City may complete the work and recover the full cost and expenses from the applicant;
  3. Stipulates the improvement fees and deposits ~~that are~~ required.
  4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement may be prepared by the ~~city~~City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and City ~~Staff~~staff or designee.

- E. **When Subdivider Fails to Perform.** In the event the developer fails to carry out all provisions of the agreement and the ~~city~~City has un-reimbursed costs or expenses resulting from such failure, the ~~city~~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~~City.

~~4.3.190 Filing and Recording.~~

4.3.190 Filing and Recording

- A. **Filing Plat with County.** Within 60 days of the ~~city~~City's 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~~City a mylar copy and ~~10~~10 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.
  - 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.~~

4.3.200 Replatting and Vacation Plats

- A. **Replatting and Vacations.** Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.
- 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 Section 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 - Filing and Recording 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 have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots 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. Accessways.** The ~~city~~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.~~

### 4.3.210 Lot Line Adjustments

Lot line adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

**A. Submission Requirements.** All applications for ~~Lot Line Adjustment~~lot line adjustment shall be made on forms provided by the ~~city~~City and shall include information required for a Type I application, as governed by ~~Chapter~~Section 4.1.3300. 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 Section 3.2.2.B-C, Existing Fences and Walls 200 - Landscape Conservation; and any other information deemed necessary by the City ~~Staff or designee~~staff or designee for ensuring compliance with ~~city~~City codes.

**B. Approval Process.**

1. Decision-making processProcess. Lot ~~line adjustments~~line adjustments shall be reviewed by means of a Type I procedure, as governed by ~~Chapter~~Section 4.1.3300 - Type I Procedure (Ministerial), using approval criteria contained in ~~subsection~~Section 4.3.210, C, below.
2. Time limitLimit on approvalApproval. The lot line adjustment approval shall be effective for a period of ~~1~~one year from the date of approval, during which time it must be recorded.
3. Lapsing of approvalApproval. The lot line adjustment approval shall lapse if:
  - a. The lot line adjustment is not recorded within the time limit in subsection 2 above;
  - 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. **Approval Criteria.** The City Official shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment~~7~~; however, ~~the~~ the number of lots or parcels may be reduced;
2. ~~Lot standards~~ Standards. All lots and parcels comply with the applicable lot standards of the land use district (Chapter 2.0) including lot area and dimensions.
3. ~~Access~~. All lots and parcels comply with the standards or requirements of ~~Chapter~~ Section 3.1 ~~=~~ Access and Circulation; and
4. ~~Setbacks~~. The resulting lots, parcels, tracts~~7~~, and building locations comply with the standards of the land use district (Chapter 2.0).
5. Exemptions 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.
6. The proposal may not create non-conforming lots or make an existing non-conforming lot more non-conforming.

D. **Recording Lot Line ~~Adjustments~~ Adjustment.**

1. Recording. Upon the ~~city's~~ City's approval of the proposed lot line adjustment~~7~~, 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~~ City, to be filed with the approved application.
2. Time limit ~~Limit~~. The applicant shall submit a copy of the recorded lot line adjustment survey map to the ~~city~~ City within 15 days of recording and prior to the issuance of any building permits on the ~~re~~ ~~configured~~ reconfigured lots.

E. **Extension.** The ~~city~~ City may, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

- ~~2~~ 1. No changes are made on the original plan as approved by the ~~city~~ City;
- ~~3~~ 2. The applicant can show intent of recording the approved partition or lot line adjustment within the one year extension period;
- ~~4~~ 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~~ Code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.

## 4.4 Conditional Use Permits

### 4.1.100 Purpose

# ~~Chapter 6.0 Chapter 4.4 Conditional Use Permits~~

## Sections:

- ~~4.4.100 Purpose~~
- ~~4.4.200 Approvals Process~~
- ~~4.4.300 Application Submission Requirements~~
- ~~4.4.400 Criteria, Standards and Conditions of Approval~~
- ~~4.4.500 Additional Development Standards for Conditional Use Types~~

### ~~4.4.100 Purpose~~

There are certain uses that, 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 2.0 - Land Use Districts. The purpose of ~~Chapter~~Section 4.4 is to provide standards and procedure 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 Approvals Process~~

#### 4.4.200 Approvals Process

- A. Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (~~Chapter~~Section 4.1.5400). The application shall meet submission requirements in ~~Section 4.4.3~~Section 4.4.300 - Application Submission Requirements, and the approval criteria contained in Section 4.4.4400 - Criteria, Standards, and Conditions of Approval.
- B. Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with ~~Chapter~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval.

### ~~4.4.300 Application Submission Requirements~~

#### 4.4.300 Application Submission Requirements

In addition to the submission requirements required in ~~Chapter~~Section 4.1 - Types of Applications and Review Procedures, an application for conditional use approval must include the applicable information in A through H below. For a description of each item, please refer to ~~Chapter~~Section 4.2.5500 - Site Design Review - Application Submission Requirements:

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- ~~City of Weston Development Code~~  
City of Weston Development Code
- D. A landscape plan;



~~4.4.300 Application Submission Requirements (continued)~~

- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants; and
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400 - [Criteria, Standards, and Conditions of Approval](#).

~~4.4.400 Criteria, Standards and Conditions of Approval~~[4.4.400 Criteria, Standards, and Conditions of Approval](#)

The ~~city~~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 are adequate for 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 can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

**B. Site Design Standards.** The criteria for Site Design Review approval (~~Chapter~~Section 4.2.600 - [Site Design Review Approval Criteria](#)) shall be met.**C. Conditions of Approval.** The ~~city~~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~~that 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;

**4.4.400 Criteria, Standards and Conditions of Approval: (cont./tbl)**

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, 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~~ [\(Section 3.7 - Sensitive Lands\)](#));
  13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of ~~Chapter 3.1~~ [Section 3.1 - Access and Circulation](#), and Section 3.1. ~~0-000~~ [D.2](#), in particular.
- D. Transportation System Facilities and Improvements.** Construction, reconstruction, or widening of highways, roads, bridges, or other transportation facilities that are (1) not designated in the ~~city's~~ [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~~ [districts](#) subject to a Conditional Use Permit and satisfaction of all of the following criteria:
1. The project and its design are consistent with the ~~city's~~ [City's](#) adopted ~~Transportation System Plan (TSP)~~, [TSP](#), or, if the ~~city~~ [City](#) has not adopted a TSP, consistent with the State Transportation Planning Rule, OAR 660-012 (the "~~TPR~~").
  2. 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.
  3. 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.
  4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the ~~comprehensive plan~~, [Comprehensive Plan](#), the requirements of this ordinance, and the TSP or TPR.
- E.** For ~~State~~ [state](#) transportation 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 Section 4.4.400 ~~D.2-5~~ [- Criteria, Standards, and Conditions, D., subsections 2 through 5](#). Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.



#### ~~4.4.400 Criteria, Standards and Conditions of Approval. (Con/Uncl)~~

If the ~~city~~City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with ~~conditional use permit~~, Conditional Use Permit approval. The applicant shall choose one of the following options:

1. If the ~~city~~City determination of inconsistency is made prior to a final decision on the ~~conditional use permit~~Conditional Use Permit application, permanently withdraw the ~~conditional use permit~~Conditional Use Permit application; or
2. If the ~~city~~City determination of inconsistency is made prior to a final decision on the ~~conditional use permit~~Conditional Use Permit application, withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a ~~conditional use permit~~Conditional Use Permit if and when the amendment is approved; or
3. If the ~~city~~City determination of inconsistency is made prior to a final decision on the ~~conditional use permit~~Conditional Use Permit application, submit a plan/zoning amendment application for joint review and decision with the ~~conditional use permit~~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
4. If the ~~city~~City determination of inconsistency is part of a final decision on the ~~conditional use permit~~Conditional Use Permit application, submit a new ~~conditional use permit~~Conditional Use Permit application, along with a plan/zoning amendment application for joint review and decision.

- G. A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after three ~~(3)~~ years.

#### ~~4.4.500 Additional Development Standards for Conditional Use Types.~~

#### 4.4.500 Additional Development Standards for Conditional Use Types

- A. **Concurrent Variance Application(s).** A ~~conditional use permit~~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 2.0 - Land Use Districts.

# ~~Chapter 21.0 Chapter 4.5 Master Planned Developments~~

## Sections:

- ~~4.5.100 Purpose~~
- ~~4.5.110 Applicability~~
- ~~4.5.120 Review and Approvals Process~~
- ~~4.5.130 Overlay Zone and Concept Plan Submission~~
- ~~4.5.140 Overlay Zone and Concept Plan Approval Criteria~~
- ~~4.5.150 Administrative Procedures~~

## ~~4.5.100 Purpose:~~

## ~~A~~ 4.5 Master Planned Developments

### 4.5.100 Purpose

A. Purpose. The purposes of this ~~Section are~~section is to:

1. Implement the ~~Development~~development standards of Chapter 2.0, Section 2.1, Residential7,District, by providing a means for master planning large development sites~~;~~
2. Encourage innovative planning that results in more mixed use development~~;~~ improved protection of open spaces, and transportation options and site phasings of development;
3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
4. Facilitate the efficient use of land;
5. Promote an economic arrangement of land use~~;~~ buildings, circulation systems, open space, and utilities;
6. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development~~;~~
7. Encourage energy conservation and improved air and water quality and;
8. Assist the City in planning infrastructure improvements.

~~4.5.110 Applicability.~~4.5.110 Applicability

The ~~master planned development~~ Master Planned Development designation is an overlay zone, which may be applied over the ~~city's~~ City's residential land use district. An applicant may elect to develop a project as a ~~master planned development~~ Master Planned Development in compliance with the requirements of this chapter. In addition, the ~~city~~ City may require that the following types of development be processed using the provisions of this ~~Chapter~~ chapter:

- A. Subdivisions required to conform to the Master Planned Development standards of Chapter 2.0.

~~4.5.120 Review and Approvals Process.~~~~A-4.5.120 Review and Approvals Process~~

- A. Review Steps. There are three required steps to planned development approval:

1. The approval of a planned development overlay zone and concept plan;
2. The approval of a detailed development plan; and
3. The approval of a preliminary subdivision plat(s) and/or ~~site design review~~ Site Design Review application(s).

- B. ~~B-Approval Process.~~

1. The Master Planned Development ~~(PD)~~ overlay zone and ~~Concept Plan~~ concept plan shall be reviewed together using the Type II procedure in Section 4.1.400, ~~- Type II Procedure (Quasi-Judicial)~~, the submission requirements in Section 4.5.160 ~~- Detailed Development Plan Submission Requirements~~, and the approval criteria in Section 4.5.170 ~~- Detailed Development Plan Approval Criteria.~~
2. The detailed development plan shall be reviewed using the Type II procedure in Section 4.1.400, ~~- Type II Procedure (Quasi-Judicial)~~, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats and ~~site design review~~ Site Design Review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Section 4.2.400 ~~- Site Design Review - Application Review Procedure.~~
4. Steps 1 ~~= through~~ 3 ~~7~~ above, may be combined in any manner, so long as the decision-making sequence follows that in ~~subsection A,~~ Section 4.5.120, A. above. Notification and hearings may be combined.
5. The design standards of Chapter 3.0 apply to all ~~master planned developments.~~ Master Planned Developments. Variances shall conform to the standards and procedures of ~~Chapter~~ Section 5.1 - Variances.

~~4.5.130 Overlay Zone and Concept Plan Submission.~~4.5.130 Overlay Zone and Concept Plan Submission

- A. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by ~~Chapter~~ Section 4.1.400, ~~- Type II Procedure (Quasi-Judicial)~~. In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
3. A statement of the ~~applicant's~~ applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.5.170 - Detailed Development Plan Approval Criteria.
5. Special studies prepared by qualified professionals may be required by the City approval authority to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

**B. Additional Information.** In addition to the general information described in ~~Subsection "~~Section 4.5.130, A~~"~~, above, the concept plan, data, and narrative shall include the following exhibits and information:

1. Existing Conditions map, as defined in Section 4.2.500 - Site Design Review - Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);
6. Sign concept (e.g., locations, general size, style and materials of signs);
7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

~~4.5.140 Overlay Zone and Concept Plan Approval Criteria~~

4.5.140 Overlay Zone and Concept Plan Approval Criteria

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not all of the criteria are satisfied when denying an application.

**A. Comprehensive Plan** - All relevant provisions of the Comprehensive Plan are met.

~~4.5.140 Overlay Zone and Concept Plan Approval Criteria (continued)~~

- B. **Land Division Chapter.** All of the requirements for land ~~divisions~~divisions, as applicable, shall be met (~~Chapter~~Section 4.3 - Land Divisions and Lot Line Adjustments).
- C. **Chapter 2.0 Land Use ~~and Design Standards~~-Districts.** All ~~of~~ the land use and design standards contained in Chapter 2.0 for ~~the~~ Industrial Service and Commercial ~~District~~ Districts are met, except as modified in Section 4.5.140 - Overlay Zone and Concept Plan Approval Criteria.
- D. **Requirements for Common Open Space.** Where common open space is designated, the following standards apply:
  - 1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
  - 2. The open space shall be conveyed in accordance with one of the following methods:
    - a. By dedication to the ~~city~~City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Staff~~staff~~ or designee with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one ~~environmental assessment~~Environmental Assessment), and budgetary and maintenance abilities;
    - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

~~4.5.150 Administrative Procedures~~

4.5.150 Administrative Procedures

- A. **Land ~~use district map designation~~-Use District Map Designation.** After a planned development overlay zone has been approved, the land use ~~district~~ district map shall be amended in accordance with ~~Chapter~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval, to indicate the approved planned development designation for the subject development site~~z~~. The approval of the planned development overlay zone shall not expire.
- B. **Time ~~limit~~Limit on filing of detailed development plan-Filing Of Detailed Development Plan.** Within three ~~(3)~~ years after the date of approval of the concept plan, the applicant or his ~~or~~/her successor shall prepare and file with the City a detailed development plan, in conformance with Section 4.5.160 - Detailed Development Plan Submission Requirements.
- C. **Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
  - 1. No changes have been made on the original conceptual development plan as approved;
  - 2. The applicant can show intent of applying for detailed development plan review within the one year extension period;

3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
4. The extension request is made before expiration of the original approval period.

## ~~4.5.160 Detailed Development Plan Submission Requirements.~~

### 4.5.160 Detailed Development Plan Submission Requirements

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final ~~propose~~proposed location of all lots, tracts<sup>7.2</sup>, parcels, open space, rights-of-way<sup>7.2</sup>, building envelopes and other features prior to approval of a development permit (e.g., Land Division, Development Review<sup>7.2</sup>, Site Design Review<sup>7.2</sup>, etc.). The detailed development plan shall be reviewed using a Type III procedure.

## ~~4.5.170 Detailed Development Plan Approval Criteria.~~

### 4.5.170 Detailed Development Plan Approval Criteria

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, consistent with the following criteria:

- A. Increased residential densities or lot coverage by no more than 15 percent, when such change conforms to the Comprehensive Plan<sup>7.2</sup>;
- B. A reduction to the amount of open space or landscaping by no more than 10 percent;
- C. An increase in lot coverage by buildings or changes in the amount of parking by no more than 15 percent. Greater changes require a major modification (~~Chapter 4.6~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval);
- D. No change in land use shall be permitted without approving a major modification to the concept plan (~~Chapter~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval);
- E. No change ~~which~~that places development within environmentally sensitive areas or areas subject to a potential hazard shall be approved without approving a major modification to the concept plan (~~Chapter 4.6~~); and Section 4.6 - Modifications to Approved Plans and Conditions of Approval;
- F. The location of buildings, proposed streets<sup>7.2</sup>, parking lot configuration, utility easements<sup>7.2</sup>, landscaping or other site improvements shall be as proposed on the concept plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 100 feet shall require approval of a major modification, in conformance with ~~Chapter 4.6~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval; and
- G. Other substantial modifications made to the approved conceptual development plan shall require approval of either a minor modification or major modification, in conformance with ~~Chapter 4.6~~Section 4.6 - Modifications to Approved Plans and Conditions of Approval.

## ~~4.5.180 Development Review and Building Permit Approvals.~~

Upon receiving detailed development plan approval, the applicant may apply for a development permit (e.g., Land Division, Development Review, Site Design Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

- A. ~~Chapter 4.2~~ Section 4.2 - Development Review and Site Design Review applies to developments requiring Development Review or Site Design Review.
- B. ~~Chapter~~ Section 4.3 ~~applies to~~ Land Divisions and Lot Line Adjustments applies to land divisions.



- C. **Streamlined ~~review option~~ Review Option.** Preliminary subdivision plats and ~~site design review~~ Site Design Review applications for approved ~~master planned developments~~ Master Planned Developments may be reviewed using a Type II procedure, ~~rather than the conventional Type II procedure.~~ This shall be the ~~applicant's~~ applicant's option. The variation from the standard procedures of ~~Chapter~~ Section 4.2 - Development Review and Site Design Review, and ~~Chapter~~ Section 4.3 - Land Divisions and Lot Line Adjustments is intended to streamline review of projects that have received planned development approvals, since those projects have previously been subject to public review and hearings.

# ~~Chapter 22.0 Chapter 4.6 Modifications to Approved Plans and Conditions of Approval~~

## ~~Sections:~~

~~4.6.100 Purpose~~

~~4.6.200 Applicability~~

~~4.6.300 Major Modifications~~

## ~~4.6.100 Purpose~~

### 4.6 Modifications to Approved Plans and Conditions of Approval

#### 4.6.100 Purpose

The purpose of this ~~Chapter~~section is to provide an efficient process for modifying land use decisions ~~an~~and approved development plans, in recognition of the cost and complexity of land development and the need to conserve ~~city~~City resources.

## ~~4.6.200 Applicability~~

#### 4.6.200 Applicability

- A. This ~~Chapter~~section 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;
  4. Master Planned Developments; and
  5. Conditions of approval on any of the above application types.
  6. This ~~Chapter~~section does not apply to land use district changes, text amendments, temporary use permits, or other permits.

## ~~4.6.300 Major Modifications~~

#### 4.6.300 Major Modifications

- A. **Major Modification Defined.** The Planning Commission shall determine that a major modification(s) request is required if one or more of the changes listed below are proposed:
  1. A change in land use;

3. Changes in the type and/or location of access ~~ways~~ ways, drives, or parking areas that ~~affect~~ effect 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 ~~1~~ Section 4.6.300, A., subsections 1 through 6, which are likely to have an adverse impact on adjoining properties.

**B. Major Modification Request.** An applicant may request a major modification as follows:

1. Upon the City Official determining that the proposed modification is a major modification, the applicant shall submit an application for a major modification.
2. The modification request shall be subject to the same review procedure (Type I or II) 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~~ 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.

~~4.6.400 Minor Modifications.~~

4.6.400 Minor Modifications

- A. **Minor Modification Defined.** Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section 4.6. ~~3300~~ 300, above, shall be considered a minor modification.
- B. **Minor Modification Request.** An application for approval of a minor modification is reviewed using the Type ~~of~~ of procedure outlined in Section 4.1.300. A minor modification shall be approved, approved with conditions, or denied by the Planning Commission and/or City ~~Official~~ Council 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 4.6.300, above.

# ~~Chapter 23.0 Chapter 4.7 Land Use District Map and Text Amendments~~

~~Sections:~~

- ~~4.7.100 Purpose~~
- ~~4.7.200 Legislative Amendments~~
- ~~4.7.300 Quasi-Judicial Amendments~~
- ~~4.7.400 Conditions of Approval~~

~~4.7.100 Purpose.~~

## 4.7 Land Use District Map and Text Amendments

### 4.7.100 Purpose

The purpose of this ~~chapter~~section 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. Copies of map changes shall be kept in Chapter 6.0 of this ~~code~~Code.

~~4.7.200 Legislative Amendments.~~

### 4.7.200 Legislative Amendments

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type ~~III~~III procedure in ~~Chapter 4.1, Section 5 and shall conform to~~ Section 4. ~~7.600~~1.500 - Type III Procedure (Legislative).

~~4.7.300 Quasi-Judicial Amendments.~~

### 4.7.300 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 II procedure, as governed by ~~Chapter Section~~ 4.1.400, - Type II Procedure (Quasi-Judicial), using standards of approval in ~~Subsection "Section 4.7.300, D"~~Section 4.7.300, D, below. The approval authority shall be as follows:
1. The Planning Commission shall review and render a decision on land use district map changes that do not involve ~~comprehensive plan~~Comprehensive Plan map amendments;
  2. The Planning Commission shall make a recommendation to the City Council on an application for a ~~comprehensive plan~~Comprehensive Plan map amendment. The City Council shall decide such applications; and
  3. The Planning Commission shall make a recommendation to the City Council on an application for a land use district change that also involves a ~~comprehensive plan~~Comprehensive Plan map amendment application. The City Council shall decide both applications.

**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;
2. Approval of the request is consistent with the Comprehensive Plan; and
3. The property and affected area is 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.
4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the ~~comprehensive plan~~ Comprehensive Plan or land use district map regarding the property is the subject of the application and the applicable provisions of Section 4.7. ~~600 - Transportation Planning Rule Compliance.~~

~~4.7.400 Conditions of Approval.~~

4.7.400 Conditions of Approval

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be for approval or denial.

~~4.7.500 Record of Amendments.~~

4.7.500 Record of Amendments

The City Official or designee shall maintain a record of amendments to the text of this Code and the land use ~~districts~~ districts map in a format convenient for public use.

~~4.7.600 Transportation Planning Rule Compliance.~~

4.7.600 Transportation Planning Rule Compliance

- A. When a development application includes a proposed ~~comprehensive plan~~ 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. 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~~ City's 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 what 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 ~~Transportation System Plan~~ TSP.
  
- B. Amendments to the ~~comprehensive plan~~ Comprehensive Plan and land use standards that significantly affect a transportation facility shall ~~assure~~ ensure that allowed land uses are consistent with the function, capacity, and performance standards of the facility identified in the ~~Transportation System Plan~~ 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 ~~Transportation System Plan~~ TSP to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the ~~Transportation Planning Rule~~ 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.

# ~~Chapter 24.0 Chapter 4.8 Code Interpretations~~

## ~~Sections:~~

### ~~4.8.100 Purpose~~

### ~~4.8.100 Purpose.~~

## 4.8 Code Interpretations

### 4.8.100 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.

### ~~4.8.200 Code Interpretation Procedure.~~

### 4.8.200 Code Interpretation Procedure

- A. **Requests.** A request for a ~~code~~Code interpretation (~~“(“interpretation”)~~) shall be made in writing to the City Official.
- B. **Decision to Issue Interpretation.** The Planning Commission shall have the authority to review a request for an interpretation following a Type I procedure as set forth in Section 4.1.400 - Type II Procedure (Quasi-Judicial).
- C. **Declining Requests for Interpretations.** The Planning Commission is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, 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 and the decision is not subject to any further local appeal.
- 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.
- E. **Appeals.** The applicant and any party who received such 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. The appeal may be initiated by filing a notice of appeal with the City Council pursuant to ~~Chapter~~Section 4.1.400 - Type II Procedure (Quasi-Judicial), G.
- F. **Appeal Procedure.** City Council shall hear all appeals of a Planning Commission interpretation as a Type II action pursuant to ~~Chapter~~Section 4.1.400 - Type II Procedure (Quasi-Judicial), 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.
- G. **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~~Council's decision is filed, the decision



~~City of Weston~~ remains effective unless or until it is ~~modified by the Land~~ Use Board of Appeals or a court of competent jurisdiction. ~~March 2001~~

~~City of Weston~~ ~~Zoning Ordinance Text~~ ~~March 2001~~  
**H. Interpretations On File.** The ~~city~~ City shall keep on file a record of all ~~code~~ Code interpretations.

# ~~Chapter 25.0 Chapter 4.9 Miscellaneous Permits~~

## Sections:

~~4.9.100 Temporary Use Permits~~

~~4.9.100 Temporary Use Permits~~

## 4.9 Miscellaneous Permits

### 4.9.100 Temporary Use Permits

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. Three types of temporary uses require permit approval (~~See~~ see subsections A., B., and C. below):

**A. Seasonal and Special Events.** These types of uses may occur only once in a calendar year and for a period no longer ~~a period~~ than 30 days. Using the Type II procedure under ~~Chapter~~ Section 4.1.400 - Type II Procedure (Quasi-Judicial), the ~~city~~ City shall approve by ~~Ordinance 4-112~~ with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

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 proof of the property ~~owner's~~ owner's permission to place the use on his/her property;
3. Customers and employees of the temporary use shall utilize no parking that is needed by the property owner to meet their minimum parking requirement under ~~Chapter~~ Section 3.3 - Vehicle and Bicycle Parking;
4. The use provides adequate vision clearance, as required by ~~Chapter 3.1.200~~ Section 3.1.200 - Vehicular Access and Circulation, and shall not obstruct pedestrian access on public streets;
5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by ~~Chapter~~ Section 3.1.200 - Vehicular Access and Circulation;
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use; and
7. The use is adequately served by sewer or septic system and water, 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 4.1.400, 300 - Type I Procedure (Ministerial), the ~~city~~ City may approve, approve with conditions, or deny an application for the use of any real property within the ~~city~~ 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~~ City, but for no other purpose, based on the following criteria:

1. Temporary sales office; 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; 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~~ 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~~ City may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the ~~city~~ City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on following criteria:

1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by ~~Chapter~~ Section 3.1.200 - Vehicular Access and Circulation;
4. There is adequate parking for the customers or users of the temporary use as required by ~~Chapter 3.3~~ Section 3.3 - Bicycle and Vehicle Parking;

~~Bicycle and Vehicle Parking;~~

5. The use will not result in vehicular congestion on streets;
6. The use will pose no hazard to pedestrians in the area of the use;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;
8. The building complies with applicable building codes;
9. The use can be adequately served by sewer or septic system and water, 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~~<sup>six</sup> months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

~~4.9.200 Special Exceptions for Temporary Mobile Home Placement.~~4.9.200 Special Exceptions for Temporary Manufactured Dwelling Placement

- A. Purpose.** The purpose of this section is to establish special exceptions for temporary ~~mobile home~~ manufactured dwelling placement. These exceptions are intended to provide a means for modifying ~~mobile home~~ manufactured dwelling placement requirements in cases where a strict adherence to them might cause unusual or undue hardship to a citizen and contravene the goals of the Comprehensive Plan for the City. ~~UNDUE HARDSHIP.~~ Undue hardship shall refer to unique and temporary conditions that exist ~~which~~ that justify the need for temporary housing on a given lot or parcel, such as a dwelling for seasonal farm labor, aged or disabled family members, domestic employees, or similar dwelling needs of a temporary nature that relate to the use of the principal use on the property in question. Nothing in this section shall be construed to require the granting of such special exception.
- B. Circumstances for ~~granting exception:~~ Granting Exception.** A ~~mobile home~~ manufactured dwelling may be temporarily located on a building site or lot under the following circumstances:
1. Where there exists a personal, but not necessarily financial, hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the ~~applicant's~~ applicant's dwelling or ~~mobile home~~ manufactured dwelling.
- C. Conditions.** The following conditions shall be applied by the Planning ~~Committee~~ Commission in evaluating an application for special exception for temporary ~~mobile home~~ manufactured dwelling placement.
1. Approval shall clearly set forth the conditions under which the temporary ~~mobile home~~ manufactured dwelling placement is allowed;
  2. Approval shall be for a period of one year ~~which~~ and may be renewed. However, the ~~mobile home~~ manufactured dwelling shall be removed 30 days after the original need has ceased;
  3. The Planning Commission may require ~~doctor's~~ doctor's certification for applications or renewals based upon family member dependency due to medical reasons;
  4. The location of a temporary ~~mobile home~~ manufactured dwelling on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage, and access requirements of the applicable zoning district shall not apply; ~~however, temporary dwellings shall be billed for city utility services separately.~~
  5. In granting a special exception for temporary ~~mobile home~~ manufactured dwelling placement, the Planning Commission may impose additional reasonable conditions to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.
- D. Penalty.** A penalty may/shall be imposed if a citizen is not in compliance with conditions set forth by the Planning Commission. ~~Penalty~~ The penalty imposed will be no less than \$50 and no more than \$100 every 30 days after ~~non~~ non-compliance is determined. Said fine will be upon the discretion of the Municipal Judge.

**4.9.200 Special Exceptions for Temporary Mobile Home Placement. (continued)**

- ~~A. Purpose. The purpose of this section is to establish special exceptions for temporary mobile home placement. These exceptions are intended to provide a means for modifying mobile home placement requirements in cases where a strict adherence citizen and contravene the goals of the Comprehensive Plan for the County. **UNDUE HARDSHIP** shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel such as a dwelling for seasonal farm labor, aged or disabled family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal use on the property in question. Nothing in this section shall be construed to require the granting of such special exception.~~
- ~~B. Circumstances for granting exception. A mobile home may be temporarily located on a building site or lot under the following circumstances:~~
- ~~(1) Where there exists a personal, but not necessarily financial, hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile~~
- ~~C. Conditions. The Following conditions shall be applied by the Planning Commission in evaluating an application for the special exception for temporary mobile~~
- ~~(1) Approval shall clearly set forth the condition under which the temporary mobile home placement is allowed.~~
  - ~~(2) Approval shall be for a period of one year which may be renewed. However, the mobile home shall be removed 30 days after the original need has ceased;~~
  - ~~(3) The Planning Commission may require doctor's certification for applications based upon family member dependency due to medical reasons;~~
  - ~~(4) The location of a temporary mobile home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;~~
  - ~~(5) In granting a special exception for temporary mobile home placement, the Planning Commission may impose additional reasonable conditions policies of the Compressive Plan. Guarantees and evidence of compliance with conditions may be required. (Ord. 83-4, passed 5-9-83)~~

# ~~Chapter 26.0 Chapter 4.10 Traffic Impact Study~~

## Sections:

### ~~4.10.100 Purpose~~

~~The purpose of this section of the code~~ [4.10 Traffic Impact Study](#)

#### 4.10.100 Purpose

[The purpose of this section of the Code](#) is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This ~~Chapter~~ [section](#) 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 in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the [Traffic Impact Study](#).

### ~~4.10.100 General~~

~~A. The City of Weston is responsible for determining new street names, re-naming City-owned streets, and making logical address assignments and re-assignments as policy recommends within the City limits. Address assignments within the incorporated City are not the responsibility of the Postal Service but of the incorporated City.~~

~~A. The City has developed standards, procedures, and guidelines to meet this responsibility. Street naming and property addressing shall conform to the City of Weston Street Naming and Property Addressing Guidelines, a document published separately.~~

~~B. The City Recorder or Public Works Director shall make property address assignments and street naming assignments in accordance with the requirements of this ordinance. The City Council shall approve renaming of existing streets in accordance with the requirements of this ordinance.~~

### ~~4.10.120 Responsibility~~

~~A. The City Recorder, Public Works Director, or his/her designee, shall make property address assignments and street naming assignments utilizing, as appropriate, the City of Weston Street Naming and Property Addressing Guidelines.~~

~~B. The City Recorder is responsible for maintaining a log of address/street name conflicts. The Planning Commission shall review the street name log annually and shall make recommendations for correction to the Council, as needed.~~

~~C. The City is responsible for posting and maintaining public street signs reflecting the commonly used name for all City-owned streets unless the intersection abuts a County street or State highway.~~

~~D. The property owner (or homeowner's association, when applicable) is responsible for posting and maintaining the property number (address) and for posting and maintaining any private street signs.~~

~~4.10.10 Preliminary Plat Submission Requirements (continued)~~



~~The City of Weston Street Naming and Property Addressing Guidelines shall apply to all property addresses and street naming assignments and reassignments within the Weston city limits. Regardless of original assignment, all properties annexed by the City of Weston are subject to this ordinance.~~

#### ~~4.10.200 When Required Procedures and Standards~~

### ~~A.200~~ **When Required**

- A. When a Traffic Impact Study is Required.** A Traffic Impact Study shall be prepared and submitted to the City with the application, for review by the City and the ~~Oregon Department of Transportation~~ ODOT, when the following apply:
1. The development application involves one or more of the following actions:
    - a. A change in zoning or a plan amendment designation; or
    - b. An increase in floor area of an existing building, ~~that~~ that requires Site Design Review in accordance with Section 4.2.500 ~~- Site Design Review - Application Requirements~~; or
    - c. A land division or a consolidation of property boundaries that creates a ~~new~~ new street or changes access to an existing street; or
    - d. Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway, ~~and~~ 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~~ and information and studies provided by the local reviewing jurisdiction and/or ODOT:
    - a. An increase in site traffic volume generation by 150 ~~Average Daily Trips~~ average daily trips (ADT) or more; or
    - b. An increase in ADT volume of a particular movement and from the State highway by 20% ~~percent~~ percent or more; or
    - c. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle ~~weights~~ weight 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~~ 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.

#### ~~4.10.210 Purpose and Authority~~

~~A. Names for new public and private streets shall be determined by the City Recorder or Public Works Director in accordance with the policies as set forth in the City of Weston Street Naming and Property Addressing Guidelines. Names shall be approved by the City Council by resolution.~~

~~4.3.130 Preliminary Plat Submission Requirements (continued)~~

~~D. Names for new streets shall be assigned by the City under the Type I procedure in conjunction with approval of construction drawings and Final Plat for a land division or by separate recorded street dedication document when there is no plat to be recorded. Such names shall be recorded only after prior written approval or signature by the City Recorder or Public Works Director and approval by Council.~~

~~4.10.210 Preliminary Plat Submission Required for (a) Type II or Type III procedure,~~

~~B. A proposed street re-naming may be initiated by either of the following:~~

- ~~1. Resolution of the Council~~
- ~~2. Resolution of the Planning Commission~~

~~4.10.220 Property Numbering~~

~~Property numbering and building identification shall be determined by the City Recorder or Public Works Director according to the policies as set forth in the City of Weston Street Naming and Property Addressing Guidelines.~~

~~4.10.240 Posting of Site, Property, or Building Address~~

~~A. A property owner shall post the address as assigned by the City.~~

- ~~1. For new construction, the property and/or individual building address shall be posted on a temporary sign of a size as determined by the Manager prior to or at the time of Building permit issuance.~~
- ~~2. Such temporary posting shall be consistent with the provisions of Section 3.6.500, with the exception of time limit, which may be extended until final approval of the affected building.~~

~~The permanent address shall be posted prior to occupancy of the building in a location and manner as approved by the City Recorder or Public Works Director.~~ [4.10.300 Traffic Impact Study Requirements](#)

- ~~1. No occupancy shall be issued until the address is posted in accordance with the approved addressing plan.~~

~~B. An assigned property and/or building number shall be posted on the building.~~

- ~~1. If a number is painted with reflective paint on the curb, it shall be located no further than 3 feet away from the driveway apron.~~
- ~~2. Posting of the address on a mailbox or curb shall be considered supplementary to the posting on a building wall and shall not be considered a complete posting of the property address.~~

~~C. A corrected address shall be posted within 15 days either before or after the effective date on the Official Notification.~~

~~4.10.210 Violation and Penalties~~

- ~~A. No property may be occupied, no Certificate of Occupancy may be knowingly issued, and no final inspection may be performed until the subject property has been properly assigned an address and the address has been correctly and clearly posted in accordance with this ordinance.~~
- ~~B.A. A person violating a provision of this ordinance shall be subject to a fine of not more than \$500. A violation shall be considered a separate violation for each day it continues.~~
- ~~C.A. Violations of this ordinance shall constitute a nuisance, which may be abated by appropriate Proceedings.~~

~~4.3.130 Preliminary Plat Submission Requirements (continued)~~

- ~~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 4.7.600 - [Transportation Planning Rule Compliance](#).

~~4.10.400 Approval Criteria~~

4.10.400 Approval Criteria

- A. Criteria. When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria:
  1. The Traffic Impact Study was prepared by a professional engineer in accordance with OAR 734-05-180; and
  2. If the proposed development shall cause one or more of the effects in Section 4.10. ~~200A.5 - above,~~ [200 - When Required, A.](#), or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study ~~includes~~ [shall include](#) 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, ~~z~~ 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 Weston Development Code, ~~z~~ including ~~Chapters~~ [Sections](#) 3.1 - Access and Circulation, 3.2 ~~z~~ - Landscaping, [Street Trees, Fences and Walls](#), 3.3 - Vehicle and Bicycle Parking, 3.4 - Public Facilities Standards, ~~z~~ [3.5 - Surface Water Management](#), ~~z~~ [and](#), [and](#) 3.8 - Loading Standards.
- B. Conditions of Approval. The City may deny, approve, or approve the proposal with appropriate conditions.

4.11 Street Names

4.11.100 General

- A. [The City of Weston is responsible for determining new street names, re-naming City-owned streets, and making logical address assignments and re-assignments as policy recommends within the city limits. Address assignments within the incorporated City are not the responsibility of the Postal Service but of the incorporated City.](#)

B. The City has developed standards, procedures, and guidelines to meet this responsibility. Street naming and property addressing shall conform to the City of Weston Street Naming and Property Addressing Guidelines, a document published separately.

~~4.3.130 Preliminary Plat Submission Requirements (continued)~~

C. The City Official or Public Works Director shall make property address assignments and street naming assignments in accordance with the requirements of this ordinance. The City Council shall approve renaming of existing streets in accordance with the requirements of this ordinance.

#### 4.11.200 Responsibility

- A. Names for new public and private streets shall be determined by the City Official or Public Works Director in accordance with the policies as set forth in the City of Weston Street Naming and Property Addressing Guidelines. Names shall be approved by the City Council by resolution.
- B. Names for new streets shall be assigned by the City under the Type I procedure in conjunction with the approval of construction drawings and the final plat for a land division or by separate recorded street dedication document when there is no plat to be recorded. Such names shall be recorded only after prior written approval or signature by the City Official or Public Works Director and approval by City Council.

#### 4.11.300 Application

The City of Weston Street Naming and Property Addressing Guidelines shall apply to all property addresses and street naming assignments and reassignments within the Weston city limits. Regardless of original assignment, all properties annexed by the City of Weston are subject to this ordinance.

#### 4.11.400 Purpose and Authority

- A. The City Official or Public Works Director, or his/her designee, shall make property address assignments and street naming assignments utilizing, as appropriate, the City of Weston Street Naming and Property Addressing Guidelines.
- B. The City Official is responsible for maintaining a log of address/street name conflicts. The Planning Commission shall review the street name log annually and shall make recommendations for correction to the City Council, as needed.
- C. The City is responsible for posting and maintaining public street signs reflecting the commonly used name for all City-owned streets, unless the intersection abuts a County street or State highway.
- D. The property owner (or homeowner's association, when applicable) is responsible for posting and maintaining the property number (address) and for posting and maintaining any private street signs.

#### 4.11.500 Renaming of Existing Public Streets or Assignment of a Name to a Public Street Platted without a Name

- A. A public City street may be named or renamed following a Type II or Type III procedure.
- B. A proposed street re-naming may be initiated by either of the following:
  - 1. Resolution of the City Council.
  - 2. Resolution of the Planning Commission.

## 4.11.600 Property Numbering

~~City of Weston~~

~~Zoning Ordinance Text~~

~~March 2001~~

~~Property numbering and building identification shall be determined by the City Official or Public Works Director according to the policies as set forth in the City of Weston Street Naming and Property Addressing Guidelines.~~

## 4.11.700 Posting of Site, Property, or Building Address

A. A property owner shall post the address as assigned by the City.

1. For new construction, the property and/or individual building address shall be posted on a temporary sign of a size as determined by the City Official prior to or at the time of building permit issuance.
2. Such temporary posting shall be consistent with the provisions of Section 3.6.500 - Signs, with the exception of time limit, which may be extended until final approval of the affected building.
3. The permanent address shall be posted prior to occupancy of the building in a location and manner as approved by the City Official or Public Works Director. No occupancy shall be issued until the address is posted in accordance with the approved addressing plan.

B. An assigned property and/or building number shall be posted on the building.

1. If a number is painted with reflective paint on the curb, it shall be located no further than 3 feet away from the driveway apron.
2. Posting of the address on a mailbox or curb shall be considered supplementary to the posting on a building wall and shall not be considered a complete posting of the property address.

C. A corrected address shall be posted within 15 days either before or after the effective date on the official notification.

## 4.11.800 Violation and Penalties

- A. No property may be occupied, no Certificate of Occupancy may be knowingly issued, and no final inspection may be performed until the subject property has been properly assigned an address and the address has been correctly and clearly posted in accordance with this ordinance.
- B. A person violating a provision of this ordinance shall be subject to a fine of not more than \$500. A violation shall be considered a separate violation for each day it continues.
- C. Violations of this ordinance shall constitute a nuisance, which may be abated by appropriate Proceedings.

# ~~Chapter 27.0 Chapter 5 Exceptions to Code Standards~~

~~5.0 Introduction~~

~~5.1 Variances~~

~~5.0 Introduction~~

## 4.12 Annexation Procedures

These regulations apply to annexation applications as specified in this section. Other proposals permitted by ORS 222 shall be processed as provided in ORS 222. In addition to the provisions specified in other sections of this Code, an annexation application shall include the following:

### 4.12.100 Purpose

To establish procedures relating to the annexation of territory into the City and provide a process for the subsequent withdrawal of territory from special districts in accordance with applicable Statute and Rule. Annexations within the State of Oregon are guided by OARs, Division 14 as set forth in OAR 660-014 and OAR 660-15 and Oregon Statewide Planning Goal 14: Urbanization - OAR 660-015-0000(14), as amended. Annexation procedures are implemented in ORS Chapters 197 and 222, as amended.

### 4.12.200 Initiation

An annexation application may be initiated by City Council resolution, or by written consents from electors and/or property owners as provided for in this section.

### 4.12.300 Application Requirements

A. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:

1. The affected tax lots, including the township, section, and range numbers;
2. The street or site addresses within the affected territory as shown in the Umatilla County Assessor records;
3. A list of all eligible electors registered at an address within the affected territory; and
4. Signed petitions as required.

B. Written consents on City-approved petition forms that are:

~~4.3.130 Preliminary Plat Submission Requirements (Continued)~~  
a. More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory; or

b. A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land.

c. Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.

C. In lieu of a petition form described above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173.

D. Verification of Property Owners form signed by the Umatilla County Department of Assessment and Taxation.

E. A Certificate of Electors form signed by the Umatilla County Elections/Voter Registration Department including the name and address of each elector.

F. An ORS 197.352 waiver form signed by each owner within the affected territory.

G. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.

H. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.

I. A Umatilla County Assessor's Cadastral Map (to scale) highlighting the affected territory and its relationship to the city limits.

J. A list of the special districts providing services to the affected territory.

K. A public/private utility plan describing how the proposed affected territory can be served by key facilities and services.

L. A written narrative addressing the proposal's consistency with the approval criteria.

M. A completed application in the form provided by the City, accompanied by an application fee as established by City Council resolution.

#### **4.12.400 Notice**

The following public notice is required for annexations:

A. The applicant, property owner, and active electors in the affected territory;

B. Owners and occupants of properties located within 100 feet of the perimeter of the affected territory;

C. Affected special districts and all other public utility providers; and

D. The Umatilla County Planning Department, Umatilla County Elections, the Umatilla County Department of Assessment and Taxation, and DLCD.



City of Weston E. Mailed Notice. Notice of the annexation application shall be mailed to A through D above. March 2001  
Zoning Ordinance Text

~~4.3.130 Preliminary Plat Submission Requirements (continued)~~  
4.3.130 Published Notice. Notice of the hearing shall be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the City.

G. Posted Notice. Notice of the public hearing at which an annexation application will be considered shall be posted in four public places in the City for two successive weeks prior to the hearing date.

### **4.12.500 Public Hearing**

The City Council shall consider the matter pursuant to the guidelines for a Type III Procedure. The City shall adopt approved annexations and withdrawals by ordinance, pursuant to the criteria below.

### **4.12.600 Criteria**

An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:

- A. The affected territory proposed to be annexed is within the City's urban growth boundary, and is:
  - 1. Contiguous to the city limits; or
  - 2. Separated from the City only by a public right-of-way or a stream, lake, or other body of water.
- B. The proposed annexation is consistent with applicable policies in the City of Weston Comprehensive Plan.
- C. The proposed annexation will result in a boundary in which key services can be provided.
- D. A signed Annexation Agreement to resolve fiscal impacts upon the City caused by the proposed annexation shall be provided. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.
- E. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180, or 222.465. The City Council's decision is the City's final decision either on the date the decision is made, or 30 days after the decision is made if there is no emergency clause in the adopting ordinance, or as specified herein. Notwithstanding the effective date of an ordinance as specified above, the effective date of annexations shall be as prescribed in ORS 222.040, 222.180, or 222.465, or as otherwise established by statute.

### **4.12.700 Application of Zoning Districts**

If the property to be annexed does not already have a City zone, an application to apply a zoning district consistent with the Comprehensive Plan designation may be applied for concurrently with the annexation application.

### **4.12.800 Effective Date, Filing of Approved Annexation, and Notice**

- A. No later than ten working days after the passage of an ordinance approving an annexation, the City Official shall:
  - 1. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives, and telecommunications carriers (as defined in ORS 133.721) operating within the City; and

2. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Umatilla County Clerk, Umatilla County Assessor, affected districts, and owners and electors in the affected territory. The notice shall

~~include the ordinance text~~

~~March 2001~~

**~~4.3.130 Preliminary Plat Submission Requirements (continued)~~**

- a. A copy of the ordinance approving the annexation;
  - b. A legal description and map of the annexed territory;
  - c. The findings; and
  - d. Each site address to be annexed as recorded on the Umatilla County assessment and taxation rolls.
3. The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory.
4. Notice of decision is mailed to the applicant, property owner, those persons who submitted written or oral testimony, those who requested notice, and as required by ORS 222.
- B. If the effective date of an annexation is more than one year after the City Council passes the ordinance approving it, the City Official shall mail a notice of the annexation to the Umatilla County Clerk no sooner than 120 days and no later than 90 days prior to the effective date of the annexation.

**4.12.900 Withdrawal**

- A. Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The Planning Commission shall recommend to the City Council for consideration of the withdrawal of the annexed territory from special districts as specified in ORS 222.
- B. Withdrawal from special districts processed separately from the process annexing the territory to the City requires a Public Hearing before the City Council with notice to the affected district(s) under the same procedure for an annexation as required in this section.
- C. Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.
- D. Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465 as applicable.
- E. Notice of Withdrawal. Notice will be provided in the same manner as specified in Section 4.12.400 - Notice.



# Chapter 5.0 - Exceptions to Code Standards

<a href="#">Chapter 5.0 - Exceptions to Code Standards</a>
<a href="#">5.1 Variances</a>
<a href="#">5.1.100 Purpose</a>
<a href="#">5.1.200 Class A Variances</a>
<a href="#">5.1.300 Class B Variances</a>
<a href="#">5.1.400 Class C Variances</a>
<a href="#">5.1.500 Variance Application and Appeals</a>
<a href="#">5.2 Non-Conforming Uses and Developments</a>
<a href="#">5.2.100 Non-Conforming Uses</a>
<a href="#">5.2.200 Non-Conforming Developments</a>

This ~~Chapter~~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 code~~The Code cannot provide standards to fit every potential development situation. The ~~city's~~City's varied geography, and complexities of land development, require flexibility. Chapter 5.0 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 codes. 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 28.0 Chapter 5.1 Variances~~

**Sections:**

~~Page 5.0.1~~ [Variances](#)

~~5.1.100 - Purpose~~

~~5.1.200 - Class A Variance~~

~~5.1.300 - Class B Variance~~

~~5.1.400 - Class C Variance~~

~~5.1.500 - Variance Application and Appeals~~

~~5.1.100 Purpose.~~

5.1.100 Purpose

The purpose of this ~~Chapter~~ section 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 Type III procedure because they involve discretionary decision-making.

~~5.1.200 Class Variances.~~

5.1.200 Class Variances

A. Class A Variances. The following variances are reviewed using a Type I procedure, as governed by ~~Chapter~~ Section 4.1 - Types of Applications and Review Procedures, using the approval criteria in ~~Subsection~~ Section 5.1.200, B, ~~below.~~

1. Front yard setbacks. Up to a 10 percent change to the front yard setback standard in the 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 zone.
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 3.0, or other design standards.

~~5.1.300 Class B Variances.~~

**A. Class B Variances Applications.** Due to their discretionary nature, the following types of variances shall be reviewed using a Type II procedure, in accordance with ~~Chapter~~[Section 4.1 - Types of Applications and Review Procedures](#):

1. Variance to minimum housing density standard (Chapter ~~2.0~~);
2. Variance to vehicular access and circulation standards (~~Chapter~~[Section 3-1.1 - Access and Circulation](#));
3. Variance to street tree requirements (~~Chapter~~[Section 3.2](#) - [Landscaping, Street Trees, Fences and Walls](#));
4. Variance to parking standards (~~Chapter~~[Section 3.3](#) - [Vehicle and Bicycle Parking](#));
5. Variance to maximum or minimum yard setbacks to reduce tree removal or impacts to wetlands (Chapter ~~2.0~~ and [Section 3.2](#) - [Landscaping, Street Trees, Fences and Walls](#));

- 6. Variance to transportation facility and improvement requirements (~~Chapter~~Section 3.4.100 - Transportation Standards).

**B. Class B Variance Approval Criteria.**

- 1. Variance to ~~minimum housing density standard~~Minimum Housing Density Standard (Chapter ~~2.0~~). The ~~city~~City may approve a variance after finding that the minimum housing density provided in Chapter ~~2.0~~ cannot be achieved due to physical constraints that limit the division of land or site development. ~~"Physical constraint"~~ means steep topography, ~~Flood Plain Design Standards (Chapter~~floodplain design standards (Section 3.7 - Sensitive Lands), unusual parcel configuration, or a similar constraint. The variance approved shall be the minimum variance necessary to address the specific physical constraint on the development.
- 2. Variance to Vehicular Access and Circulation Standards (~~Chapter~~Section 3.1 - Access and Circulation). Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, ~~shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible the~~ ~~city~~City may grant a variance to the access requirements after finding the following:
  - a. There is not adequate physical space for shared access, ~~or the owners of abutting properties do not agree to execute a joint access easement~~;
  - b. There are no other alternative access points on the street in question or from another street;
  - c. The access separation requirements cannot be met;
  - d. The request is the minimum adjustment required to provide adequate access;
  - e. The approved access or access approved with conditions will result in a safe access; and
  - f. The visual clearance requirements of ~~Chapter 3.1~~Section 3.1 - Access and Circulation will be met.
  - g. Variances for deviations regarding access to ~~State Highways~~state highways shall be subject to review and approval by the Oregon Department of Transportation.

~~5.1.300 Class B Variances (continued)~~

- 3. Variance to Street Tree Requirements (~~Chapter~~Section 3.2 - Landscaping, Street Trees, Fences and Walls). The ~~city~~City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in ~~Chapter~~Section 3.2 - Landscaping, Street Trees, Fences and Walls after finding the following:
  - a. Installation of the tree would interfere with existing utility lines; or
  - b. The tree would cause visual clearance problems; or
  - c. There is not adequate space in which to plant a street ~~tree~~tree; and
  - d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).
- 4. Variance to Parking Standards (~~Chapter 3.3~~Section 3.3 - Vehicle and Bicycle Parking).

a. The ~~city~~City may approve variances to the minimum or maximum standards for off-street parking in Section 3.3.100 ~~- Purpose~~ upon finding all of the following:

- 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. 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~~Chapters 2.0 and Chapter 3.0.



- b. ~~The city~~ may approve a reduction of required bicycle parking per Section 3.3. ~~200~~400 - Bicycle Parking Requirements, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
  - c. The ~~city~~City may allow a reduction in the amount of vehicle stacking area required for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, ~~limited services available and other pertinent factors.~~
- C. **Variance to Maximum or Minimum Yard Setbacks to Reduce Tree Removal or Impacts to Wetlands** ~~(Chapters (Chapter 2 and Section 3.2) - Landscaping, Street Trees, Fences and Walls)~~. The ~~city~~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 ~~(Chapter 2.5 Flood Plain Overlay)~~. Modification shall not be more than is necessary for the preservation of trees on the site.
- D. **Variances to Transportation Improvement Requirements (Section 3.4.100) - Transportation Standards**. The ~~city~~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 Section 3.4.100, B. When a variance request cannot be supported by the provisions of that ~~Chapter~~chapter, then the request shall be reviewed as a Class C variance.

**~~5.1.400 Class C Variances~~**

**5.1.400 Class C Variances**

- A. **Class C Variances**. Due to their discretionary nature and review of special circumstances, the variances in this subsection require a Type II process, as described in Section 5.1.400, C.
- B. **Purpose**. The purpose of this section is to provide standards for variances ~~which that~~ exceed the Class A and Class B variance criteria in Sections 5.1.200 - Class Variances, and 5.1.300 - Class B Variances. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development that is peculiar to the lot size or shape, topography, sensitive lands ~~(Chapter (Section 3.7 - 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. **Applicability**.
  - 1. The variance standards are intended to apply to individual platted and recorded lots only.
  - 2. An applicant who proposes to vary a specification standard for lots not yet created through a land division process may not utilize the Class C variance procedure.
  - 3. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use district (Chapter 2.0).
- D. **Approval Process and Criteria**.

1. Class C variances shall be processed using a Type II procedure, as governed by Section 4.1.400, Section 5.1.400, D., subsection 2, below. In addition to the application requirements contained in Section 4.1.400, - Type II Procedure (Quasi-Judicial), 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 Section 5.1.400, D., subsection 2.
2. The ~~city~~City shall approve, approve with conditions, or deny an application for a variance based on findings for all of the following criteria. Approval or approval with conditions requires satisfaction of all criteria.

- a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
- b. A hardship to development exists ~~which~~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 use proposed will be the same as permitted under this title, and ~~city~~City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

~~5.1.400 Class C Variances (continued)~~

- d. Existing physical and natural systems~~;~~, including~~;~~, but not limited to~~;~~, traffic, drainage, natural resources, and parks~~;~~, will not be adversely affected any more than would occur if the development occurred as specified by 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.

~~5.1.500 Variance Application and Appeals~~

5.1.500 Variance Application and Appeals

The variance application shall conform to the requirements for Type I or II applications (Sections 4.1.300~~;~~, - Type I Procedure (Ministerial) and Section 4.1.400 - Type II Procedure (Quasi-Judicial)), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance.

Appeals to variance decisions shall be processed in accordance with the provisions of ~~Chapter~~  
Section 4.1~~;~~

~~City - Types of Weston Development Code Page 5-1-4~~ [Applications and Review Procedures.](#)

# ~~Chapter 29.0 Chapter 5.2 Non-Conforming Uses and Developments~~

Sections:

~~5.2.100 Non-conforming Uses~~

~~5.2.100 Non-conforming Uses~~

## 5.2 Non-Conforming Uses and Developments

### 5.2.100 Non-Conforming 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:

- A. **Creation of Non-conforming Situations.** Within the land use ~~districts~~ districts established by this title or amendments that may later be adopted, there may exist ~~lots, structure,~~ lots, structures, uses of land, and structures that were lawful before the effective date of the ordinance codified in this title, but which would be prohibited, regulated, or restricted under the terms of the ordinance codified in this title or future amendment~~s~~.
- B. **Expansion Prohibited.** No ~~nonconforming~~ non-conforming use shall be 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~~s~~, building~~s~~, or sign shall be constructed on the lot in connection~~s~~ with such ~~nonconforming~~ non-conforming use of land~~s~~.
- C. **Location.** No ~~nonconforming~~ non-conforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code~~s~~.
- D. **Discontinuation or Abandonment.** The ~~nonconforming~~ non-conforming 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~~ non-conforming 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.

~~5-2-100 Non-conforming Uses (continued)~~

- E. ~~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 Non-Conforming Developments.~~

5.2.200 Non-Conforming Developments

Where a development exists at the effective date of adoption or amendment of this ~~title~~section that could not be built under the terms of this ~~Ordinance~~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. No such ~~nonconforming~~non-conforming development shall be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the Development Code or will decrease its nonconformity;
- B. Should such ~~nonconforming~~non-conforming development or ~~nonconforming~~non-conforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Umatilla County assessor, it may be reconstructed only in conformity with the Development Code~~;~~, and
- C. Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code~~;~~,
- D. Non-~~Conforming~~conforming to street access connections that exist prior to (date of adoption) that do not conform with the standards in Chapter 3.~~40~~0 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~~ percent and ~~100~~100 average daily trips (ADT).

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# ~~Chapter 30.0 CHAPTER 6.0 Zoning Map Amendments~~

## ~~Sections:~~

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### ~~6.100 Purpose.~~

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# Chapter 6.0 - Zoning Map Amendments

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<a href="#">Chapter 6.0 - Zoning Map Amendments</a>
<a href="#">6.1.100 Purpose</a>
<a href="#">6.1.200 Zoning Map Amendments</a>

## 6.1.100 Purpose

The purpose of this section of the ~~code~~[Code](#) is to create a placeholder for existing and future map amendments. This ~~chapter~~[section](#) serves as a placeholder for ordinances to be located for reference for staff and applicants.

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## ~~6.1.200 Zoning Map Amendments~~

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This section of the code does not amend the procedures for completing a land use district map and text amendment located in ~~Chapter~~[Section 4.7 - Land Use District Map and Text Amendments](#).

The map amendments ~~would~~[will](#) be located in this section in chronological order from when they ~~were~~[are](#) adopted.

# Chapter 7.0 – Amendments, Additions & Support Data

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<a href="#">Chapter 7.0 – Amendments, Additions &amp; Support Data</a>
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<a href="#">7.1.100 Purpose</a>
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<a href="#">7.1.200 FEMA Amendments</a>
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<a href="#">7.1.201 FEMA Biop November 2024 Amendments</a>
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## 7.1.100 Purpose

The purpose of this section of the Codebook is to create a placeholder for existing and future amendments and additions along with supporting supplemental data. This section serves as a placeholder for ordinances to be located for reference for staff and applicants. The additions in this section of the code do not necessarily override any earlier sections unless explicitly stated otherwise. Like all sections of this codebook, this represents the minimum standards at the time of publication. It is your responsibility to verify any updates or changes across all levels, including federal, state, county, and other regional jurisdictions. This section and these chapters are designated for additions to previously covered sections, as well as supplemental materials necessary for implementing the required regulations and laws at federal, state, regional, and local levels, including Tribal jurisdictions where applicable

## 7.1.200 FEMA Amendments

### 7.1.201 FEMA Biop November 2024 Amendments

NFIP Oregon Implementation of

# Model Floodplain

# Management Ordinance

For Participating Communities in the Implementation Plan Area

November 2024



FEMA

Federal Emergency Management Agency Region X  
Department of Homeland Security

130 228 S SW

Note to Communities: This document presents the draft model ordinance for the Pre-Implementation Compliance Measures and is intended to closely represent most of the language that will be presented as Pathway A of the Draft Implementation Plan. It is built off the 2020 State of Oregon Model Flood Hazard Management Ordinance and the 2018 iteration of the Oregon Model ordinance for ESA Integration. It reflects the NMFS 2016 Biological Opinion (BiOp) (except where noted) and is informed by the 2023 NEPA Scoping effort.

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## Acronyms and Abbreviations

<u>BiOp</u>	<u>Biological Opinion</u>
<u>CFR</u>	<u>Code of Federal Regulations</u>
<u>CLOMR</u>	<u>Conditional Letter of Map Revision</u>
<u>CRS</u>	<u>Community Rating System</u>
<u>dbh</u>	<u>diameter breast height</u>
<u>ESA</u>	<u>Endangered Species Act</u>
<u>FEMA</u>	<u>Federal Emergency Management Agency</u>
<u>LID</u>	<u>Low-Impact Development</u>
<u>LOMR</u>	<u>Letter of Map Revision</u>
<u>MHHW</u>	<u>Marine Higher-High Water line</u>
<u>NFIP</u>	<u>National Flood Insurance Program</u>
<u>NMFS</u>	<u>National Marine Fisheries Service</u>
<u>OHWM</u>	<u>Ordinary High-Water Mark</u>
<u>ORS</u>	<u>Oregon Revised Statutes</u>
<u>ORSC</u>	<u>Oregon Residential Specialty Code</u>
<u>OSSC</u>	<u>Oregon Structural Specialty Code</u>
<u>RBZ</u>	<u>Riparian buffer zone</u>
<u>SFHA</u>	<u>Special Flood Hazard Area</u>
<u>TB</u>	<u>Technical Bulletin</u>

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# Chapter 7.201.SECTION 1. Introduction

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FEMA developed this model flood hazard management ordinance (“2024 model ordinance”) to address the requirements outlined in the Draft Implementation Plan for National Flood Insurance Program (NFIP)-Endangered Species Act (ESA) Integration in Oregon (“Oregon Implementation Plan”).

The Federal Emergency Management Agency (FEMA) consulted with the National Marine Fisheries Service (NMFS) on potential effects of the implementation of the NFIP in Oregon on listed species under NMFS authority. In 2016, NMFS issued a Biological Opinion (BiOp), which recommended changes to the implementation of the NFIP in Oregon within the plan areas (see the 2024 Draft Oregon Implementation Plan for NFIP-ESA Integration [2024 Draft Implementation Plan] for a description of the plan area).

As a result of the BiOp issued by NMFS, communities are required to demonstrate how floodplain development is compliant with the Endangered Species Act in the SFHA while the 2024 Draft Implementation Plan undergoes an Environmental Impact Statement (EIS). The 2024 model ordinance provides the tools this community will need to implement “Path A” of the 2024 Draft Implementation Plan. It then serves as one of three actions a community can take under Pre-Implementation Compliance Measures (PICM).

The regulatory language contained within this 2024 model ordinance is adopted verbatim and incorporated into local floodplain and land use regulations, as per our community’s defaulted selection on December 1<sup>st</sup>, 2024 of case by case basis was selected and those sections that are missing from its current floodplain ordinance and now adopts those sections. The State of Oregon’s Model Flood Hazard Management Ordinance (2020) was used as a starting point, with additions to provide compliance with the Oregon Implementation Plan. The additional sections are clearly noted with yellow highlighting to simplify implementation for Oregon communities in the plan area that have already adopted the Oregon Model Flood Hazard Management Ordinance (2020).

This 2024 model ordinance provides a set of provisions to protect the built environment from flood damage and to minimize potential impacts of construction and reconstruction on public health and safety, property, water quality, and aquatic and riparian habitats. The requirements pertain to new development in Special Flood Hazard Area (see definitions), which includes the maintenance, repair, or remodel of existing structures and utilities when the existing footprint is expanded and/or the floodplain is further encroached upon.

The Oregon Implementation Plan and this model ordinance do not change the definition of development in **44 Code of Federal Regulations [CFR] 59.1.**

“Development” is defined as: “any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.” (44 C.F.R. 59.1)

The 2024 model ordinance provides compliance with federal and state statutes and with the Oregon Implementation Plan. The 2024 model ordinance conforms to the following:

1. The requirements of the NFIP, as specified in **44 CFR 59 and 60**.
2. Oregon State codes to protect structures from flood damage that are specified in ***Oregon Structural Specialty Code (OSSC), Section 1612 and Oregon Residential Specialty Code (ORSC), Section R322***.
3. **Oregon Statewide Land Use Planning Goals**
4. Provisions needed to meet the requirements of the **Oregon Implementation Plan for NFIP-ESA** Integration. These sections are highlighted in yellow in the model ordinance.

This 2024 model ordinance provides communities with ordinance language that complies with the ***NFIP-ESA Integration Implementation Plan***. Adoption of the ordinance language will ensure compliance with the minimum standards for participation in the NFIP in the plan area in Oregon. Prior to adoption of the ordinance language, communities must have their locally proposed draft language reviewed by FEMA and/or the Oregon Department of Land Conservation and Development.

The model flood hazard ordinance includes standards and provisions that encourage sound floodplain management. The language is based on the minimum requirements of the NFIP found in 44 CFR 59 and 60, Oregon's statewide land use planning Goal 7, and Oregon specialty codes. The new language added to the state model floodplain ordinance, highlighted in yellow, provides compliance with the ESA for floodplain development in the plan area.

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact.

## **1.1. How to Use this Document**

This 2024 model ordinance includes a Table of Contents and a Regulatory Crosswalk that identifies the federal and state standards that align to and are reflected in each section. Communities will need to review their ordinances and ensure that all the required components are included.

Please refer to FEMA's website for information on how to determine whether or not your community is within the plan area. The City of Weston, Oregon falls within this designated plan area.

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# Introduction

## 1.1.1. ORDINANCE LANGUAGE LEGEND:

The colors are used in the text in the model ordinance to denote specific actions or sections with specific applicability.

- **Black: Represents the existing NFIP and current state minimum requirements that are found in the 2020 Oregon Model Flood Hazard Management Ordinance.**
- Blue: Represents hyperlinks to other sections of the document or external websites.
- Yellow highlighting: Represents new ordinance language not in the 2020 Oregon Model Flood Hazard Management Ordinance. Communities that have previously adopted the state model ordinance may focus on the yellow highlighted sections.

## 1.2. Changes from the 2020 Oregon Model Flood Hazard Management Ordinance

This 2024 version of the Oregon Model Flood Hazard Ordinance (to be referred to herein as the "2024 Model Ordinance"), varies from the 2020 Oregon Model Flood Hazard Management Ordinance. with the addition of new content to be included for *ESA compliance for NFIP-participating communities in the plan area.*

In general, the ordinance was revised to ensure that the implementation of the NFIP-ESA integration no net loss standards avoids or offsets adverse impacts on threatened and endangered species and their critical habitat. A summary of the primary changes found in the 2024 model ordinance is provided below:

1. New language has been added to incorporate the following no net loss standards:
2. No net loss of undeveloped space (see Section 6.1.1).
3. No net loss of pervious surface. (see Section 6.1.2).
4. No net loss of trees equal to or greater than 6 inches dbh (i.e., tree diameter measured at 4.5 feet from the ground surface). (see Section 6.1.3).
5. Some definitions (see 2.0) have been added to provide context for the new no net loss standards from the Oregon Implementation Plan.



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## Introduction

6. Language has been added:

- a. (see 6.3) to address activities that may require a floodplain development permit but are exempt from the no net loss requirement per the BiOp.
- b. (see 6.4) to address the specific requirements of the Riparian Buffer Zone (RBZ).

7. In general, the language in the 2024 model ordinance mirrors the language from the 2020 Oregon Model Flood Hazard Management Ordinance. Minor edits to the 2020 language have been made for clarity, punctuation, and grammar.

### **1.3. Community Rating System**

Implementation of the new no net loss standards related to NFIP-ESA integration may be eligible for credit under the Community Rating System (CRS). The CRS is explained further in CRS Credit for Habitat Protection, available online at: <https://crsresources.org/files/guides/crs-credit-for-habitatprotection.pdf>, and the 2017 CRS Coordinators' Manual, available online at:

[https://www.fema.gov/sites/default/files/documents/fema\\_community-rating-system\\_coordinatorsmanual\\_2017.pdf](https://www.fema.gov/sites/default/files/documents/fema_community-rating-system_coordinatorsmanual_2017.pdf), and the 2021 Addendum to the 2017 CRS Coordinator's Manual, available online at:

[https://www.fema.gov/sites/default/files/documents/fema\\_community-ratingsystem\\_coordinator-manual\\_addendum-2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_community-ratingsystem_coordinator-manual_addendum-2021.pdf).

The Association of State Floodplain Managers' Green Guide, also provides useful information on development techniques that avoid impacts on natural functions and values of floodplains. This document is available at:

[www.floodsciencecenter.org/products/crs-community-resilience/green-guide/](http://www.floodsciencecenter.org/products/crs-community-resilience/green-guide/). Communities interested in CRS credits should contact their CRS specialist for additional information and review.

Implementation of the no net loss standards would most likely contribute to credits under the following CRS activities: • **Activity as a result of the 430 Higher Regulatory Standards**

#### Development Limitations

- Prohibition of all fill (DL1a): This credit is for prohibiting all filling in the regulatory floodplain. To meet this standard, communities may NOT approve Conditional Letters or Letters of Map Revision based on Fill (CLOMR-F or LOMR-F). If a CLOMR-F or LOMR-F is issued for a property in a community, then DL1 credit will be denied. This applies to CLOMRs and LOMRs that include filling as part of the reason for requesting a map change. Minor filling may be allowed where needed to protect or restore natural floodplain functions, such as part of a channel restoration project.

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## Introduction

- The CRS manual describes a number of regulatory approaches that do not warrant credit under DL1; however, because the Oregon NFIP-ESA integration no net loss standards exceed the approaches described in the manual, a community meeting the Oregon no net loss standards should qualify for credit under DL1. to a ratio of 1.5:1. Credit is not provided for:
  - Compensatory storage requirements in floodways only or in V Zones only, or
- Stormwater management regulations that require a developer to compensate for any increase in runoff created by the development.

This is credited under ***Activity 450:***

- **Activity 450 Stormwater Management**

Stormwater management regulations (SMR – 452a):

This credit is the sum of four sub-elements: Size of development (Section 452.a(1), SZ); design storm used (Section 452.a(2), DS); low-impact development (LID) regulations (Section 452.a(3), LID); and public agency authority to inspect and maintain, at the owner’s expense, private facilities constructed to comply with the ordinance (Section 452.a.(4), PUB). LID credits the community’s regulatory language that requires the implementation of LID techniques to the maximum extent feasible to control peak runoff when new development occurs. LID techniques can significantly reduce or eliminate the increase in stormwater runoff created by traditional development, encourage aquifer recharge, and promote better water quality.

### **Special Note Regarding the Appendices:**

As updates are implemented by either FEMA, the Federal Government, the State of Oregon, or Umatilla County, these enhancements to the primary document, along with pertinent supplemental data, will be integrated into the relevant sections, including any forthcoming amendments to Chapter 7. It is essential to recognize that these documents will need additional referencing when making decisions pertaining to future planning cases and applications.

# Chapter 7.201 SECTION 2. Regulatory Crosswalk

The following table presents a crosswalk of the current model ordinance sections against the relevant federal and state laws, regulations, and policies. The new sections related to the Oregon NFIP-ESA integration implementation (yellow highlighted sections of the model ordinance) are not listed in this table and are related to compliance with the ESA.

<u>Ordinance Section</u>	<u>44 CFR and Technical Bulletin (TB) Citation(s)</u>	<u>State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])</u>
<u>1.1 Statutory Authorization</u>	<u>59.22(a)(2)</u>	<u>Goal 7; ORS 203.035 (Counties), ORS 197.175 (Cities)</u>
<u>1.2 Findings of Fact</u>	<u>59.22(a)(1)</u>	<u>Goal 7</u>
<u>1.3 Statement of Purpose</u>	<u>59.2; 59.22(a)(1) and (8); 60.22</u>	<u>Goal 7</u>
<u>1.4 Methods of Reducing Flood Losses</u>	<u>60.22</u>	<u>Goal 7</u>
<u>2.0 Definitions</u>	<u>59.1; 33 CFR 328.3(c)(7)</u>	<u>Goal 7</u>
<u>3.1 Lands to Which this Ordinance Applies</u>	<u>59.22(a)</u>	<u>Goal 7</u>
<u>3.2 Basis for Establishing the Special Flood Hazard Areas</u>	<u>59.22(a)(6); 60.2(h)</u>	<u>Goal 7</u>
<u>3.3 Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division</u>		<u>ORS 455</u>
<u>3.4.1 Compliance</u>	<u>60.1(b) – (d)</u>	<u>Goal 7</u>
<u>3.4.2 Penalties for Noncompliance</u>	<u>60.1(b) – (d)</u>	<u>Goal 7</u>
<u>3.5.1 Abrogation</u>	<u>60.1(b) – (d)</u>	<u>Goal 7</u>
<u>3.5.2 Severability</u>		
<u>3.6 Interpretation</u>	<u>60.1(b) – (d)</u>	<u>Goal 7</u>
<u>3.7.1 Warning</u>		
<u>3.7.2 Disclaimer of Liability</u>		
<u>4.1 Designation of the Floodplain Administrator</u>	<u>59.22(b)(1)</u>	<u>Goal 7</u>
<u>4.2.1 Permit Review</u>	<u>60.3(a)(1) – (3); 60.3(c)(10)</u>	<u>Goal 7</u>
<u>4.2.2 Information to be Obtained and Maintained</u>	<u>59.22(a)(9)(iii); 60.3(b)(5)(i) and (iii); 60.3(c)(4); 60.3(b)(3); 60.6(a)(6)</u>	<u>Goal 7; 105.9; 110.33; R106.1.4; R109.1.3; R109.1.6.1; R322.1.10; R322.3.6</u>

<u>Ordinance Section</u>	<u>44 CFR and Technical Bulletin (TB) Citation(s)</u>	<u>State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])</u>
<u>4.2.3.1 Community Boundary Alterations</u>	<u>59.22(a)(9)(v)</u>	<u>Goal 7</u>
<u>4.2.3.2 Watercourse Alterations</u>	<u>60.3(b)(6) – (7), 65.6(12-13)</u>	<u>Goal 7</u>
<u>4.2.3.3 Requirement to Submit New Technical Data</u>	<u>65.3, 65.6, 65.7, 65.12</u>	<u>Goal 7</u>
<u>4.2.4 Substantial Improvement and Substantial Damage Assessments and Determinations</u>	<u>59.1; 60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1), (2), (3), (5) – (8), (10), (12); 60.3(d)(3); 60.3(e)(4), (5), (8)</u>	<u>Goal 7</u>
<u>4.3.1 Floodplain Development Permit Required</u>	<u>60.3(a)(1)</u>	<u>Goal 7</u>
<u>4.3.2 Application for Development Permit</u>	<u>60.3(a)(1); 60.3(b)(3); 60.3(c)(4)</u>	<u>Goal 7; Oregon Residential Specialty Code (R) 106.1.4; R322.3.6</u>
<u>4.4 Variance Procedure</u>	<u>60.6(a)</u>	<u>Goal 7</u>
<u>4.4.1 Conditions for Variances</u>	<u>60.6(a)</u>	<u>Goal 7</u>
<u>4.4.2 Variance Notification</u>	<u>60.6(a)(5)</u>	<u>Goal 7</u>
<u>5.1.1 Alteration of Watercourses</u>	<u>60.3(b)(6) and (7)</u>	<u>Goal 7</u>
<u>5.1.2 Anchoring</u>	<u>60.3(a)(3); 60.3(b)(1), (2), and (8)</u>	<u>Goal 7; R322.1.2</u>
<u>5.1.3 Construction Materials and Methods</u>	<u>60.3(a)(3), TB 2; TB 11</u>	<u>Goal 7; R322.1.3; R322.1.3</u>
<u>5.1.4.1 Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems</u>	<u>60.3(a)(5) and (6)</u>	<u>Goal 7; R322.1.7</u>
<u>5.1.4.2 Electrical, Mechanical, Plumbing, and Other Equipment</u>	<u>60.3(a)(3)</u>	<u>Goal 7; R322.1.6;</u>
<u>5.1.5 Tanks</u>		<u>R322.2.4; R322.3.7</u>
<u>5.1.6 Subdivision Proposals</u>	<u>60.3(a)(4)(i) – (iii); 60.3(b)(3)</u>	<u>Goal 7</u>
<u>5.1.7 Use of Other Base Flood Data</u>	<u>60.3(a)(3); 60.3(b)(4); 60.3(b)(3); TB 10-01</u>	<u>Goal 7; R322.3.2</u>

<a href="#">5.1.8 Structures Located in Multiple or Partial Flood Zones</a>		<a href="#">R322.1</a>
<a href="#">5.2.1 Flood Openings</a>	<a href="#">60.3(c)(5); TB 1; TB 11</a>	<a href="#">Goal 7; R322.2.2; R322.2.2.1</a>

<a href="#">Ordinance Section</a>	<a href="#">44 CFR and Technical Bulletin (TB) Citation(s)</a>	<a href="#">State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])</a>
<a href="#">5.2.2 Garages</a>	<a href="#">TB 7-93</a>	<a href="#">R309</a>
<a href="#">5.2.3.1 Before Regulatory Floodway</a>	<a href="#">60.3(c)(10)</a>	<a href="#">Goal 7</a>
<a href="#">5.2.3.2 Residential Construction</a>	<a href="#">60.3(c)(2)</a>	<a href="#">Goal 7</a>
<a href="#">5.2.3.3 Non-residential Construction</a>	<a href="#">60.3(c)(3) – (5); TB 3</a>	<a href="#">Goal 7; R322.2.2; R322.2.2.1</a>
<a href="#">5.2.3.4 Manufactured Dwellings</a>	<a href="#">60.3(b)(8); 60.3(c)(6)(iv); 60.3(c)(12)(ii)</a>	<a href="#">Goal 7; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011</a>
<a href="#">5.2.3.5 Recreational Vehicles</a>	<a href="#">60.3(c)(14)(i) – (iii)</a>	<a href="#">Goal 7</a>
<a href="#">5.2.3.6 Appurtenant (Accessory) Structures</a>	<a href="#">60.3(c)(5); TB 1; TB 7-93</a>	<a href="#">Oregon Structural Specialty Code (S) 105.2; R105.2</a>
<a href="#">5.2.4 Floodways</a>	<a href="#">60.3(d); FEMA Region X Fish Enhancement Memo (Mark Riebau)</a>	<a href="#">Goal 7</a>
<a href="#">5.2.5 Standards for Shallow Flooding Areas</a>	<a href="#">60.3(c)(7), (8), (11), and (14)</a>	<a href="#">Goal 7</a>
<a href="#">5.3 Specific Standards for Coastal High Hazard Flood Zones, and 5.3.1 Development Standards</a>	<a href="#">60.3(e); TB 5; TB 8; TB 9</a>	<a href="#">Goal 7; R322.3.1; R322.3.2; R322.3.3; R322.3.4; R322.3.5</a>

<a href="#">5.3.1.1 Manufactured Dwelling Standards for Coastal High Hazard Zones</a>	<a href="#">60.3(e)(8)(i) – (iii)</a>	<a href="#">Goal 7;</a> <a href="#">RR322.3.2;</a> <a href="#">State of OR</a> <a href="#">Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011</a>
<a href="#">Ordinance Section</a>	<a href="#">44 CFR and Technical Bulletin (TB) Citation(s)</a>	<a href="#">State of Oregon Citation(s) (Goal 7, Specialty Codes*, Oregon Revised Statutes [ORS])</a>
<a href="#">5.3.1.2 Recreational Vehicle Standards for Coastal High Hazard Zones</a>	<a href="#">60.3(e)(9)(i)- (iii)</a>	<a href="#">Goal 7</a>
<a href="#">5.3.1.3 Tank Standards for Coastal High Hazard Zones</a>		<a href="#">R322.2.4; R322.3.7</a>

\*Link to Oregon Specialty Codes (<https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>)

# Chapter 7.201: SECTION 3. Model Ordinance Language

## 1.0 STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

### 1.1 STATUTORY AUTHORIZATION

7.0.100 The State of Oregon has in ORS 203.035 (COUNTIES) and OR ORS 197.175 (CITIES) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Weston ~~Development Code~~ ~~Page 6.0.1~~, Oregon does ordain as follows:

~~CHAPTER 6~~

~~ORDINANCE NO. 6-01 (01-1)~~

~~WHEREAS, The City of Weston, will re-zone 26.6 acres located on the Southwest side of Weston, from Farm Residential to Suburban Residential. Property is located on Umatilla County Map # 4N-35-22 Tax Lot# 1000 and 1100.~~

~~WHEREAS, Horizon Project, Inc., Property owner submitted Permitted Use Request to the City of Weston Planning and City Council for the zone change.~~

~~WHEREAS, local access to the property will be from Bannister Road and Mill Street.~~

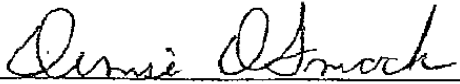
~~WHEREAS, The City of Weston's Council held a final public hearing on December 13<sup>th</sup>, 2001 and by unanimous vote passed ordinance 6-01 (01-1) for the re-zoning of property located at the Southwest end of town.~~

~~PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 13<sup>TH</sup> DAY OF DECEMBER 2001.~~

CITY OF WESTON

By:   
Tim Crampton/Mayor

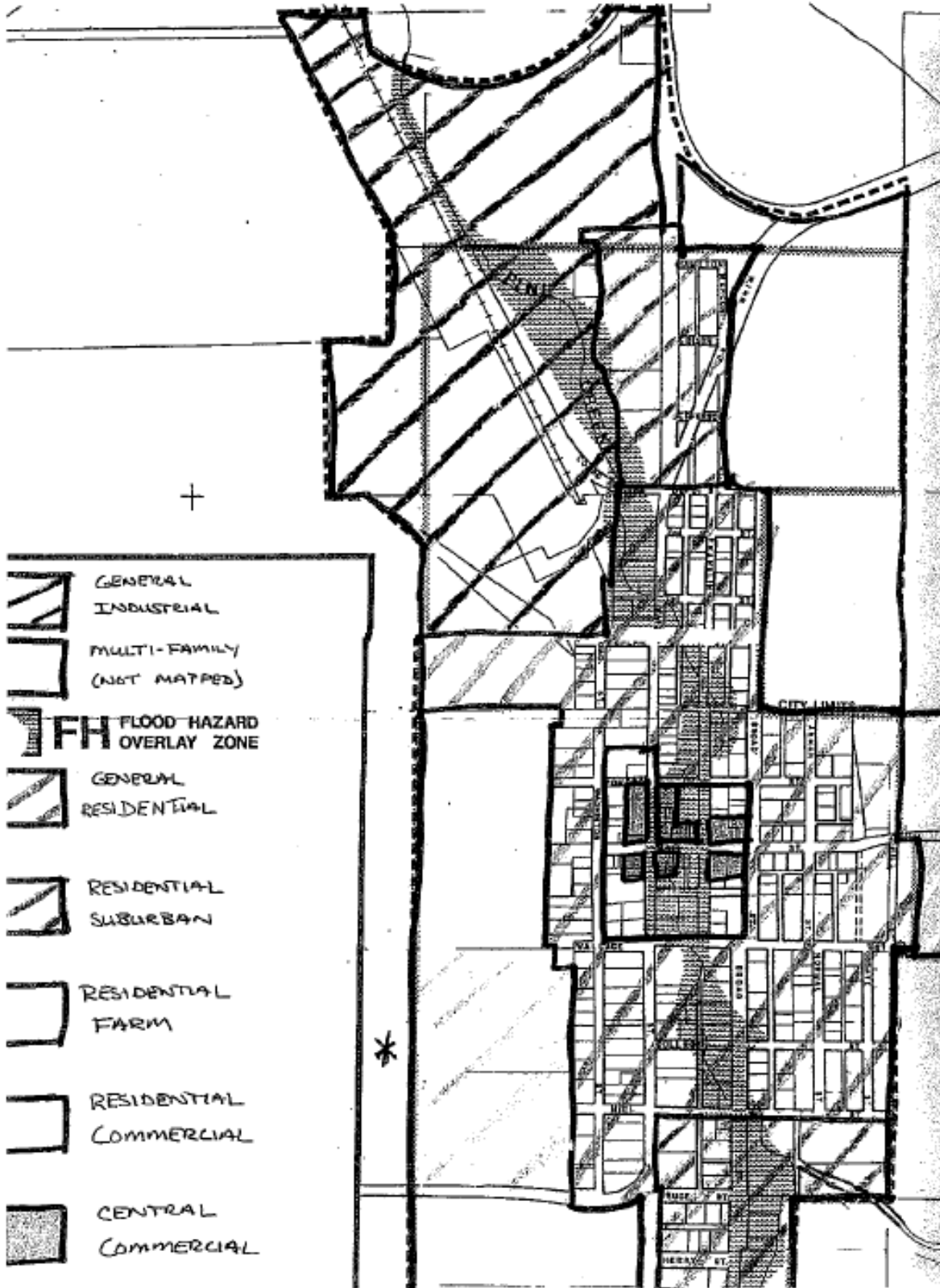
Attest:

  
Denise D. Smock/City Clerk

*Mailed  
DCCO/County  
12-14-01*







~~4.4.400 Criteria, Standards and Conditions of Approval (continued)~~

~~Planning Commission Resolution for April 2001:~~

~~The Planning Commission of the City of Weston is recommending that the City Council approve the amendments to the Weston zoning and subdivision codes and rename them the "Weston Development Codes". We are superseding the adopted zoning and subdivision ordinances, and adopting new unified development codes.~~

~~WHEREAS, Over the last 12 month period, the City of Weston Ordinance Committee has been working with a consulting team to improve Weston's Development Code.~~

~~WHEREAS, The proposed amendments will better implement Comprehensive Plan policies and incorporate Smart Development principles into Development Code.~~

~~WHEREAS, In March 2000 the Planning Commission initiated the amendment process relating to the proposed amendments.~~

~~WHEREAS, On March 28, 2001 the Weston Planning Commission held a public hearing relating to the proposed amendments.~~

~~WHEREAS, Notice was published in the East Oregonian, Walla Walla Bulletin, and the Valley Times newspapers on March 27th, 2001 and March 30th, 2001. The first two newspapers were given the information ten days in advance. The city of Weston's residents received the city's "March" newsletter advertising the public hearing one month in advance. The notice of the public hearing was posted at the post office and city hall.~~

~~NOW THEREFORE, BE IT RESOLVED~~ 1.2 FINDINGS OF FACT

A. The flood hazard areas of the City of Weston, Oregon preserve the natural and beneficial values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses may be caused by the ~~Planning Commission of the City of Weston~~ cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately 19 floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flooding in special flood hazard areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Preserve natural and beneficial floodplain functions;

D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

E. Minimize prolonged business interruptions.

- F. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- G. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- H. Notify potential buyers that the property is in a special flood hazard area;
- I. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- J. Participate in and maintain eligibility for flood insurance and disaster relief.

#### **1.4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. ~~it recommends to the City Council approval of the adoption~~
- F. Employing a standard of ~~the Weston Development Codes.~~ "no net loss" of natural and beneficial floodplain functions.

2.0

**DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

**Appeal:** A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding:** A designated **Zone AO, AH, AR/AO or AR/AH** on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."

**Base flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.

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

**Breakaway wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

**Fill:** Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

**Fish Accessible Space:** The volumetric space available to fish to access.

**Fish Egress-able Space:** The volumetric space available to fish to exit or leave from.

**Flood or Flooding:**

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

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

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**Flood elevation study:** an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS):** See "Flood elevation study."

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."



**Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Green Infrastructure:** Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

**Habitat Restoration Activities:** Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

**Hazard Trees:** Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

**Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure:** Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**Hydraulically Equivalent Elevation:** A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This recommendation is may be estimated based on the staff a point that is along the same approximate line perpendicular to the direction of flow.

**Hydrologically Connected:** The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

**Impervious Surface:** A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

**Low Impact Development:** An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

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

**Manufactured dwelling:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle” and is synonymous with “manufactured home.”

**Manufactured dwelling park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

## Model Ordinance Language

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**Mean Higher-High Water:** The average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

**Mean sea level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**New construction:** 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 City of Weston Oregon and includes any subsequent improvements to such structures.

**No Net Loss:** A standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

**Offsite:** Mitigation occurring outside of the project area.

**Onsite:** Mitigation occurring within the project area.

**Ordinary High Water Mark:** The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

**Qualified Professional:** Appropriate subject matter expert that is defined by the community.

**Reach:** A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

**Recreational vehicle:** A vehicle which is:

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

**Riparian:** Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

**Riparian Buffer Zone (RBZ):** The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

**Riparian Buffer Zone Fringe:** The area outside of the RBZ and floodway but still within the SFHA.

**Silviculture:** The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

**Special flood hazard area:** See "Area of special flood hazard" for this definition.

**Start of construction:** Includes substantial improvement and 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 from the date of the permit. 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 dwelling 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 foundations 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.

**Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

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

**Substantial improvement:** Any 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 which have incurred "substantial damage," regardless of the actual repair work performed. 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 will not preclude the structure's continued designation as a "historic structure."

**Undeveloped Space:** The volume of flood capacity and fish-accessible/egress-able

habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

**Variance:** A grant of relief by City of Weston Oregon from the terms of a floodplain management regulation.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**3.0 GENERAL PROVISIONS**

**3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all special flood hazard areas within the jurisdiction of City of Weston, Oregon.

**3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report, ~~findings, testimonies, and minor revisions~~ entitled “The Flood Insurance Study (FIS) for The Special Flood Hazard Areas identified by the Federal Insurance and Mitigation Administration in a scientific and engineering report entitled Flood Insurance Study (FIS) for Umatilla County, Oregon, and Incorporated areas” dated September 3, 2010, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM panels (41059C0758G, effective on 9/3/2010 and 41059C0766G, effective on 9/3/2010) are on file at City Hall, Weston, Oregon, 97886.

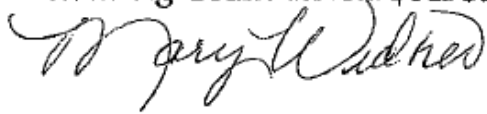
~~DATED this 3rd day of April, 2001~~

~~AYES: 4      NAYS: 0      ABSTAIN: 0~~  
~~ATTEST: 0~~

~~ABSENT: John Matilla~~

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Planning Commission Secretary



Planning Commission Chair



**3.3 COORDINATION WITH STATE OF OREGON SPECIALTY CODES**

Pursuant to the requirement established in **ORS 455** that the City of Weston, Oregon administers and enforces the State of Oregon Specialty Codes, the City of Weston Oregon does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas.

**Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.**



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## 3.4 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

### 3.4.1 COMPLIANCE

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

### 3.4.2 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 per day, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing contained herein shall prevent the City of Weston, Oregon from taking such other lawful action as is necessary to prevent or remedy any violation.

## 3.5 ABROGATION AND SEVERABILITY

### 3.5.1 ABROGATION

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### 3.5.2 SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

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### **3.6 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

### **3.7 WARNING AND DISCLAIMER OF LIABILITY**

#### **3.7.1 WARNING**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

#### **3.7.2 DISCLAIMER OF LIABILITY**

This ordinance shall not create liability on the part of the City of Weston, Oregon, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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## 4.0 ADMINISTRATION

### 4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Planning Commission/and or the City Council is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

Additional Language Provided in Appendix

### 4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

#### 4.2.1 PERMIT REVIEW

Review all development permits to:

- A. Determine that the permit requirements of this ordinance have been satisfied;
- B. Determine that all other required local, state, and federal permits have been obtained and approved;
- C. Determine if the proposed development is located in a floodway.
  - i If located in the floodway assure that the floodway provisions of this ordinance in **section 5.2.4** are met; and
  - ii Determine if the proposed development is located in an area where a Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of **sections 5.1.7**; and

iii. Provide to building officials the Base Flood Elevation (BFE) (*new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area*) applicable to any building requiring a development permit.

D. Determine if the proposed development qualifies as a substantial improvement as defined in **section 2.0**.

E. Determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in **section 5.1.1**.

F. Determine if the proposed development activity includes the placement of fill or excavation.

G. Determine whether the proposed development activity complies with the no net loss standards in **Section 6.0**.

#### 4.2.2

#### **INFORMATION TO BE OBTAINED AND MAINTAINED**

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

A. The actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 5.1.7.

B. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of **sections 4.2.1(B), 5.2.4, and 5.3.1(F)**, are adhered to.

C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).

D. Where base flood elevation data are utilized, As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.

E. Maintain all Elevation Certificates (EC) submitted to the community.

F. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 5.1.7.

G. All floodproofing certificates required under this ordinance.

H. All variance actions, including justification for their issuance.

I. All hydrologic and hydraulic analyses performed as required under section 5.2.4.

J. All Substantial Improvement and Substantial Damage calculations and determinations as required under section 4.2.4.

K. Documentation of how no net loss standards have been met (see Section 6.0)

L. All records pertaining to the provisions of this ordinance.

#### **4.2.3 REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA**

##### **4.2.3.1 COMMUNITY BOUNDARY ALTERATIONS**

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

##### **4.2.3.2 WATERCOURSE ALTERATIONS**

A. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

B. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 4.2.3.3. Ensure compliance with all applicable requirements in sections 4.2.3.3 and 5.1.1.

##### **4.2.3.3 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA**

A. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

B. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and
  - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- C. An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

Additional Recommended Language Provided in Appendix

#### **4.2.4 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS**

Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 4.2.2. Conduct Substantial Damage (SD) (as defined in section 2.0) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 3.2) are damaged to the extent that 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.

### **4.3 ESTABLISHMENT OF DEVELOPMENT PERMIT**

#### **4.3.1 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED**

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 3.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 2.0, including fill and other development activities.

#### **4.3.2 APPLICATION FOR DEVELOPMENT PERMIT**

Application for a development permit may be made on forms furnished by the Floodplain Administrator 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 of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 4.2.2.

- B. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- C. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for non-residential structures in section 5.2.3.3.
- D. Description of the extent to which any watercourse will be altered or relocated.
- E. Base Flood Elevation data for subdivision proposals or other development when required per sections 4.2.1 and 5.1.6.
- F. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- G. The amount and location of any fill or excavation activities proposed.

#### 4.4 VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

#### 4.4.1 CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 4.4.1 (C) and (E), and 4.4.2. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result. D. Variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

E. \_\_\_\_\_ Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 4.4.1 (B) – (D) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. \_\_\_\_\_ Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 6.0 and associated options in Table 1).

\_\_\_\_\_ Additional Optional Language Provided in Appendix .

**4.4.2**

**VARIANCE NOTIFICATION**

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 4.2.2.



**5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

**5.1 GENERAL STANDARDS**

In all special flood hazard areas, the **no net loss standards (see Section 6.0)** and the following standards shall be adhered to:

**5.1.1 ALTERATION OF WATERCOURSES**

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 4.2.3.2 and 4.2.3.3.

**5.1.2 ANCHORING**

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. B. All manufactured dwellings shall be anchored per **section 5.2.3.4.**

**5.1.3 CONSTRUCTION MATERIALS AND METHODS**

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**5.1.4 UTILITIES AND EQUIPMENT**

**5.1.4.1 WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS**

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

**5.1.4 UTILITIES AND EQUIPMENT CONT.**

**5.1.4.2 ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT**

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level (***new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area***) or

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shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air- conditioning, plumbing, duct systems, and other equipment and service facilities shall:

- A. If replaced as part of a substantial improvement shall meet all the requirements of this section.
- B. Not be mounted on or penetrate through any breakaway walls.

**5.1.5 TANKS**

- A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- B. Above-ground tanks shall be installed at or above the base flood level (***new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area*** or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**5.1.6 SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENTS**

- A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals Base Flood Elevation data.
- B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
  - i. Be consistent with the need to minimize flood damage.
  - ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
  - iii. Have adequate drainage provided to reduce exposure to flood hazards.
  - iv. **Comply with no net loss standards in section 6.0.**

**5.1.7 USE OF OTHER BASE FLOOD ELEVATION DATA**

A. When Base Flood Elevation data has not been provided in accordance with section 3.2 the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 5.0. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 5.1.6.

B. Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation.

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Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc... where available.

*(REFERENCE: FOR THIS TYPE OF INFORMATION TO BE USED FOR REGULATORY PURPOSES IN OUR COMMUNITY,*

*I.E. BASE LEVEL ENGINEERING DATA, HIGH WATER MARKS, HISTORICAL OR OTHER DATA THAT WILL BE*

*REGULATED TO. IT WILL BE NECESSARY TO ENSURE THAT THE STANDARDS APPLIED TO RESIDENTIAL*

*STRUCTURES ARE CLEAR AND OBJECTIVE. WHEN AND IF UNCERTAIN; SEEK LEGAL ADVICE,*

*AT A MINIMUM REQUIREMENT THE ELEVATION OF RESIDENTIAL STRUCTURES AND NON-RESIDENTIAL*

*STRUCTURES THAT ARE NOT DRY FLOODPROOFED ARE TO BE 2 FEET ABOVE HIGHEST ADJACENT GRADE).*

*A Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.*

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**5.1.8 STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES**

In coordination with the State of Oregon Specialty Codes: When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

- A. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

Additional Recommended Language Provided in Appendix.

**5.2 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES**

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in **section 5.1** of this ordinance and the no net loss standards (see Section 6.0).

**5.2.1 FLOOD OPENINGS**

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- B. Be used solely for parking, storage, or building access;
- C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
  - i. A minimum of two openings;
  - ii. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
  - iii. The bottom of all openings shall be no higher than one foot above grade;
  - iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and,
  - v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

**5.2.2 GARAGES**

- A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:

- i If located within a floodway the proposed garage must comply with the requirements of section 5.2.4;
- ii The floors are at or above grade on not less than one side;
- iii The garage is used solely for parking, building access, and/or storage;
- iv The garage is constructed with flood openings in compliance with section 5.2.1 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
- v The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
- vi The garage is constructed in compliance with the standards in section 5.1; and,
- vii The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

**B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 5.2.3.6 or non-residential structures in section 5.2.3.3 depending on the square footage of the garage.**

**7.2.5.2.3 FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH**

**BASE FLOOD ELEVATIONS**

In addition to the general standards listed in section 5.1 the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): **Zones A1-A30, AH, and AE.**

**5.2.3.1 BEFORE REGULATORY FLOODWAY**

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not result in the net loss of flood storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards in section 6.1.C.

**7.2.5.2.3.2 RESIDENTIAL CONSTRUCTION**

- A. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) ***new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area***.

B. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 5.2.1.

**7.2.5.2.3.3**

**NON-RESIDENTIAL CONSTRUCTION**

A. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:

i. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) (***new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area***).or

ii. Together with attendant utility and sanitary facilities:

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

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

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 4.2.2.

B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 5.2.1.

C. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

7.2.5.2.3.4

MANUFACTURED DWELLINGS

- A. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 5.2.1;
- B. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- C. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- D. Electrical crossover connections shall be a minimum of twelve (12) inches(1-foot) above Base Flood Elevation (BFE).

7.2.5.2.3.5

RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

- A. Be on the site for fewer than 180 consecutive days, and
- B. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the requirements of section 5.2.3.4, including the anchoring and elevation requirements for manufactured dwellings.

7.2.5.2.3.6

APPURTENANT (ACCESSORY) STRUCTURES

Relief from elevation or floodproofing requirements for residential and non- residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 5.2.4;
- B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one- story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet;
- D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
- F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 5.2.1;
- G. Appurtenant structures shall be located and constructed to have low damage potential;
- H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 5.1.5; and,
- I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.



7.2.5.2.4

FLOODWAYS

Located within the special flood hazard areas established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

i. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application process, all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in section 6.0.

B. If the requirements of section 5.2.4 (A) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 5.0 and 6.0.

F. 7.2.5.2.5

STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

7.2.5.2.5.1

STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 5.1, 5.2, and 5.2.5.

5.2.5.2

STANDARDS FOR AO ZONES

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In AO zones, the following provisions apply in addition to the requirements in sections 5.1 and 5.2.5:

- A. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) **(new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area).**and (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- B. New construction, conversion to, and substantial improvements of non- residential structures within AO zones shall either:
- i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) **(new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area) and** (at least two (2) feet if no depth number is specified); or
  - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM**(new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area** or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in **section 5.2.3.3(A)(4).**
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C. **Recreational vehicles** placed on sites within **AO Zones** on the community’s Flood Insurance Rate Maps (FIRM) shall either:

- i. **Be on the site for fewer than 180 consecutive days, and**
- ii. **Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or**
- iii. **Meet the elevation requirements of **section 5.2.5.2(A)**, and the anchoring and other requirements for manufactured dwellings of **section 5.2.3.4**.**

D. **In AO zones, new and substantially improved appurtenant structures must comply with the standards in **section 5.2.3.6**.**

E. **In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in **section 5.2.1**.**

***Tanks shall meet the requirements of section 5.1.5 and 6.0.***

**7.2.6.0 STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS**

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA’s 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss

No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact. The standards described below apply to all special flood hazard areas as defined in Section 2.0

**7.2.6.1 NO NET LOSS STANDARDS**

A. **No net loss of the proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6- inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:**

- i. **Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);**

ii. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;

iii. Include a management plan that identifies the responsible site manager, stipulates what activities are allowed on site, and requires the posting of signage identifying the site as a mitigation area.

B. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.

C. A comprehensive report outlining and showing that the no-net loss criteria has been demonstrated and met must be submitted in compliance with any of these designated references.

1) the lot or parcel that floodplain functions were removed from,

2) the same reach of the waterbody where the development is proposed, or

3) the special flood hazard area within the same hydrologically connected area as the proposed development. **Table 1** presents the no net loss ratios, which increase based on the references listed above.

#### 7.2.6.1.1

#### UNDEVELOPED SPACE

A. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.

B. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.

C. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).

i. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:

(1) Ordinary High Water Mark to 10-year,

(2) 10-year to 25-year,

(3) 25-year to 50-year,

(4) And 50-year to 100-year

ii. Hydrologically connected to the waterbody that is the flooding source;

iii. Designed so that there is no increase in velocity; and

iv. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.

**7.2.6.1.2 IMPERVIOUS SURFACES**

Impervious surface mitigation shall be mitigated through any of the following options

A. Development proposals shall not

result in a net increase in impervious surface area within the SFHA, or

B. use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or

C.

If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See section 6.2.C for stormwater retention specifications.

**7.2.6.1.3 TREES**

A. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area. This requirement does not apply to silviculture where there is no development.

i. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.

ii. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

**7.2.6.2 STORMWATER MANAGEMENT**

Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include the following

A. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and

B. Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.

C. Retention facilities must:

i. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).

- ii. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.
- iii. Be designed to not entrap fish and drain to the source of flooding. iv. Be certified by a qualified professional. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:
  - Access to stormwater treatment facilities at the site by the City of Weston, Oregon, for the purpose of inspection and repair.
  - A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.
  - For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.
  - The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the City of Weston, Oregon, for five years

**7.2.6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS**

- The following activities are not subject to the no net loss standards in Section 6.1; however, they may not be exempt from floodplain development permit requirements.
- A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
  - B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;
  - C. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
  - D. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment.
    - a. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use, or alter culverts and is less than six inches above grade;
  - E. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;

F. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;

G. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.

H. Habitat restoration activities.

7.2.6.4

**RIPARIAN BUFFER ZONE (RBZ)**

A. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer

B. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.

C. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.

D. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.

E. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

**Table 1 No Net Loss Standards**

	<u>Undeveloped Impervious</u>	<u>Trees</u>	<u>Trees</u>	<u>Trees</u>	
<u>Basic Mitigate Ratios</u>	<u>Space (ft<sup>3</sup>)</u>	<u>Surface (ft<sup>2</sup>)</u>	<u>(6”&lt;dbh&lt;20”)</u>	<u>(20”&lt;dbh&lt;39”)</u>	<u>(39”&lt;dbh)</u>
<u>RBZ and Floodway</u>	<u>2:1*</u>	<u>1:1</u>	<u>3:1*</u>	<u>5:1</u>	<u>6:1</u>
<u>RBZ-Fringe</u>	<u>1.5:1*</u>	<u>1:1</u>	<u>2:1*</u>	<u>4:1</u>	<u>5:1</u>
<u>Mitigation multipliers</u>					
<u>Mitigation onsite to Mitigation offsite, same reach</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
<u>Mitigation onsite to Mitigation offsite, different reach, same watershed (5<sup>th</sup> field)</u>	<u>200%*</u>	<u>200%*</u>	<u>200%*</u>	<u>200%</u>	<u>200%</u>

**Notes**

1. Ratios with asterisks are indicated in the BiOp
2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
  - a. For example, if only 500 ft<sup>2</sup> of the total 1000 ft<sup>2</sup> of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 ft<sup>2</sup> of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.
3. RBZ impacts must be offset in the RBZ, on-site or off-site.
4. Additional standards may apply in the RBZ (See 6.4 Riparian Buffer Zone)

**APPENDIX A: Section 6.0 Language to Achieve No Net Loss**



**7.2.6.0 STANDARDS FOR PROTECTION OF SFHA FLOODPLAIN FUNCTIONS**

Adherent to the NMFS 2016 Biological Opinion, mitigation is necessary to ensure a no net loss in floodplain functions. FEMA's 2024 Draft Oregon Implementation Plan identifies proxies that provide measurable actions that can prevent the no net loss of the parent floodplain functions. These proxies include undeveloped space, pervious surfaces, and trees to account for a no net loss in respective floodplain functions of floodplain storage, water quality, and vegetation. Mitigation of these proxies must be completed to ensure compliance with no net loss

standards. No net loss applies to the net change in floodplain functions as compared to existing conditions at the time of proposed development and mitigation must be addressed to the floodplain function that is receiving the detrimental impact. The standards described below apply to all special flood hazard areas as defined in Section 2.0

**7.2.6.1 NO NET LOSS STANDARDS**

- A. No net loss of the proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions.
- B. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss.
- C. No net loss must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the special flood hazard area within the same hydrologically connected area as the proposed development. Table 1 presents the no net loss ratios, which increase based on the preferences listed above.

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## 7.2.6.1.1 UNDEVELOPED SPACE

A. Development proposals shall not reduce the fish-accessible and egress-able habitat and flood storage volume created by undeveloped space within the special flood hazard area. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space and flood storage volume.

- i. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 1.
- ii. Hydrologically connected to the waterbody that is the flooding source; Designed so that there is no increase in velocity

## 7.2.6.1.2 IMPERVIOUS SURFACES

Impervious surface mitigation shall be mitigated through any of the following options:

- A. Development proposals shall not result in a net increase in impervious surface area within the SFHA through the use of ratios prescribed in Table 1, or
- B. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
- C. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow and to maximize infiltration, and treatment is required to minimize pollutant loading. See section 6.2.C for stormwater retention specifications.

## 7.2.6.1.3 TREES

A. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area.

- i. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1 and planted within the special flood hazard area.
- ii. Replacement trees must be native species that would occur naturally in the Level III eco-region of the impact area.

## 7.2.6.2 STORMWATER MANAGEMENT

Any development proposal that cannot mitigate as specified in 6.1.2(A)-(B) must include

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the following:

A. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and

B. Water quantity treatment (retention or detention facilities) unless the outfall discharges into the ocean.

C. Retention and detention facilities must:

i. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).

ii. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.

iii. Be designed to not entrap fish.

iv. Be certified by a qualified professional. D. Detention facilities must:

v. Drain to the source of flooding.

vi. Designed by a qualified professional.

D. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:

i. Access to stormwater treatment facilities at the site by the City of Weston, Oregon, for the purpose of inspection and repair.

ii. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.

iii. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.

iv. STORMWATER MANAGEMENT CONT.

The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the City of Weston, Oregon, for five years

**7.2.6.3 ACTIVITIES EXEMPT FROM NO NET LOSS STANDARDS**

The following activities are not subject to the no net loss standards in Section 6.1 however, they may not be exempt from floodplain development permit requirements.

- A. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
- B. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;
- C. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
- D. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
- E. Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal as long as root balls are left in place;
- F. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;
- G. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
- H. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility.
- I. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.
- J. Habitat restoration activities.
- K. Pre-emptive removal of documented susceptible trees to manage the spread of invasive species and or disease.
- L. Projects that are covered under separate consultations under Section 4(d), 7, or 10 of the Endangered Species Act (ESA).

**7.2.6.4 RIPARIAN BUFFER ZONE (RBZ)**

- A. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.

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- B. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net-loss standards described above.
  - C. Functionally dependent uses are only subject to the no net loss standards in Section 6.1 for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.
  - D. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.
  - E. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous, shrub and tree vegetation and be designated as an open space..
-

**Table 1 No Net Loss Standards**

	<u>Undeveloped Impervious Surface (ft<sup>2</sup>)</u>			<u>Trees (6" &lt; dbh &lt; 20")</u>		<u>Trees (20" &lt; dbh &lt; 39")</u>	<u>Trees (39" &lt; dbh)</u>
<u>Basic Mitigate Ratios</u>	<u>Space (ft<sup>3</sup>)</u>	<u>Surface (ft<sup>2</sup>)</u>	<u>(6" &lt; dbh &lt; 20")</u>	<u>(20" &lt; dbh &lt; 39")</u>	<u>(39" &lt; dbh)</u>		
<u>RBZ and Floodway</u>	<u>2:1</u>	<u>1:1</u>	<u>3:1</u>	<u>5:1</u>	<u>6:1</u>		
<u>RBZ-Fringe</u>	<u>1.5:1</u>	<u>1:1</u>	<u>2:1</u>	<u>4:1</u>	<u>5:1</u>		
<u>Mitigation multipliers</u>							
<u>Mitigation onsite to Mitigation offsite, same reach</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>		
<u>Mitigation onsite to Mitigation offsite, different reach, same watershed (5<sup>th</sup> field)</u>	<u>200%</u>	<u>200%</u>	<u>200%</u>	<u>200%</u>	<u>200%</u>		

**Notes**

1. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
  - a. For example, if a development would create 1,000 square feet of new impervious surface, then 1,000 square feet of new pervious surface would need to be created. However, if only 500 square feet can be created within the same reach, the remaining 500 square feet created within a different reach would need to be double the required amount because of the 200 percent multiplier. In other words, another 1,000 square feet of pervious surface would need to be created at the location in the different reach, in addition to the 500 square feet created within the same reach.

## APPENDIX B: Additional and Updated Definitions

**Ancillary Features:** Features of a development that are not directly related to the primary purpose of the development.

**Fish Accessible Space:** The volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to access.

**Fish Egress-able Space:** The volumetric space available to an adult or juvenile individual of the identified 16 ESA- fish to exit or leave from.

**Floodplain Storage Capacity:** The volume of floodwater that an area of floodplain can hold during the 1-percent annual chance flood.

**Footprint:** The existing measurements of the structure related to the three floodplain functions and their proxies. The footprint related to floodplain storage refers to the volumetric amount of developed space measured from the existing ground level to the BFE, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

**Pervious Surface:** Surfaces that allow rain and snowmelt to seep into the soil and gravel below. Pervious surface may also be referred to as permeable surface.

**Undeveloped Space:** The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that has not been reduced due to activity that meets FEMA's definition of development. Examples of development that impede undeveloped space includes, but is not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat.







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