



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

March 17, 2022, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

The Planning Commission will hold a meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. To view the meeting online visit live.sweethomeor.gov. If you don't have access to the internet, you can call in to +1 971-203-2871 and you'll be asked to choose option #1 to be logged in to the call. Meeting ID: 379 062 887#. This video stream and call-in options meet the requirements for Oregon public meeting law.

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.

Meeting Minutes:

- a) [2022-03-03 Planning Commission Meeting Minutes](#)

Public Hearings

Application CU22-03: The applicant is requesting a conditional use permit to allow for a drive-in service facility in the Commercial Central (C-1) Zone. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80: Any use permitted in a C-1 zone with customer drive-in service facilities [SHMC 17.32.030(E)]. The subject property is in the Central Commercial (C-1) Zone.

- a) [CU22-03 Staff Report](#)

Staff Updates on Planning Projects:

Draft Code Revision Updates

- a) [Article 1 and Article 2 Code Revisions](#)
- b) [Additional Code Revisions](#)

Adjournment

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend.

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:
READ: “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”
- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant's Testimony
 - Proponents' Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents' Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
 - Recommendation made by Planning Commission—City Council makes final decision.

If you have a question, please wait until appropriate time and then direct your questions to the Planning Commission. Please speak one at a time so the recorder knows who is speaking.



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

March 03, 2022, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Meeting Information

The Park & Tree Committee will hold a meeting at 8:30 a.m. in the City Council Chambers at City Hall, 3225 Main Street. Individuals attending public meetings in person will be required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. To view the meeting online visit live.sweethomeor.gov. If you don't have access to the internet you can call in to +1 971-203-2871 and you'll be asked to choose option #1 to be logged in to the call. Meeting ID: 947 077 522#. This video stream and call in options meet the requirements for Oregon public meeting law.

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

Roll Call of Commissioners

PRESENT

Eva Journey
David Lowman
Jeffrey Parker
Jamie Melcher
Laura Wood

ABSENT

Henry Wolthuis
Greg Stephens

STAFF

Community and Economic Development Director Blair Larsen
Associate Planner Angela Clegg
Staff Engineer Joe Graybill
Public Works Engineering Technician Trish Rice

GUESTS

Laura LaRoque, Udell Engineering and Land Surveying LLC, 63 E Ash Street, Lebanon, OR 97386
Brian Vandetta, Udell Engineering and Land Surveying, LLC, 63 E Ash Street, Lebanon, OR 97386
Troy Cummins, Santiam River Development LLC, PO Box 40, Lebanon, OR 97386
Michele Whitehead, 1367 Clark Mill Road, Sweet Home, OR 97386
Scott Rice, 3240 Zelkova Street, Sweet Home, OR 97386

Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.

None

Meeting Minutes:

a) 2022-01-06 Planning Commission Meeting Minutes

Correction: add Wood after Roll Call voting Yea.

Motion to approve the minutes with the correction made by Melcher, Seconded by Journey.

Roll Call Voting Yea: Journey, Lowman, Parker, Melcher, Wood

Public Hearings

Application CU22-01: The applicant is requesting a conditional use permit to allow for Property Line Adjustments of a Public School in a residential zone. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80: A use permitted as a conditional use in a R-1 zone [SHMC 17.28.030.A]. In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80: Public school and private school offering curricula similar to public school [SHMC 17.24.030.G]. Modification to approved plans and developments and transfers: Proposed changes that do not meet the above criteria (in section A of 17.80.060) shall be processed as a new application [SHMC 17.80.060.B]. The subject properties are in the Residential High Density (R-2) and the Residential Low Density (R-1) Zones. Conditional Use Application CU22-01 is pending the approval of Property Line Adjustment Applications PLA22-01, PLA22-02 and PLA22-03. Applications PLA22-01, PLA22-02 and PLA22-03 were approved by the Community and Economic Development Director on January 24, 2022. The appeal period ends at 5:00 PM on February 5, 2022.

Application CU22-03: The applicant is requesting a conditional use permit to allow for a drive-in service facility in the Commercial Central (C-1) Zone. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80: Any use permitted in a C-1 zone with customer drive-in service facilities [SHMC 17.32.030(E)]. The subject property is in the Central Commercial (C-1) Zone.

Application CU22-02: The applicant is requesting a conditional use permit to allow residential uses not related to or in conjunction with a recreational development. The proposal is for a Subdivision and Planned Development in the Recreation Commercial (RC) Zone. The subject property is in the Recreation Commercial (RC) Zone. Planned Development application PD22-01 and Subdivision application SD22-01 are pending the approval of application CU22-02. Application CU22-02 is being filed simultaneously with application PD22-01 and SD22-01.

Application PD22-01: The applicant is requesting a Planned Development (PD) overlay to an approximately 790,718 square foot (18.14-acre) property located to the northeast of the Zelkova Street and Clark Mill Road intersection. The Planned Development is requested for the subject property which is identified as 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S01E29 Tax Lot 3502. The proposal includes a preliminary plan to subdivide approximately 582,397 square feet (13 acres) into 42 residential lots and four tracts. The remaining approximate 208,321 square feet (5 acres) are proposed to be developed later. As proposed, the subdivision lots would range in size from 8,032 square feet to 12,290 square feet. Tract A shall be approximately 2,271 square feet, Tract B shall be approximately 3,857 square feet, Tract C shall be approximately 2,223 square feet, and Tract D shall be approximately 70,378 square feet including a pond. The purpose of the request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed in accordance with the development standards of SHMC 17.60.040(B). All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)]. The subject property is in the Recreation Commercial (RC) Zone and the Planned Development Overlay. Application PD22-01 is pending the approval of Conditional Use application CU22-02. Application PD22-01 is being filed simultaneously with application CU22-02 and SD22-01.

Application SD22-01: The applicant is requesting to subdivide an approximately 13.37-acre site into 42 residential lots and four tracts including an existing single-family residential dwelling that will be retained with the proposed development. The subject property is to the northeast of the Zelkova Street and Clark Mill Road intersection and is identified by 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S01E29 Tax Lot 3502. Lots sizes would range in size from 8,032 square feet to 12,290 square

feet. All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)]. The subject property is in the Recreation Commercial (RC) Zone. Application SD22-01 is pending the approval of Conditional Use application CU22-02 and Planned Development Overlay application PD22-01. Application SD22-01 is being filed simultaneously with application CU22-02 and PD22-01.

a) CU22-01 Staff Report

The Public Hearing was opened at 6:33 PM

Commissioner Parker asked of the Committee if there were any Ex Parte, Conflicts of Interest or Personal Bias, there were none.

Staff Report: Associate Planner Angela Clegg gave the staff report and stated that the applicant is asking for a conditional use permit to allow for Property Line Adjustments of a Public School in a residential zone. Staff recommends to the Planning Commission that the application be approved with conditions.

Testimony in favor: none

Testimony in opposition: none

Neutral Testimony: none

The Public Hearing was closed at 6:44 PM

The Planning Commission discussed the application.

Motion to approve the application made by Melcher, Seconded by Journey.

Roll Call Voting Yea: Parker, Wood, Melcher, Journey, Lowman

b) CU22-03 Staff Report

The Public Hearing was opened at 6:46 PM

Commissioner Parker asked of the Committee if there were any Ex Parte, Conflicts of Interest or Personal Bias, there was none.

Staff Report: Associate Planner Angela Clegg gave the staff report and stated the the applicant is asking for a conditional use permit to allow for a drive-in service facility in the Commercial Central (C-1) Zone. Staff recommends to the Planning Commission that they approve the application with conditions.

Testimony in Favor: none

Testimony in Opposition: none

Neutral Testimony: none

The Public Hearing was closed at 7:56 PM

The Commissioners asked if Pacific Bells has a traffic study or estimates of vehicles in line during peak business hours. Staff stated that they hadn't received any studies from the applicant. There is concern about cars stacking up behind the menu board. The Commissioners noted that there is currently room for one extra car behind the menu board before traffic backs up into the driveway and onto 15th Avenue. The Commissioners posed the question of how Pacific Bells plan to deter traffic from backing up, blocking the western access in to Taco Bell and Safeway, and deter traffic from backing up onto 15th Avenue? Staff and Commissioners discussed an alternate drive thru access, however there are concerns about the drive thru traffic blocking parking stalls.

The Commission discussed continuing Application CU22-03 to the March 17, 2022 Planning Commission meeting.

Motion to continue Application CU22-03 to the March 17, 2022 meeting made by Melcher, Seconded by Lowman.

Roll Call Voting Yea: Wood, Melcher, Parker, Journey, Lowman

c) CU22-02 Staff Report

The Public Hearing opened at 7:15 PM

Commissioner Parker asked of the Committee if there were any Ex Parte, Conflicts of Interest or Personal Bias, there was none.

Staff Report: Associate Planner Angela Clegg gave the staff report and stated the applicant is requesting a conditional use permit to allow residential uses not related to or in conjunction with a recreational development. The proposal is for a Subdivision and Planned Development in the Recreation Commercial (RC) Zone. Staff Recommends to the Planning Commission to approve the application with conditions. Clegg proposed a change to Conditional Use #3.

Applicant's Testimony: Laura LaRoque of Udell Engineering, Brian Vandetta of Udell Engineering and Troy Cummins of Santiam River Development explained the reason for the Condition Use and testified on behalf of the application. LaRoque requested the change to Condition of Approval #3

There was discussion about the lack of parking along the multi-use path location and additional parking locations within the subdivision. There was discussion about Clark Mill Road upgrades.

Testimony in Favor: none

Testimony in Opposition: Michele Whitehead, 1367 Clark Mill Rd, Sweet Home, OR 97386. Concerned about additional traffic along Clark Mill Road. Staff addressed the concerns.

Neutral Testimony: Scott Rice, 3240 Zelkova St, Sweet Home, OR 97386. Asked if there would be a stop sign at the intersection of Clark Mill Road and Zelkova. Staff stated that it hasn't got that far in the design stage. Rice asked for clarification on the vacation of right-of-way on Clark Mill Road. Staff explained the procedure.

Rebuttal: Troy Cummins, DBA Santiam River Development, 64 Oak Terrace Drive, Lebanon, OR 97355. Cummins gave a background of the property and addressed community concerns.

The Public Hearing was closed at 8:34 PM

The motion to approve Application CU22-02 with the revision to Condition of Approval #3 was approved by Melcher, Seconded by Journey.

Roll Call Voting: Wood, Melcher, Parker, Journey, Lowman.

d) PD22-01 Staff Report

The Public Hearing opened at 7:15 PM

Commissioner Parker explained that Applications CU22-02, PD22-01, and SD22-01 will be read together since they are part of the same project. The applications will be voted on separately.

Commissioner Parker asked of the Committee if there were any Ex Parte, Conflicts of Interest or Personal Bias, there was none.

Staff Report: Associate Planner Angela Clegg gave the staff report and stated the applicant is requesting a Planned Development (PD) overlay to an approximately 790,718 square foot (18.14-acre) property located to the northeast of the Zelkova Street and Clark Mill Road intersection. The purpose of the request is to allow single-family residential uses permitted conditionally via SHMC 17.60.030(D) to be developed in accordance with the development standards of SHMC 17.60.040(B). All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction

with a recreational development [SHMC 17.60.030(D)]. Staff Recommends to the Planning Commission to approve the application with conditions.

Applicant's Testimony: Laura LaRoque of Udell Engineering, Brian Vandetta of Udell Engineering and Troy Cummins of Santiam River Development explained the reason for the Planned Development and testified on behalf of the application. LaRoque requested the change to Condition of Approval #4.

There was discussion about the lack of parking along the multi-use path location and additional parking locations within the subdivision. There was discussion about Clark Mill Road upgrades.

Testimony in Favor: none

Testimony in Opposition: Michele Whitehead, 1367 Clark Mill Rd, Sweet Home, OR 97386. Concerned about additional traffic along Clark Mill Road. Staff addressed the concerns.

Neutral Testimony: Scott Rice, 3240 Zelkova St, Sweet Home, OR 97386. Asked if there would be a stop sign at the intersection of Clark Mill Road and Zelkova. Staff stated that it hasn't got that far in the design stage. Rice asked for clarification on the vacation of right-of-way on Clark Mill Road. Staff explained the procedure.

Rebuttal: Troy Cummins, DBA Santiam River Development, 64 Oak Terrace Drive, Lebanon, OR 97355. Cummins gave a background of the property and addressed community concerns.

The Public Hearing was closed at 8:34 PM

The motion to approve Application PD22-01 with the revision to Condition of Approval #4 was approved by Melcher, Seconded by Journey.

Roll Call Voting: Wood, Melcher, Parker, Journey, Lowman.

e) SD22-01 Staff Report

The Public Hearing opened at 7:15 PM

Commissioner Parker explained that Applications CU22-02, PD22-01, and SD22-01 will be read together since they are part of the same project. The applications will be voted on separately.

Commissioner Parker asked of the Committee if there were any Ex Parte, Conflicts of Interest or Personal Bias, there was none.

Staff Report: Associate Planner Angela Clegg gave the staff report and stated the applicant is requesting to subdivide an approximately 13.37-acre site into 42 residential lots and four tracts including an existing single-family residential dwelling that will be retained with the proposed development. The subject property is to the northeast of the Zelkova Street and Clark Mill Road intersection and is identified by 1400 Clark Mill Road and Linn County Tax Assessor's Map No. 13S01E29 Tax Lot 3502. Lots sizes would range in size from 8,032 square feet to 12,290 square feet. All lots would be eligible to be developed with single, two-family, and/or single-family attached dwellings and accessory uses with approval of a conditional use permit allowing residential uses not related to or in conjunction with a recreational development [SHMC 17.60.030(D)]. Staff Recommends to the Planning Commission to approve the application with conditions.

Applicant's Testimony: Laura LaRoque of Udell Engineering, Brian Vandetta of Udell Engineering and Troy Cummins of Santiam River Development discussed the Subdivision and testified on behalf of the application. LaRoque requested the change to Condition of Approval #6.

There was discussion about the lack of parking along the multi-use path location and additional parking locations within the subdivision. There was discussion about Clark Mill Road upgrades.

Testimony in Favor: none

Testimony in Opposition: Michele Whitehead, 1367 Clark Mill Rd, Sweet Home, OR 97386. Concerned about additional traffic along Clark Mill Road. Staff addressed the concerns.

Neutral Testimony: Scott Rice, 3240 Zelkova St, Sweet Home, OR 97386. Asked if there would be a stop sign at the intersection of Clark Mill Road and Zelkova. Staff stated that it hasn't got that far in the design stage. Rice asked for clarification on the vacation of right-of-way on Clark Mill Road. Staff explained the procedure.

Rebuttal: Troy Cummins, DBA Santiam River Development, 64 Oak Terrace Drive, Lebanon, OR 97355. Cummins gave a background of the property and addressed community concerns.

The Public Hearing was closed at 8:34 PM

The motion to approve Application SD22-01 with the revision to Condition of Approval #6, and the addition of Conditions of Approval #19 and #20 was approved by Melcher, Seconded by Journey.

Roll Call Voting: Wood, Melcher, Parker, Journey, Lowman.

Staff Updates on Planning Projects:

March 17, 2022 Meeting - Draft Code Revision Updates

Larsen and Clegg gave a draft code update.

Larsen gave an update on the increase of building permits.

Adjournment

The meeting was adjourned at 9:02 PM

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

**City of Sweet Home**

Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to allow for a drive-in service facility in the Commercial Central (C-1) Zone. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80: Any use permitted in a C-1 zone with customer drive-in service facilities [SHMC 17.32.030(E)]. The subject property is in the Central Commercial (C-1) Zone.

APPLICANT: Pacific Bells

PROPERTY OWNER: Whittaker/Northwest Partners II LTD c/o Commercial Investment Properties

FILE NUMBER: CU22-03

PROPERTY LOCATION: 1502 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AD Tax Lots 600.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.32.030 and 17.80.

HEARING DATE & TIME: March 3, 2022, at 6:30 PM

HEARING LOCATION: City Hall Council Chambers at 3225 Main Street, Sweet Home, Oregon 97386

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov

REPORT DATE: February 24, 2022

I. PROJECT AND PROPERTY DESCRIPTION**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Central (C-1)	Central Commercial
Property North	Commercial Central (C-1)	Central Commercial
Property East	Commercial Central (C-1)	Central Commercial
Property South	Commercial Highway (C-2)	Central Commercial
Property West	Commercial Central (C-1)	Central Commercial

Floodplain Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area. The western portion of the property is in the 0.2%

Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile.

Based on the ArcGIS map, the subject property is in the Ames Creek 500-year floodplain.

Wetlands: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does not contain inventoried wetlands.

Access: The subject property has access along 15th Avenue.

Services: The subject property has access to City water and sewer services in main street and 15th Avenue.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: February 3, 2021

Notice Published in Newspaper: February 9, 2021

Planning Commission Public Hearing: March 3, 2022

120-Day Deadline: June 4, 2022

Notice was provided as required by SHMC 17.12.120

II. COMMENTS

Adam Leisinger

Building Division: The Building Program has no issues with this request.

Joe Graybill

Engineering Division: Regarding the proposed drive-in service facility at 15th Avenue and Main St, the driveway access to a new use will not alter the functions of the two available driveways in the area. The Entrance-Exit off 15th Avenue will be rebuilt but will have the same functionality. The Exit Only driveway to Main Street from the adjoining property will not be rebuilt but will also remain the same as an exit only. City water is available, as it was used for the existing structure on the property, same for the sanitary sewer. CEDD-ES has no concerns about the Conditional Use for the Whittaker/Northwest Partners II Ltd property.

Trish Rice

Public Works Dept. The Public Works Department has no issues with this request.

Chief Barringer

Sweet Home Fire

District: No comments as of the issue of this Staff Report.

Public Comments: No comments as of the issue of this Staff Report.

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws. [SHMC 17.80.040(A)]

Staff Findings: The subject property is in the C-1 zone. The applicant is requesting a conditional use permit to allow for a drive-in service facility in the Commercial Central (C-1) Zone. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80: Any use permitted in a C-1 zone with customer drive-in service facilities [SHMC 17.32.030(E)]. The subject property is in the Central Commercial (C-1) Zone.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU22-03.

Based on the above findings, the application complies with these criteria.

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

1. Building size;
2. Parking;
3. Traffic;
4. Noise;
5. Vibration;
6. Exhaust and emissions;
7. Light and glare;
8. Erosion;
9. Odor;
10. Dust;
11. Visibility;
12. Safety;
13. Building, landscaping or street features. [SHMC 17.80.040(B)]

Staff Findings: The applicant is requesting a conditional use permit to allow for a drive-in service facility in the Commercial Central (C-1) Zone. Staff finds that the site size, dimensions, location, topography, and access are adequate for the proposed use.

One parking space per 100 square feet of floor area is required. [SHMC 17.08.090(H)(19)]. The building is 2,056 square feet requiring 21 parking stalls. Only 20 stalls shown on attached site plan (attachment B). One additional stall is required.

With the above condition, the application complies with these criteria.

C. Any 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 that include but are not limited to those listed in this chapter. [SHMC 17.80.040(C)]

Staff Findings: Staff has not identified any negative impacts to adjacent properties. To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section IV of this report.

Based on the above findings, the application complies with these criteria.

D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use. [SHMC 17.80.040(D)]

Staff Findings: The subject property has access to City water and sewer. Staff finds that the proposed use has adequate capacity.

Based on the above findings, the application complies with these criteria.

E. Home occupations must meet the following standards:

1. The home occupation shall be secondary to the residential use.

Staff Findings: The applicant is not proposing a home occupation.

2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.

Staff Findings: The applicant is not proposing a home occupation.

3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.

Staff Findings: The applicant is not proposing a home occupation.

4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.

Staff Findings: The applicant is not proposing a home occupation.

F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

J. In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole. [SHMC 17.80.050]

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks,

limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

To ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval listed in Section IV of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application.

K. A conditional use permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established within that time period. [SHMC 17.80.070]

Staff Findings: As required under this section, staff recommends that a condition of approval require that the conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

IV. CONCLUSION AND RECOMMENDATION

If the Planning Commission approves this application, staff recommends that the conditions of approval listed below be required in order to ensure that the application is consistent with the findings in the Review and Decision Criteria (Section III) and as required by the Sweet Home Municipal Code and other provisions of law. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

Recommended Conditions of Approval for CU22-03:

1. The applicant shall provide 21 parking stalls for the proposed development.
2. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
3. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

V. PLANNING COMMISSION ACTION

In acting on a Conditional Use permit application, the Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section V.

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

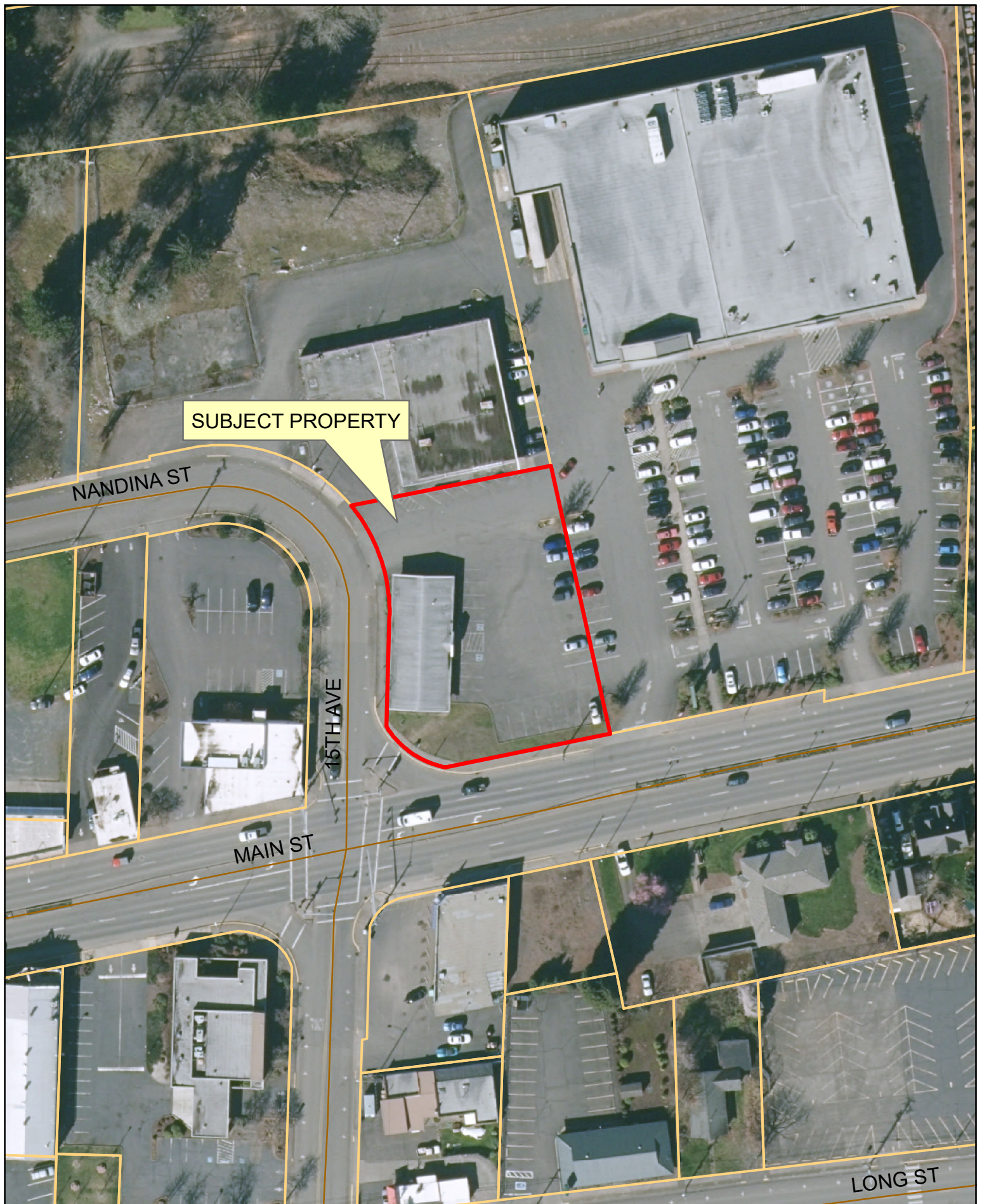
Order: After the Planning Commission decides, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

Motion: After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application CU22-03; which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU22-03; which includes adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A Subject Property Map
- B Site Plan
- C Application



1 inch = 85 feet

CU22-03
Subject Property Map
1502 Main Street

Date: 2/3/22



**PACIFIC
BELLS**
A FRANCHISE OF PACO BELL

PACIFIC BELLS, LLC
111 W. 39TH STREET
VANCOUVER, WA 98660

NEW BUILDING FOR:
PACIFIC BELLS, LLC
1502 MAIN STREET • SWEET HOME, OR 97386

DATE	REMARKS
01/19/2022	OWNER REVIEW
02/02/2022	CITY SUBMITTAL

PROFESSIONAL SEAL

JOB NUMBER
2174180

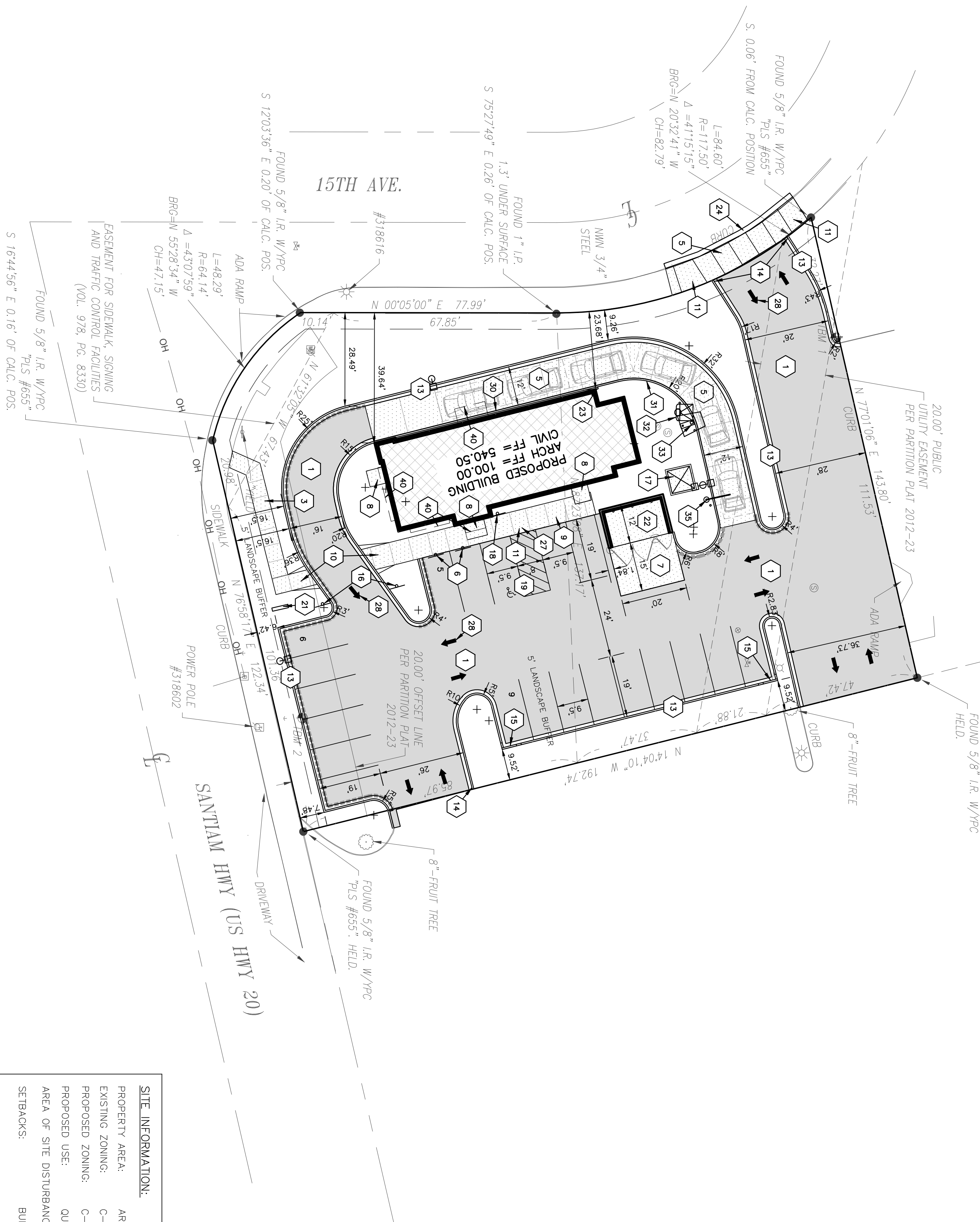


ENDEAVOR 2.0

CIVIL SITE PLAN

C1.1

SPECIFICATION NOTE:
SEE SHEET CO.1 FOR PLAN
SPECIFICATIONS AND REQUIREMENTS



EXISTING SITE DATA			
	AREA (AC)	AREA (SF)	RATIO
PROJECT SITE	0.62	26,871	11.6%
BUILDING FLOOR AREA	0.07	3,125	1.3%
PAVEMENT (ASP. & CONC.)	0.46	20,095	74.8%
TOTAL IMPERVIOUS	0.53	23,220	86.4%
LANDSCAPE / OPEN SPACE	0.08	3,651	13.6%

SITE PLAN KEYNOTES

1	STANDARD ASPHALT SECTION (TYP.).
3	CONCRETE SIDEWALK (TYP.). SIDEWALK WITHIN THE ROW SHALL BE INSTALLED PER LOCAL LIGHT DUTY/DRIVE-THRU CONCRETE. CONCRETE WITHIN THE RIGHT-OF-WAY SHALL BE CONSTRUCTED PER LOCAL STANDARDS (TYP.)
6	"MOBILE PICK UP" PARKING STALL SIGN
7	DUMPSTER PAD/APRON CONCRETE (TYP)
8	CONCRETE STOOP (TYP.). SEE ARCH. PLANS FOR DETAILS.
9	RAISED WALK (TYP.).
10	CURB RAMP (TYP.).
11	ADA SIDEWALK RAMP (TYP.)
13	18" CURB & GUTTER (TYP.)
14	TAPER CURB
15	CURB CUT (TYP.).
16	"DO NOT ENTER" SIGN
17	CONCRETE TRANSFORMER PAD BY UTILITY SUPPLIER (CONTRACTOR TO VERIFY FINAL LOCATION & DESIGN PRIOR TO CONSTRUCTION)
18	HANDICAP SIGN (TYP.).
19	HANDICAP STALL & STRIPING PER STATE CODES.
21	PROPOSED POLE SIGN LOCATION (DETAILS, FINAL LOCATION, & APPROVAL BY SIGN VENDOR)
22	DUMPSTER ENCLOSURE (SEE SHEET C2.2 FOR DETAILS)
23	6" CONCRETE BOLLARDS (SEE DETAIL ON C2.0)
24	MOUNTABLE CURB AND GUTTER TO MATCH EXISTING
27	DETECTABLE WARNING PLATE
28	TRAFFIC FLOW ARROWS. COLOR TO MATCH PARKING STALL STRIPING.
30	DRIVE-THRU BUILDING VERTICAL CURB (SEE DETAIL ON C2.0)
31	DRIVE-THRU 6" VERTICAL CURB. (SEE DETAIL ON C2.0)
32	MENU BOARD.
33	SPEAKER POST, CANOPY, AND BOLLARD.
35	CLEARANCE BAR AND BOLLARD WITH DRIVE THRU SIGN.
40	BUILDING CANOPY (TYP.). (SEE ARCH PLANS.)

<u>SITE INFORMATION:</u>	
PROPERTY AREA:	AREA = 26,871 S.F. (0.62 ACRES).
EXISTING ZONING:	C-1 CENTRAL COMMERCIAL W/ NATURAL RESOURCES OVERLAY
PROPOSED ZONING:	C-1 CENTRAL COMMERCIAL W/ NATURAL RESOURCES OVERLAY
PROPOSED USE:	QUICK SERVE RESTAURANT W/ DRIVE THRU
AREA OF SITE DISTURBANCE:	0.60 AC
SETBACKS:	BUILDING: STREET = 0' SIDE = 0' REAR = 0'
	PAVEMENT: STREET = 5' SIDE = 0' REAR = 0'
PROPOSED BUILDING HEIGHT:	23' (MAX. HEIGHT ALLOWED: 40')
PARKING REQUIRED:	1 SPACE PER 100 S.F. (20 SPACES REQ.)*
	*DOESN'T INCLUDE COOLER AREA IN PARKING CALCULATION
PARKING PROVIDED:	20 SPACE (1 H.C. ACCESSIBLE)
HANDICAP STALLS PROVIDED:	1

PAVEMENT HATCH KEY:	
	STANDARD ASPHALT
	HEAVY DUTY ASPHALT
	SIDEWALK CONCRETE
	HEAVY DUTY CONCRETE

CURB & GUTTER MARKING KEY:

INVERTED CURB & GUTTER

SHEEDING CURB & GULLIE

[illegible]

SCALE

FEET

0 20 40

ATTACHMENT C



City of Sweet Home

Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Application for a Conditional Use Permit

Date Received: _____
Date Complete: _____
File Number: _____
Application Fee \$: _____
Receipt #: _____
Hearing Date: _____

Applicant's Name:

Pacific Bells

Applicant's Address:

111 W 39th St, Vancouver, WA 98660

Applicant's Phone and e-mail:

360-694-7855, APinvoices@pacificbells.com

Subject Property Address:

1502 Main Street, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:

Parcel 1, Partition Plat No. 2012-23; PIN 13S01E31AD00600; Tax ID 245973

Subject Property Size:

0.617 acres

Property Owner: Whittaker/Northwest Partners II LTD c/o
Commercial Investment Properties

Owner's Address:

1600 Valley River Dr Suite 160, Eugene, OR 97401

Owner's Phone and email:

541-805-9224 jwhitty@lancost.net

Subject Property: Zoning Classification

C-1; Central Commercial w/ Natural Resources Overlay

Comprehensive Plan Classification:

Central Commercial

Nature of Applicants Request

Narrative describing the proposed use: Brief Description on this form and attach extra sheets if needed.

Taco Bell quick serve restaurant with drive through.

Impacts on the neighborhood: Include traffic, parking, noise, odor, dust or other impacts. Brief Description on this form.

No negative impacts to the neighborhood are anticipated as a result of the proposed development.

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature:

[Signature]

Date:

2/1/2022

Property Owner's Signature:

[Signature]

Date:

2/1/2022

Within 30 days following the filing of this application, the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

SHMC 17.80.030 APPLICATION REQUIREMENTS

An application for a Conditional Use must meet the submittal requirements and the decision criteria noted below.

- ☐ 1. A site plan drawn to scale showing the dimensions and arrangement of the proposed development on the subject lot;
- ☐ 2. Narrative describing the proposed use and the impacts on the neighborhood;
- ☐ 3. For commercial activities, a proposed plan of business operation;
- ☐ 4. Off street parking and on-site circulation plans for vehicles, bicycles, and pedestrians;
- ☐ 5. The location and dimensions of entrances and exits;
- ☐ 6. A Traffic Impact Study, if required by the City Engineer and the City Planner;
- ☐ 7. Landscape plans;
- ☐ 8. A signage plan, if applicable;
- ☐ 9. Drawings of the exterior for new buildings;
- ☐ 10. Photographs of existing buildings if no changes are to be made to the exterior of the building.

SHMC17.80.040 CONDITIONAL USE CRITERIA.

The criteria that will be used in approving, approving with conditions, or denying an application, or to enlarge or alter a conditional use, will be based on findings with respect to each of the following standards and criteria.

- ☐ A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
- ☐ B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:
 - ☐ 1. Building size
 - ☐ 2. Parking
 - ☐ 3. Traffic
 - ☐ 4. Noise
 - ☐ 5. Vibration
 - ☐ 6. Exhaust and emissions
 - ☐ 7. Light and glare
 - ☐ 8. Erosion
 - ☐ 9. Odor
 - ☐ 10. Dust
 - ☐ 11. Visibility
 - ☐ 12. Safety
 - ☐ 13. Building, landscaping or street features
- ☐ C. Any 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 that include but are not limited to those listed in this chapter.
- ☐ D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
- ☐ E. Home occupations must meet the following standards:
 - ☐ 1. The home occupation shall be secondary to the residential use.
 - ☐ 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
 - ☐ 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.
 - ☐ 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic
- ☐ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
- ☐ G. Marijuana facilities may not have any drive-up services.
- ☐ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
- ☐ I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.

February 3, 2022

Project: Taco Bell
1502 Main Street
Sweet Home, OR 97386

Pacific Bells is requesting Conditional Use Permit review and approval for a Taco Bell quick-serve restaurant with a drive-through located at 1502 Main Street. The property is zoned C1-Central Commercial W/ Natural Resources Overlay and the proposed drive-through requires a conditional use permit. The site currently contains a vacant building that will be demolished as part of the proposed Taco Bell development.

The existing site is 0.62 acres in size and nearly the entire site will be disturbed in conjunction with this redevelopment project. The proposed Taco Bell will be single-story, and the building footprint will be approximately 2,056 square feet. Access to the site will remain from 15th Avenue; the driveway opening and pedestrian sidewalk will be reconstructed at this location. Site access from the east will remain via cross access easement. A new pedestrian sidewalk is proposed to connect the site to Main Street. The building will be on the west side of the site with parking to the east. A waste enclosure is proposed to the northeast side of the building. Automobiles will enter the drive-through on the north side of the building and proceed west and south along the west side of the building. Adequate drive-through queuing has been provided. City ordinance requires 20 parking spaces; this requirement will be met with 20 spaces provided, including one (1) handicap accessible stall.

The site will be graded to match existing drainage patterns. Stormwater will drain to the east through proposed curb cuts and will drain into an existing inlet. The proposed site will reduce the amount of building area and pavement area and will therefore reduce the amount of stormwater discharging offsite.

Landscaping will be provided in an approach which ensures species resiliency and complimentary aesthetics. Site lighting will be provided in a fashion that provides appropriate foot candles for safety and cut-off fixtures for minimal light trespass. Building sconces are proposed in a decorative style that compliments the development and building architecture.

The building design represents Taco Bell's newest concept restaurant consisting of simple massing and crisp material lines. Tower elements accent the main entrance and building corner. The main entrance tower provides an inviting entry to the restaurant. The corner tower in prefinished rust wall panels provides a contemporary signature element unique to Taco Bell. In keeping with previous Taco Bell designs, vibrantly colored brick areas and exciting artwork panels provide accents on the front, walk-up and drive-thru sides of the building. Exterior materials are represented in the attached color elevations. The waste enclosure will be masonry material with metal gates painted to match the building exterior. Building signage is proposed approximately as illustrated in the attached elevations. A pylon sign is also proposed on the side of the site. Official sign submittals for permitting will be provided at a later date by the tenant.

The facility will be in operation from 8 AM to 1 AM, 7 days per week. The anticipated number of employees is 25. No environmental or operational hazards or nuisances to nearby neighbors are anticipated and the proposed redevelopment will fit in well in this commercial area.

ARTICLE I – GENERAL PROVISIONS

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17.02 PURPOSE AND SCOPE

17.02.010 TITLE

This document shall be known as the **Sweet Home Development Code**. Further, the regulations contained herein this Title may be referred to as the “Development Code” or “Code.”

17.02.020 PURPOSE

This Development Code is enacted to:

- A. Implement the goals and policies of The City of Sweet Home Comprehensive Land Use Plan;
- B. Promote the public health, safety, prosperity, and general welfare of the community; and
- C. Provide methods of administering and enforcing the provisions of this Development Code.

17.02.030 CONFORMANCE REQUIRED

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within The City of Sweet Home shall conform to the requirements of this Code.

17.02.040 ADMINISTRATION

The Development Code shall be administered by the City Manager of The City of Sweet Home. Unless otherwise specifically prohibited by Charter, the City Manager is granted the authority to delegate his/her duties under this Code.

17.02.050 VIOLATIONS

- A. *Enforcement.* It shall be the duty of the City Manager, or other designated agents of The City, to enforce this Code. All officials, employees, and contract employees of The City of Sweet Home who have the authority to issue permits shall comply with the provisions of this Code and shall not issue or approve any permit, certificate or license for any use, building, or purpose, which violates or fails to comply with conditions or standards imposed by this Code. Any permit, certificate or license issued in conflict with the provisions of this Code, intentionally or otherwise, shall be void.

ARTICLE I GENERAL PROVISIONS

- B. *Penalty.* Violation of this title constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 as now enacted or hereafter amended. Each day's violation is a separate offense.
- C. *Inspection and Right of Entry.* Whenever there is reasonable cause to suspect a violation of this Development Code, or when necessary to investigate an application or revocation of an approval under procedures prescribed in this Development Code, officials responsible for enforcement or administration of this Development Code may enter onto a site or structure for the purpose of investigation, provided it shall be done in a reasonable manner. No premises shall be entered without first attempting to obtain the consent of the owner or occupant. If consent cannot be obtained, the responsible official shall secure an inspection warrant from a court of competent jurisdiction before further attempts to gain entry and shall have recourse to every other remedy provided by law to secure entry.
- D. *Alternative remedy.* In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this title, the structure or land thus in violation shall constitute a nuisance. The City may, as an alternative to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use. For abatement The City may follow the procedure set out in Sweet Home Municipal Code Article II of Chapter 8.04 as now enacted or hereafter amended, except no hearing need be held before abatement occurs if a hearing before the Planning Commission or City Council has already been held on the issue in dispute and the body has made a final decision thereon. The City can recover its expenses as set forth in the abatement procedure.
- E. Permits or approval, including renewals and extensions, shall not be issued for development on property in which uncorrected code violations exist except to the extent the permits or approvals are needed to correct the violation.

17.02.060 INTERPRETATION

- A. *Authority.* The provisions of this Development Code shall be interpreted as minimum requirements. When this Development Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Development Code shall control. When a certain provision of the Development Code conflicts with another provision of this Development Code, or is unclear, the correct interpretation of the Code shall be determined by the City Manager. The Manager may request that City Legal Counsel, the Community and Economic Development

ARTICLE I GENERAL PROVISIONS

Director, the Planning Commission, or the City Council resolve the conflict or uncertainty.

- B. Process. The City shall keep a record of all such interpretations made by The City including the reasoning behind the interpretation. Requests by the public for an interpretation shall be processed as a Type I application.

17.02.070 EFFECT ON OTHER PUBLIC AND PRIVATE REGULATIONS AND RESTRICTIONS

It is not the intent of the Development Code to interfere with other laws or Codes relating to the use of structures, vehicles or land, or, relating to the construction or alteration of any buildings or improvements. It is not the intent of this Development Code to interfere with any easement, deed restriction, covenant or other legally enforceable restriction imposed on the use or development of land more restrictive than the provisions of this Development Code. Further, it is not the intent of this Development Code to enforce deed restrictions, covenants and similar legal instruments.

17.02.080 CONFLICTING REGULATIONS

All other codes, ordinances or parts of codes or ordinances in conflict herewith are hereby repealed.

17.02.090 SEVERABILITY AND VALIDITY

If any article, section, sentence, clause or phrase of this Development Code is held by a court of competent jurisdiction to be invalid, for any reason, said decision shall not affect the validity of the remainder of this Development Code. The City Council of The City of Sweet Home, Oregon hereby declares that it would have adopted this Development Code, and each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more article, section, sentence, clause or phrases might be declared invalid.

17.02.100 FEES

- A. Purpose. Fees are for the purpose of defraying administrative costs.
- B. General Provisions:
 - 1. Payment. Fees shall be payable at the time of application and shall be as set forth by Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
 - 2. Failure to Pay. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or

ARTICLE I GENERAL PROVISIONS

other failure of consideration, shall be a defect and result in an incomplete application.

3. Refunds. Fees are not refundable unless the application is withdrawn prior to the notification of the application or hearing.
4. Fee Reduction. The City Council may reduce or waive the fees upon showing of just cause to do so.

17.02.110 NONDISCRIMINATION



The city shall not discriminate on the basis of race, religion, national origin, age, color, gender, sexual orientation, physical disability, or socio-economic status in the administration or enforcement of this code.

17.04 DEFINITIONS

17.04.010 GRAMMATICAL INTERPRETATION

- A. Interpretation. Words used in the masculine include the feminine, and feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not discretionary. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use.
- B. Headings. If there is any conflict or inconsistency between the heading of an article, section or paragraph of this Development Code and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
- C. General and Specific Terms. The definitions in this Section include those that are applicable to the entire Development Code and those terms that apply to specific Sections. For example, "Recreational Vehicle" refers to recreational vehicles located within The City; "Recreational Vehicle (FHO)" refers to recreational vehicles located within the Flood Hazard Area Overlay Zone. Terms used in specific sections are identified as follows:

(NRO)	Natural Resource Overlay Zone Chapter 17.28
(FHO)	Flood Hazard Area Overlay Zone; Chapter 17.30
(HPO)	Historic Property Overlay Zone, Chapter 17.32
(SIGN)	Signs; Chapter 17.50
(WTCF)	Wireless Telecommunications Facilities; Chapter 17.80

17.04.020 DEFINITIONS

The following words and phrases, when used in this Development Code, shall have the meanings ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning.

ABANDONED SIGN (SIGN) - A sign structure with a display surface associated with a use of a property that has ceased for a period of at least six months.

ABUT OR ABUTTING - Adjacent, contiguous or adjoining exclusive of street right-of-way with a common boundary line, except that where two or more lots adjoin only a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures at least eight feet in a single direction.

ACCESS - The way or means by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to property.

ARTICLE I GENERAL PROVISIONS

1. Alternate Property access by a means other than the proposed approach or access connection. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.
2. Control Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.
3. Easement An access conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. Cross access easement is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.
4. Point A connection providing for the movement of vehicles between a lot or parcel and a public roadway.
5. Reasonable Access that does not require excessive out-of-direction travel or pose a safety hazard.
6. Spacing / Intersection Spacing The minimum required 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.
7. Way A walkway or multi-use path connecting two rights-of-way to one another where no vehicle connection is made.

ACCESS MANAGEMENT - Regulation of access to streets, roads, and highways from abutting property and public and private roads and driveways.

ACCESSORY BUILDING, STRUCTURE - A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land but does not include dwellings or living quarters.

ACCESSORY DWELLING - An interior, attached, or detached residential structure, with or without kitchen and bathroom facilities, that is constructed on the same lot and used in connection with, or that is accessory to, a single-family dwelling. This definition includes guesthouse.

ACCESSORY USE - A use incidental, appropriate and subordinate to the main use of the parcel, lot or building.

ACCESSWAY - An unobstructed way or required width containing a paved drive or roadway, which provides vehicular access within a development.

ADJACENT - In near, or close, proximity.

ARTICLE I GENERAL PROVISIONS

ADEQUATE ACCESS - Direct routes of travel between destinations.

ADEQUATE AREA - Space sufficient to provide all required public services to standards defined in this Development Code.

ADVERSE - Acting against or contrary to, as to cause harmful interference or conflict.

ADVERSE IMPACT - An impact that is detrimental to or contrary to the desired effect or so opposed as to cause harmful interference. A negative effect that is detrimental to the public welfare or injurious to people, property or the community environment.

AGRICULTURE - The use of land, typically larger than one acre, for the primary purpose of deriving income from growing plants, crops, orchards or fruit production.

ALLEY - A minor public or private accessway affording only secondary means of access to the back or side of property otherwise abutting a public street.

ALTERED OR ALTERATION - Any change or repair, which is intended to prolong the life of a supporting component of a building, such as bearing walls, columns, beams or girders; or any excavation, grading, or contouring of land, which changes the topography, slope, and/or drainage flow from natural conditions.

ALTERED (SIGN) - The modification of the size, shape, or height of a sign, including the replacement of the display surface materials with other comparable materials and the sign structure. This does not include normal maintenance and repair of an existing sign.

ALTERATION (HPO) - A change, addition, or modification to the exterior of a building.

AMUSEMENT OR RECREATIONAL SERVICES - Establishments engaged in providing entertainment for a fee and including, but not limited to, such activities as dance halls; studios; theatrical productions; bands, orchestras and other musical entertainment; commercial facilities such as arenas, rings, rinks and racetracks; public golf courses; coin operated devices; amusement parks; membership sports and health clubs; swimming pools; and expositions.

APARTMENT - A dwelling unit in a multiple-family building.

APPLICANT - The owner of record, contract purchaser, or legal representative or designee.

ARTICLE I GENERAL PROVISIONS

APPEAL - A request for a review, by a higher review authority, of any land use decision or interpretation of any provision of this Development Code.

APPEAL (FHO) - A request for a review of the interpretation of any provision of this Code or a request for a variance.

APPROACH OR DRIVEWAY APPROACH - That portion of land which accesses onto a public or private street.

APPROVAL AUTHORITY - The person or body authorized to make application decisions.

ANTENNA, WIRELESS TELECOMMUNICATIONS (WTCF) - The physical device, commonly in the form of a metal rod, wire panel or dish, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators, police, fire and AM radio are excluded from this definition.

AREA OF SHALLOW FLOODING (FHO) - A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a 1% 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 (FHO) - The land in the floodplain within a community subject to a 1% 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".

ATTACHED WIRELESS TELECOMMUNICATION FACILITY (WTCF) - A wireless telecommunications facility that is affixed to an existing structure, other than a wireless telecommunications tower.

AUTOMOBILE WRECKING YARD - A building or lot used for dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

AWNING - A permanent roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter.

BANKFULL STAGE - The elevation at which water overflows the natural banks of the stream.

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BASE FLOOD (FHO) - The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - (FHO) - The elevation to which floodwater is anticipated to rise during the base flood.

BASEMENT - A portion of a building which has less than one-half (1/2) or more of its height measured from finished floor to finished ceiling below the average elevation of the adjoining grade.

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

BED AND BREAKFAST ESTABLISHMENT - A building or premises used for the provision of lodging and meals, usually breakfast, for compensation.

BICYCLE FACILITIES – Improvements that provide for the needs of bicyclists, including bikeways and bicycle parking.

BIKEWAY - The general term for the five basic types of bikeways:

1. Bike Lanes - A hard surfaced or paved facility, either separated physically from a road or separated by paint stripes, and which is designated specifically for use by bicyclists.
2. Cycle Track - A hard surfaced or paved facility separated physically from a road or street and which is designated specifically for two-way use by bicyclists
3. Shoulder Bikeways are where bicyclists travel within the roadway's paved shoulder. Typically, shoulder bikeways are four to six feet in width.
4. Shared Roadways are roadways where bicyclists and motor vehicles share the travel lane.
5. Multi-Use Paths are separated from vehicular traffic. They are two-way pathways about 10 feet wide used by pedestrians, bicyclists and joggers.

BIOENGINEERING – A method of erosion control and landscape restoration using live plants, such as willows.

BLOCK - A tract of land bound on four sides by streets or bounded by streets and other such features as the city limits or physical barriers such as bodies of water or canyons.

BOARDING AND/OR ROOMING HOUSE - A building where lodging, with or without meals, is provided for compensation. This term shall not include Nursing Homes or Group Care Homes.

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BUFFERS OR BUFFERING - Distance, landscaping, walls, berms, or other measures used to physically separate one land use from another.

BUILDING - Any structure enclosed with walls, excluding canvas or fabric, including windows and doors, having a roof and permanent foundation, conforming to the design and construction requirements of the Oregon Residential Structural Specialty Code, built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. Trailers, with or without wheels, shall not be considered as buildings, except that manufactured homes sited in accordance with standards in this Development Code shall be considered a building.

BUILDING (FHO) - See **STRUCTURE**.

BUILDING ADMINISTRATOR/INSPECTOR - A designated person with duties and authority to enforce all building codes and the provisions of this Development Code.

BUILDING COVERAGE - The maximum percent of a lot that may be covered with all buildings on the lot and based on the ground floor area.

BUILDING ENVELOPE - The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

BUILDING HEIGHT - The vertical distance from the average ground level measured five feet away from the foundation of a building to the highest point of the coping of a flat roof, deck line of a mansard roof, or to the middle height between the eaves and ridge of a pitch or hip roof. If a building is divided into units or segments by means of masonry walls or firewalls and parapets, each unit shall be calculated separately relative to building height.

BUILDING LINE - A line that is adjacent to the front side of a main building parallel to the front lot line.

BUILDING OFFICIAL - An individual empowered by the City Council to administer and enforce building regulations.

BUILDING, PRIMARY - A building within which is conducted the principal use permitted on the lot, as provided in this title.

CAPACITY - Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of "Occupancy" in applicable building codes.

CARPOOL - Two or more persons commuting in a single vehicle.

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CARPORT - A stationary structure consisting of a roof with its supports anchored and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.

CEMETERY - Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

CHANGE OF USE - Change in the primary type of use on a site as defined and administered by the Building Official.

CITY - The City of Sweet Home, Oregon.

CITY COUNCIL OR COUNCIL - The legally elected City Council of The City of Sweet Home, Oregon.

CITY MANAGER - The individual employed by the City Council of The City of Sweet Home, Oregon as the City Manager.

CLEARANCE (SIGN) - The distance measured from the highest point of the grade below the sign to the lowest point of the sign.

CLEAR-VISION AREA - A triangular area on a lot at the intersection of two streets or a street and a railroad. Two sides are lines measured from the corner intersection of the right-of-way lines for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

CLINIC - A facility for delivering ambulatory patient-centered care by a group of physician(s), dentist(s), or other licensed practitioner(s) on an out-patient basis and not involving overnight housing of patients.

CLINIC, LARGE ANIMAL - A business establishment in which veterinary services are rendered to large animals including livestock with no overnight boarding.

CLINIC, SMALL ANIMAL - A business establishment in which veterinary services are rendered to small domestic pets with no overnight boarding.

CLUB - A facility owned or operated for a social, fraternal, religious, educational, or recreational purpose, to which membership is required for participation and which is neither operated primarily for profit nor to render a service which is customarily carried on by a business.

CO-LOCATION (WTCF) - A wireless telecommunications facility comprised of a

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single telecommunications tower or building supporting one or more antennas, dishes or similar devices owned or used by more than one provider.

COMMUNITY CENTER - A facility owned and operated by a governmental agency or a non-profit community organization which is open to any resident of the neighborhood in which the facility is located or to any resident of The City or surrounding area, provided that the primary purpose of the facility is for assembly, and provided further that no permanent or temporary commercial eating or drinking facilities shall be operated on the premises.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR - The individual holding the position of the Community and Economic Development Director for The City of Sweet Home, Oregon.

COMPREHENSIVE PLAN - The Comprehensive Plan of The City of Sweet Home, Oregon.

CONDOMINIUM - A type of residential development utilizing zero lot lines, individual ownerships of units and common ownership of open space and other facilities, and which are regulated, in part by O.R.S. Chapter 100.

COUNTY ASSESSOR - The County Assessor of Linn County, Oregon.

CRITICAL FACILITY (FHO) - 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.

CULTURAL RESOURCE INVENTORY (HPO) - Historical buildings or sites identified as “significant” on the Goal 5 historical resource inventory.

CURB LINE - The line indicating the edge of the vehicular roadway within the overall right-of-way. *Also*, the face of the curb that delineates the roadway line from block to block, excluding pedestrian and parking bulb outs.

CUT - Any act by which earth, sand, gravel, rock, or any other similar material is excavated or removed from a site or parcel of land and includes the conditions resulting there from.

DAY CARE FACILITY - An institution, establishment, or place, appropriately licensed by the State of Oregon and not a part of a public-school system that provides child care to three or more children not of common parentage, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 329A.250. This term

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applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.

DAY NURSERY - Any institution, establishment or place, including nursery schools or private kindergartens, in which are commonly received at one time three or more children not of common parentage, under the age of six years for a period or periods not exceeding 12 hours for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

DECLARANT - The person who files a declaration under ORS 92.075.

DECLARATION - The instrument described in ORS 92.075 by which the subdivision or partition plat was created.

DEDICATION - The designation of land by its owner for any public use as reflected on a subdivision or partition plat, deed, or other recording with the County. The term may also be used for dedications to a private homeowners' association.

DELINEATION - An analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.

DEMOLISH (HPO) - To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic zone.

DENSITY - The number of residential dwelling units per acre of land.

1. Gross density is calculated based on the total property acreage of each tax lot multiplied by the allowed units per acre.
2. Net density is calculated on the total acres, minus any floodplain, dedicated right-of-way, or other proposed or required dedications or allocations of land to uses other than the allowed residential units, except garages and other typical residential accessory uses.

DEVELOPMENT - Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DEVELOPMENT (FHO) - 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.

DISCRETIONARY - A permit action or decision that involves substantial judgment or discretion.

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DISPLAY SURFACE (SIGN) - The area made available by the sign structure for the purpose of displaying the message.

DLCD – Oregon Department of Land Conservation and Development.

DRIVEWAY - A private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

DRIVEWAY, JOINT USE– When land uses on two or more parcels share one driveway.

DWELLING, MULTI-FAMILY - A building or portion thereof designed for occupancy by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY - A detached building or manufactured home designed for and occupied by not more than one family and containing one dwelling unit, excluding tents, teepees, travel trailers and other similar uses.

DWELLING, SINGLE-FAMILY ATTACHED - Two or more single-family dwelling units with common end walls.

DWELLING, TWO-FAMILY (DUPLEX) - A building designed or used as two attached residential dwelling units, neither of which meets the definition of an accessory dwelling unit.

DWELLING UNIT - A building or portion thereof designed with one or more rooms for residential purposes by not more than one family and including a kitchen and bathroom. A recreational vehicle is not a Dwelling Unit.

EASEMENT - A grant of the right to use a strip of land for designated purposes.

ENCROACHMENT - Advancement of a surrounding or adjacent use or structure onto another property, right-of-way or a natural resource or hazard.

ERECT - To build, construct, attach, place, suspend or affix, ~~including the painting of wall signs.~~



EXCAVATION - The removal of organic or inorganic material (e.g., soil, sand, sediment, muck) by human action.

EXPOSED ILLUMINATION - A light source that is seen such as neon, fiber optics, LED, bare bulbs, or similar light sources.

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EXTERNAL ILLUMINATION - An external light source directed to illuminate the exterior surface of the sign.

FAMILY - An individual or two or more persons related by blood, marriage, legal adoption or legal guardianship living together as one housekeeping unit, using one kitchen and providing meals or lodging to not more than two additional persons, excluding service and/or care providers: or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

FARMING – To engage in the cultivation of crops or the raising of animals. Farm Use as defined in ORS 215.203 including non-farm uses authorized by ORS 215.213 and ORS 215.283.

FENCE - Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, encircling either wholly or any portion of any area.

FENCE, SIGHT OBSCURING - A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

FILL - Any act by which earth, sand, gravel, rock, or any other similar material is deposited, placed, pulled, or transported to raise the land to a higher level or grade.

FLOOD OR FLOODING (FHO)

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph 1.b., 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.
2. 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 1.a., of this definition.

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FLOOD ELEVATION STUDY (FHO) - 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) - (FHO) - 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) - (FHO) - See **FLOOD ELEVATION STUDY**.

FLOOD PROOFING (FHO) - 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 (FHO) - 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."

FLOOR AREA - The area of the building, exclusive of porches and exterior stairs, which shall extend to the exterior faces of all walls. Floor area shall include all levels within a structure, including mezzanines and additional stories above the first floor, and including basements improved for regular human occupancy. Within a residential structure, floor area does not include garages or carports.

FLOOR ELEVATION - The height above mean sea level of the first floor of a building that is not a basement.

FLOOR, HABITABLE - Any floor area intended to be used for residential living purposes, which includes working, sleeping, eating, cooking or recreating, or a combination thereof. A floor area used only for storage purposes is not a "habitable floor".

FRONTAGE - The linear edge of a property along the property line abutting a street, or private accessway.

FUNCTIONALLY DEPENDENT USE (FHO) - 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.

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GARAGE, PRIVATE - A detached accessory building or portion of a main building for the parking of automobiles of the occupants of the premises.

GARAGE, PUBLIC - A building other than a private garage used for the care, repair, parking or storage of automobiles.

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

HARD SURFACE - An area surfaced with asphalt, concrete, paving blocks or an equivalent substance approved by the City Engineer but shall not include gravel.

HEDGE - A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary in the front yard or street side yard.

HIGH GROUNDWATER - The near surface groundwater which can present a problem to land development and engineering construction.

HALF-STORY - Means that part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.

HEIGHT (SIGN) - The distance measured from the highest point of the natural grade below the sign to the highest attached component of the sign.

HIGHEST ADJACENT GRADE (FHO) - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE (FHO) - Any structure that is:

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:

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- 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.

HISTORIC ZONE (HPO) - A geographically definable area, the boundaries of which have been adopted by the City Council pursuant to provisions in Chapter 17.215.

HOME OCCUPATION - A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.

HOTEL OR MOTEL - Any building or portion thereof designed or used to offer guest rooms or suites for temporary lodging, with or without meals, for compensation but excluding any institution in which human beings are housed or detained under legal restraint.

HOUSE OF WORSHIP - A permanently located building primarily used for religious worship. This definition shall also include accessory buildings for related religious activities and a residence.

ILLUMINATED (SIGN) - A sign that contains or consists of lights or a light source including the following:

IMPERVIOUS AREA - An area with minimal infiltration of surface water into the underlying soil and shall include pavement, such as concrete, asphalt, gravel, roadways, structures, and roofs or other similar surfaces that limit water penetration.

IMPERVIOUS SURFACE - Any material (e.g., rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.

IMPROVED STREET - A hard surfaced roadway with sidewalk, curb and gutter.

INTERNAL ILLUMINATION (SIGN) - A source of illumination from within a sign.

INTERESTED PERSON - A person who has legal standing in a land use decision and may appeal a decision by virtue of their participation in the public hearing process for that decision.

INTERMITTENT RUNOFF - The officially designated natural or manmade, open drainage channel or course necessary to convey stormwater runoff

INTERSECTION - An at-grade connection of a public or private approach road to the highway.

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JUNK YARDS - The use of property for the storage of salvage materials, including scrap metals or other scrap materials; or, for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

KENNEL - Any premises where four or more dogs, cats, or other small animals or any combination thereof, are kept commercially or permitted to remain for compensation, propagation, training or sale, except not including a clinic for small or large animals.

LANDMARK (HPO) - Any site, object, building or structure designated by the City Council pursuant to provisions in Chapter 17.32.

LANDSCAPING - The term includes trees, grass, shrubs, flowers, water features, garden areas, the arrangement of paths, walkways, fountains, patios, decks, fencing, street and yard furniture, ornamental concrete or stonework, decorative retaining walls, earth forms, such as grading, mounding, contouring, and terracing, exterior use of artificial turf or carpeting, artificial plants, shrubs, or flowers. Both native and non-native vegetation may constitute landscaping materials. This definition pertains to complete site modifications other than buildings and parking areas and driveways.

LAND DIVISION - Any partition or subdivision of a parcel or lot.

LAND USE - The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

LAND USE DECISION - A final decision or determination made by The City of Sweet Home that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Development Code) where the decision requires the interpretation or exercise of policy or legal judgment. Decisions requiring Quasi-Judicial review by The City are considered Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.

LAWN - Any grass or similar materials usually maintained as a ground cover of less than six inches in height. For purposes of this chapter, lawn is not considered native vegetation regardless of the species used.

LATTICE TOWER (WTCF) - A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

LCDC - Oregon Land Conservation and Development Commission.

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LEGISLATIVE PROCESS - A process that leads to the adoption of rules or policies that have broad implications for a large geographic area or for the community as a whole.

LETTER OF MAP CHANGE (LOMC) - (FHO) - 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

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LIVESTOCK - Animals of the bovine species, horses, mules, asses, sheep, goats and swine.

LOADING SPACE - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT - A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning and subdivision codes; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning codes, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of a single lot of record; a portion of a lot of record; or a combination thereof. Lots created judicially may be considered legal lots only if established as part of a formal judicial decree or settlement.

LOT AREA - The total horizontal area contained within the lot lines of a lot, excluding street or alley rights-of-way, and the portion of a flag lot within the pole or driveway area.

LOT, CORNER - A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

LOT COVERAGE - That portion of the total lot area covered by structures and paving expressed as a percentage of the total lot area.

LOT DEPTH - The horizontal mean average distance between the front and rear lot lines.

LOT, FLAG - A lot created which is behind a lot fronting on a street and which is connected to that street by a driveway located on a narrow strip of land. The strip of land may be a portion of the lot behind the street-fronting lot, or an access easement over the street-fronting lot.

LOT, INTERIOR - A lot or parcel of land other than a corner lot.

LOT LINE - A line that defines a boundary of a lot.

LOT LINE, FRONT - The boundary line of a lot that abuts a street other than a side or rear yard line. For a corner lot, the shortest property line along a street, other than an alley. If two or more street lot lines are of equal length, the location of the architectural front of the home, either existing or proposed by the owner, shall be considered the front lot line. If the lot does not abut a street, the longest

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boundary line closest to the street, other than the pole portion of a flag lot, shall be the front lot line.

LOT LINE, REAR - A lot line not abutting a street which is opposite and most distant from the front lot line, and not intersecting a front lot line, except on a corner lot. In the case of irregular, triangular or other shaped lots, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE - Any lot line not a front or rear line.

LOT, THROUGH - Any lot, except a corner lot, that abuts two or more streets and/or highways.

LOT OF RECORD - A legally created lot held in separate ownership as shown on the records of the County prior to the time of the passage of an ordinance or regulation establishing a new zoning district, or new standards within an existing district, within which it is located regardless of lot's compliance with standards of the new regulation.

LOT WIDTH - The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

LOWEST FLOOR (FHO) - 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 Code.

MAINTAIN - To cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

MAJOR PUBLIC IMPROVEMENT (HPO) - The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property within a zone or on a landmark site, except for the repair or maintenance of existing public improvements.

MANUFACTURED DWELLINGS

1. **Manufactured Home** - A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing

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- construction and safety standards and regulations in effect at the time of construction.
2. Mobile Home - A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
 3. Residential (Travel) Trailer - A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

MANUFACTURED DWELLING (FHO) - 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 PARK - Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person.

MANUFACTURED DWELLING PARK OR SUBDIVISION (FHO) - A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

MARQUEE (SIGN) - A permanent roofed structure attached to and supported by the building and projecting over public property.

MASS MOVEMENT - The slow or rapid, natural or artificially induced movement of rock, soil or fill downslope in response to gravity. The major geologic types of mass movement include earthflow, slump, rockslide, rockfall and mudflow.

MEAN SEA LEVEL (FHO) - 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.

MINI-STORAGE WAREHOUSE - An area or areas located within an enclosed building or structure used only in connection with a residential land use for the storage of nonflammable or non-explosive materials.

MITIGATION - Compensating for impacts to a significant natural resource or its buffer including: restoration, creation or enhancement. Some examples of

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mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants and restoring streamside vegetation where it is disturbed.

MOBILE HOME PARK - See **MANUFACTURED HOME PARK**.

MOBILE HOME SPACE - A plot of land within a manufactured or mobile home park designed for the placement of one mobile home.

MODULAR HOME - A structure for residential use that has sleeping, cooking, and plumbing facilities, and is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Code) and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.

MONOPOLE (WTCF) - A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL - See **HOTEL**.

MURAL (SIGN) - Artwork on the inventory of and under the ownership of the Sweet Home Active Revitalization Effort (SHARE) - Mural Committee, a part of the Sweet Home Economic Development Group (SHEDG).

NATIVE VEGETATION - Plants identified as naturally occurring and historically found within The City of Sweet Home.

NATURAL GRADE (SIGN) - The elevation of the original or undisturbed natural surface of the ground.

NATURAL RESOURCE - An area of any locally inventoried wetland, pond, stream, channel, river, lake or habitat area.

NATURAL RESOURCE ENHANCEMENT - A modification of a natural resource to improve its quality.

NATURAL RESOURCE OVERLAY - A designation given to all significant wetlands and riparian corridors delineated on the Significant Natural Resources Map.

NEARBY USES - Activities or uses within one quarter mile of a development which can be reasonably expected to be used by pedestrians and within one mile of a development which can reasonably expected to be used by bicyclist.

NEIGHBORHOOD ACTIVITY CENTERS - Schools, parks, and other similar sites.

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NEW CONSTRUCTION - Structures for which construction was initiated on or after the effective date of this Development Code.

NEW CONSTRUCTION (FHO) - 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 Sweet Home and includes any subsequent improvements to such structures.

NONCONFORMING SIGN (SIGN) - A sign lawfully existing at the time this chapter becomes effective which does not conform to the requirements of this chapter.

NON-CONFORMING SITE CONDITIONS - A legally established site that does not conform to the landscaping, parking, or other site development standards of the zone in which it is located.

NON-CONFORMING STRUCTURE OR LOT - A lawful existing structure or lot at the time this chapter or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.

NON-CONFORMING USE - A lawful existing use at the time this chapter or any amendment thereto becomes effective which does not conform to the use requirements of the zone in which it is located.

NURSING HOME – A facility which provides a wide range of health and personal care services (but mostly focused on medical care), on an in-patient basis, for a period exceeding 24 hours for two or more patients not related to the nursing home administrator or owner by blood or marriage. 

Nursing home – A profit or nonprofit facility licensed by the State of Oregon providing long-term skilled nursing care and/or intermediate nursing care to the aged, ill, or disabled.

OCCUPANCY - The purpose for which a building, or part of a building, is used or intended to be used.

OFFICIAL ZONING MAP - The Map established by adoption by the City Council on which plan locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition, building restrictions, building permits, zoning or other uses or activities, the original of which shall be kept on file at City Hall.

OPEN SPACE - Land that is not covered by buildings, paving, or other hard surfaces, unless such hard surfaces are part of an approved landscape plan, and such land is intended to remain open for visual and/or active or passive recreational use.

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OPEN STORAGE - To put aside or accumulate property for use when needed or at a later date, or for disposal, in an area that is exposed to the public view from a public street.

OWNER - The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract.

PARCEL - A single unit of land that is created by a partitioning of land, or a unit of land created by deed or land sale contract prior to adoption of local planning, zoning or partitioning regulations. Parcel does not include a unit of land created solely to establish a separate tax account.

PARKING AREA, PRIVATE - An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

PARKING AREA, PUBLIC - An open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area.

PARKING SPACE - A durable, dustless, concrete or asphalt paved, and marked surface area, but excluding paved area necessary for access and maneuvering into and out of the space. The following are not considered parking spaces for the purposes of OAR 660-12-045(5) (c): park and ride lots, ADA accessible parking, and parking for carpools and vanpools.

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. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; or
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning regulation; or
3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s).

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PATHWAY - A pedestrian facility that is entirely separate from the roadway and generally serves as an on-site pedestrian system within a development or park.

PEDESTRIAN CONNECTION - A continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges.

PEDESTRIAN WAY - A right-of-way for pedestrian traffic.

PERMANENT (SIGN) - Any sign intended to be used for a period greater than 60 days.

PERMIT (NOUN) - Any action granting permission to do an act or to engage in activity where such permission is required by this Code.

PERMITTED USE - Those uses permitted in a zone that are allowed without obtaining a conditional use permit.

PERMITTEE - The person who is proposing to use or develop property for which use, or development, requires a permit or the person who is using the property or development subject to a permit issued for the property.

PERSON - Every individual, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group of combination acting as a unit.

PETS - Dogs or cats, excluding large or exotic varieties normally located in the wild or displayed by zoological societies; birds, excluding poultry; turtles, fish, lizards, non-poisonous reptiles and snakes, and rodents when contained and housed within a residence and not present in sufficient numbers as to constitute a nuisance to neighbors or to constitute a business.

PLAN MAP - An officially adopted map of The City, including urban growth boundary, showing land use designations and other graphic information which is part of The City's Comprehensive Plan.

PLANNED ROAD OR STREET - A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197, but that has not been constructed.

PLANNED DEVELOPMENT - A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Code.

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PLANNING COMMISSION OR COMMISSION - The Planning Commission of The City of Sweet Home, Oregon.

PLANTER STRIP - A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

PLAT - A map, diagram, drawing, re-plat or other writing containing all of the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, condominium division or land partition.

1. A tentative plat is one that is prepared for review and considered by The City for compliance with development regulation standards.
2. A final plat is one that is prepared for recordation with the County after The City has approved the tentative plat. A final plat must substantially conform to the specifications as approved for the tentative plat.

PONDING - The local accumulation of rainwater on the surface of the ground or to rising groundwater which actually has surfaced.

PROFESSIONAL OFFICE - An office occupied by medical professionals, accountants, attorneys, architects, professional engineers or surveyors or persons engaged in similar occupations.

PROPERTY (OR LOT) BOUNDARY - The division line between two units of land.

PROPERTY (OR LOT) LINE ADJUSTMENT - The relocation of a common property line between two abutting properties.

PROVIDER (WTCF) - A company holding a Federal Communications Commission (FCC) license that is in business to provide telecommunications services.

PUBLIC FACILITIES AND SERVICES - Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

QUALIFIED NATURAL RESOURCE PROFESSIONAL - An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must have the delineation approved by the Oregon Division of State Lands.

QUASI-JUDICIAL REVIEW - A decision affecting land use within The City which requires the interpretation and/or amendment of existing standards or maps contained in this Code.

REASONABLY DIRECT - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction

travel for likely users.

RECREATIONAL VEHICLE - A vacation trailer, vehicle or portable unit, which is either self-propelled, towed, or carried by a motor vehicle, which is:

1. Built on a single chassis;
 2. Less than four hundred (400) square feet;
 3. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use; and
 4. Not designed or intended as a permanent dwelling.
5. A recreational vehicle does not meet the definition for a manufactured home or mobile home.

RECREATIONAL VEHICLE (FHO) - 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.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATION PARK - Any area for picnicking or overnight camping by the general public or any segment of the public.

RECREATIONAL FACILITY - A recreation facility under private ownership and operated by a profit or nonprofit organization, open to bona fide members, and providing one or more type of recreation activity.

RECREATIONAL RETAIL - An establishment engaged in selling goods or merchandise when associated with a recreational development, marina and docks, and other similar uses.

RECREATIONAL VEHICLE, PARK - A lot, which is designed and operated for compensation as a place for temporary or short-term parking of occupied recreational vehicles.

RECREATIONAL VEHICLE, STORAGE - A lot which is designed and operated for compensation as a place for temporary or long-term storage of unoccupied recreational vehicles.

RESIDENTIAL CARE FACILITY - As used in ORS 197, a residential facility is a residential treatment or training home, or adult foster home, licensed by the State of Oregon, which provides care, treatment or training for six (6) to fifteen (15) individuals, and which may also provide housing for staff persons who provide services to those individuals. For the purposed of this Development Code, a residential facility is considered to be a form of multi-family residential development.

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RESIDENTIAL CARE HOME - As used in ORS 197, a residential facility is a residential treatment or training home, or adult foster home, licensed by the State of Oregon, which provides care, treatment or training for five (5) or fewer individuals, and which may also provide housing for staff persons who provide services to those individuals. For the purposes of this Development Code, a residential care home is considered to be a form of single-family dwelling unit.

RESORT - A facility for transient guests where the primary attraction is generally recreational features or activities.

RETAINING WALL – A structure that holds back any material (usually earth) and prevents it from sliding or eroding away.

REVIEW AUTHORITY - The individual, Board, Planning Commission, or City Council who has authority to decide on a land use application as defined by this Development Code.

RIGHT-OF-WAY - Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

RIPARIAN BOUNDARY - An imaginary line that is a certain distance upland from the top of the bank and encompasses everything within the area between the wetland and the upper edge of the riparian area. The City of Sweet Home has adopted the safe harbor setback methodology for this identification.

RIPARIAN CORRIDOR - A Goal 5 resource that includes the water areas, fish habitat, riparian areas and wetlands within the riparian corridor boundary. For purposes of this chapter, riparian areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

ROADWAY - The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

ROADWAY AUTHORITY - The City or other agency with jurisdiction over a road or street.

SCHOOL, ELEMENTARY, JUNIOR HIGH OR HIGH SCHOOL - A public, private, or parochial institution offering instruction in the several branches of learning and study in accordance with the rules and regulations of the State Department of Education.

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SCHOOL, TRADE OR COMMERCIAL - A building where the instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

SEMI-PUBLIC USE - A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

SENIOR HOUSING – Housing specifically designed for, and occupied by, individuals 55 years of age and older. Housing arrangements may include independent living (apartments), nursing and rehabilitation care and continuing care communities.

SERVICE STATION (AUTOMOBILE) - A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhauling.

SETBACK - The minimum allowable horizontal distance from the point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure.

SHARED DRIVEWAY - A driveway used to access two or more parcels.

SHARED PARKING -Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities.

SHOPPING CENTER - A retail store or combination of stores, usually including a grocery store, which provide goods for sale to the general public.

SHRUBS - For the purpose of the Natural Resource Zone, a woody vegetation usually greater than three feet, but less than 20 feet tall, including multi-stemmed shrubs and small trees and saplings.

SIDEWALK - A publicly or privately paved pedestrian walkway within or adjacent to a street right-of-way or private street.

SIGN (SIGN) - Any object or device or part thereof that is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by means including words, pictures, graphics, logos, symbols, colors, motion, illumination or projected images.

SIGN STRUCTURE (SIGN) - Any structure which supports a sign.

SIGNIFICANT NATURAL RESOURCE - Significant wetlands and riparian corridors within The City of Sweet Home's Urban Growth Boundary and designated on the Significant Natural Resources Map.

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SIGNIFICANT WETLANDS - A wetland mapped on The City of Sweet Home Local Wetlands Inventory which meets the primary criteria of the Oregon Division of State Lands Administrative Rules for Identifying Significant Wetlands.

SITE DEVELOPMENT - Any human-caused change to improved or unimproved property, including, but not limited to, land surface mining, grading, filling, excavating, tree cutting, clearing, construction, installation or alteration of a building or other structure, paving, landscaping, establishment or termination of an access or outdoor storage on the land.

SITE PLAN OR DEVELOPMENT PLAN - A drawing or graphic depiction or plan, prepared to scale, showing accurately and with complete scaled dimensioning, all existing and proposed uses, buildings, paving, and landscaping proposed for a specific parcel of land.

SPACE, MANUFACTURED HOME - An area or lot reserved exclusively for the use of a manufactured home occupant.

SPECIAL FLOOD HAZARD AREA (FHO) - See **AREA OF SPECIAL FLOOD HAZARD** for this definition.

START OF CONSTRUCTION - The date a building permit is issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

START OF CONSTRUCTION (FHO) - 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 AND FEDERAL NATURAL RESOURCE AGENCIES - The Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency.

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STORY - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade as defined herein, such basement or cellar shall constitute a story.

STREAM - A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding human-made irrigation and drainage channels.

STREAMBANK EROSION - The loss of land by stream action.

STREET OR ROAD - A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, or road.

1. Alley - A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.
2. Arterial - A street used primarily for through traffic external to The City. Arterials are intersected by collector streets and typically have limited direct access to abutting properties.
3. Collector - A street used to some extent for through traffic and also for local circulation and access to abutting properties.
4. Cul-de-sac (dead-end) - A short street with one end open to traffic and the other terminated by a vehicle turn-around.
5. Frontage - A minor street parallel to and adjacent to an arterial or major collector street intended to provide access to abutting properties and providing protection from through traffic.
6. Half-street - A portion of the standard full width of a street, usually along the edge of a development where the remaining portion of the street could be provided in another development. A half-street improvement could include up to one half the total design width, plus sufficient additional width past the centerline to ensure proper design and construction of the centerline crown, as defined by the City Engineer.
7. Limited Access Street - A means of access to property that is limited by law for public roads or by posting by an owner for private roads.
8. Local - A street used exclusively for access to abutting properties.
9. Private - A street which is privately owned and maintained.
10. Stub Street - A temporary street ending 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.
11. Through Street - A street that connects to other streets at both ends or is planned to do so in the future, pursuant to a comprehensive plan, transportation system plan, access management plan, or land use approval.

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STRUCTURAL ALTERATION - Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

STRUCTURE - Anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include at-grade paved areas or vegetative landscaping materials.

STRUCTURE (FHO) - 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.

SUBDIVIDE LAND - To divide land into four or more lots within a calendar year, or to affect a subdivision of land, as defined below.

SUBDIVISION - Either an act of subdividing land, or an area or tract subdivided as defined in this Development Code. A subdivision means the division of land into more than three lots within a calendar year.

SUBSTANTIAL DAMAGE (FHO) - 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 DEVELOPMENT - Receipt of a valid public works permit or building permit for construction activities, other than a grading permit, is deemed to constitute “substantial development”.

SUBSTANTIAL IMPROVEMENTS

1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
 - a. Before the improvement or repair is started; or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
2. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

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- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIAL IMPROVEMENT (FHO) - 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 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," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

TENTATIVE PLAN - A tentative plan is the application, supplemental data and map showing the general design of a proposed subdivision or partition, submitted to The City for approval under the provisions of ORS 92 and the Sweet Home Development Code

TINY HOME - A permanent one-family dwelling of 400 sq. ft. or less that will be permanently anchored to the ground and able to follow the 2018 International Residential Code (IRC) with Appendix Q, allowing for ladder access to sleeping lofts and reduced ceiling height limits. It requires permanent utility connections and fixtures as defined by standard plumbing and electrical code.

TOP OF BANK - A distinct break in slope between the stream bottom and the surrounding terrain, which corresponds with the bankfull stage, which is the two-year high-water mark, of the stream.

TRANSPORTATION FACILITIES - A physical facility used to move people and goods from one place to another (i.e., streets, sidewalks, pathways, bike lanes, transit stations, bus stops, etc.).

TRANSPORTATION IMPROVEMENTS - Facility improvements include, but are not limited to:

1. Normal operation, maintenance, repair, and preservation activities associated with 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 adopted Transportation System Plan
4. Landscaping as part of a transportation facility.

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5. Measures necessary for the safety and protection of property or the public.
6. Construction of a street or road as part of an approved subdivision or partition consistent with The City's adopted Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition approved in accordance with the applicable land division code.

TREES - For the purpose of the Natural Resource Zone, a woody plant five inches or greater in diameter at breast height and 20 feet or taller.

USE - The purpose for which land or a building is arranged, designed, or intended for which either land or a building is or may be occupied.

UTILITIES - Any water, gas, sewer, storm drainage, electrical, telephone, or communication service, and all persons, companies, and agencies supplying the same.

URBAN GROWTH BOUNDARY - An adopted boundary around The City which defines the area in which The City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Linn County.

VACATION - A procedure to revert public lands, including right-of-way, easements, and other public places, to adjoining private property ownerships.

VARIANCE - A grant of relief from the requirements of this Development Code which permits development in a manner that would otherwise be prohibited by this Development Code.

VARIANCE (FHO) - A grant of relief by The City of Sweet Home from the terms of a flood plain management regulation.

VIOLATION - The division or use of land or structures, or the construction of, addition to, or alteration of, structures in a manner that does not fully comply with the provisions of this Development Code.

VIOLATION (FHO) - 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 Code is presumed to be in violation until such time as that documentation is provided.

VISUAL COMPATIBILITY CHARACTERISTICS (WTCTF) - Characteristics that minimize the visual impact of a tower or antennas.

WALL - A structure of brick, stone, etc., that surrounds an area or separates one area from another.

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WAREHOUSE - A place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also, a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

WETLAND BOUNDARY - The edges of a wetland as delineated by a qualified professional.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For purposes of this title, Riparian Areas are identified on the Significant Natural Resource Overlay Zone Maps, as adopted in the Comprehensive Plan.

WETLANDS-JURISDICTIONAL - A wetland subject to rules and regulations identified in Section 404 of the US Clean Water Act and Oregon's Fill and Removal statute.

WIRELESS TELECOMMUNICATIONS (WTCF) - The transmission, via radio frequency electromagnetic waves, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

WIRELESS TELECOMMUNICATIONS ACCESSORY STRUCTURE/EQUIPMENT (WTCF) - Equipment shelters or radio equipment necessary for the operation of wireless telecommunications in addition to the antenna and tower.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER (WTCF) - The structure in which the electronic radio equipment and relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATION FACILITY (WTCF) - A facility consisting of the equipment and structures involved in receiving and or transmitting telecommunications or radio signals.

WIRELESS TELECOMMUNICATIONS SUPPORT FACILITY (WTCF) - A wireless telecommunication tower.

WIRELESS TELECOMMUNICATIONS TOWER (WTCF) - A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice towers, but not excluding any other approved structure.

WORK OF ART (SIGN) - A work made and/or valued primarily for an artistic rather than practical function.

WRECKING YARD - See **JUNK YARD**.

YARD - Any open space on the same lot with a building or group of buildings, which is unoccupied and unobstructed by any structure from the ground upward to the sky, other than by landscaping or a permitted fence, and except for the projections as permitted in this Development Code.

1. Yard, Corner Lot - The front yard is adjacent to the shortest lot line along a street. The rear yard is opposite the front yard. The street side yard is adjacent to the longest lot line along a street. The side yard is opposite the street side yard.
2. Exterior Yard - A yard area abutting a street right-of-way created by a setback line.
3. Front Yard - A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley shall be considered a front yard.
4. Yard, Front-Inset - A yard on a flag lot, or similarly configured lot, paralleling the street and at the rear of another lot.
5. Interior Yard - A yard area adjacent to a property line created by a setback line that may be either a side yard or rear yard abutting another property.
6. Rear Yard - A yard opposite the Front Yard.
7. Side Yard - A yard that is not a Front Yard or Rear Yard.
8. Street Facing Side Yard - An exterior side yard facing a street that is not a front yard. For corner lots, usually the largest street facing dimension of the property.

ZERO LOT LINE SUBDIVISION OR PARTITION - A type of residential subdivision or partition utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

ZERO SETBACK - A property line having no setback therefrom permitting building locations on the property line and may equally divide a common wall between buildings on adjacent properties.

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17.06 CITY COMPREHENSIVE PLAN AND ESTABLISHMENT OF ZONES

17.06.010 ADOPTION OF COMPREHENSIVE PLAN

- A. The purpose of this Chapter is to promote the public health, safety and general welfare of The City of Sweet Home and to assist in implementing the adopted Statewide Planning Goals.
- B. The Comprehensive Plan as amended and approved by ordinance by the City Council is the official guide for decisions related to land use, and by this reference is made a part thereof.

17.06.020 CLASSIFICATION OF ZONES

For the purposes of this title, the following zones are established:

Zone	Abbreviation	Zone	Abbreviation
Residential Low-Density	R-1	Industrial	I
Residential Medium-Density	R-2	Public Facility	PF
Residential High-Density	R-3	Recreation Commercial Mixed Use Employment	RC MUE
Residential Mixed Use	MU	Natural Resources Overlay	NRO
Commercial Central	C-1	Flood Hazard Overlay	FHO
Commercial Highway	C-2	Historic Property Overlay	HPO
Commercial Neighborhood	C-3		

17.06.030 LOCATION OF ZONES

The boundaries for the zones listed in this title are indicated on The City Zoning Map of 2003 and all amendments made, which are adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

17.06.040 ZONING MAPS

A zoning map or zoning map amendment adopted by this title or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained at City Hall as long as this title remains in effect.

17.06.050 ZONING OF ANNEXED AREAS

All areas annexed to The City shall continue to be zoned under the existing county zoning, unless the area or a part of the area is specifically placed in a zone or zones by the City Council, after receiving and considering the recommendations of The City's Planning Commission.

17.06.060 LOCATION OF ZONE BOUNDARIES

- A. Boundaries. The boundaries for the zones listed in this Development Code are indicated on the Zoning Map of The City of Sweet Home, which is hereby adopted by this reference and hereinafter referred to as the "Zoning Map" in this Development Code. The boundaries shall be modified, only in accordance with the Sweet Home Comprehensive Plan land use designations and policies, with zone map amendments, and adopted by ordinance.
- B. Zoning Map. The official "Zoning Map" shall be maintained on file at City Hall as long as this Development Code remains in effect. Amendments thereto shall be endorsed on the map with the number of the ordinance by which the change was made. Failure to revise the map shall not affect the validity of any zone change.
- C. Boundary Resolution. The City Council shall resolve any dispute over the exact location of a zone boundary. In interpreting the location of such boundaries on the Sweet Home Zoning Map, the City Council shall rely on the Sweet Home Comprehensive Plan Map and the following guidelines for the location of zone boundaries:
 - 1. Rights-of-Way. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas.
 - 2. Parcel, Lot and Tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
 - 3. Jurisdiction Boundary. Boundaries indicated as approximately following a city or county boundary, or the urban growth boundary, shall be construed as following said boundary.
 - 4. Natural Features. Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsections C.1. through 3. immediately above, shall be construed as following such feature.

17.08 USES - GENERAL

17.08.010 INTERPRETATIONS OF USES

- A. Types of Uses. Within each zone, uses are classified as “permitted,” “special permitted” and “conditional.” Further, uses are functionally classified by description of the particular activity, such as “single-family residence.”
- B. Interpretation of Uses. Where a use is not defined in Chapter 17.04, the words of this Development Code describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires an alternative interpretation.
- C. Prohibited Uses. A use not specifically identified as permitted, special permitted or conditionally permitted within a zone, or, otherwise allowed through interpretation, shall be considered a prohibited use.
- D. City Authorization. The City may permit uses in a zone similar to uses permitted outright in that zone.

17.08.020 PERMITTED USES - ALL ZONES

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-way by public agencies and utility companies for telecommunications, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewater, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-way controlled by a public agency.
- D. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan.

17.08.030 PROHIBITED USES

The following uses are prohibited regardless of the underlying zone:

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- A. The use of private property for the burial of human remains, and, family burial grounds.
- B. Breeding, raising and/or keeping of swine.
- C. Commercial feed lots, dairies, and auction yards for livestock.
- D. Rendering plants, slaughterhouses, and meat packing plants.

17.10 RESIDENTIAL LOW-DENSITY ZONE (R-1)

17.10.010 PURPOSE



The purpose of the R-1 zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities.

17.10.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the R-1 zone:

- A. Single-family dwelling.
- B. Duplex on a corner lot where each living unit has access from a separate street.
- C. Residential care homes, licensed by the State of Oregon.
- D. Day care facility; day nursery for 12 or fewer children.
- E. Open space and parks identified in The City's adopted Parks Master Plan.

17.10.030 SPECIAL USES

The following uses, when developed under the special development requirements, are permitted in the R-1 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions, subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Manufactured homes on individual lots, subject to provisions in Chapter 17.66.
- G. Home occupations, subject to the provisions of Chapter 17.68.
- H. Residential accessory structures, subject to the provisions in Chapter 17.70.
- I. Residential accessory dwelling, subject to the provisions in Chapter 17.72.

- J. Temporary uses, subject to provisions in Chapter 17.74.

17.10.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Cemetery.
- B. Church, religious institution, club, lodge, fraternal organization.
- C. Community center.
- D. Hospital and medical clinics.
- E. Private golf course, country club or recreational club.
- F. Public school and private schools, except trade schools.
- G. Public utility facility.
- H. Bed and breakfast establishments and short-term rentals, subject to provisions in Chapter 17.76.
- I. Secondary use on a lot without a primary use.
- J. Duplexes not located on a corner lot.
- K. Amateur radio, police and fire antennas.
- L. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.10.050 DENSITY REGULATIONS

- A. Single Family and Manufactured Homes - No more than one dwelling per lot or parcel, other than an approved residential accessory dwelling unit.
- B. Duplex – No more than one duplex per corner lot or parcel.
- C. Residential Development – Maximum of 5.4 dwelling units per net acre.

17.10.060 DIMENSIONAL STANDARDS

ARTICLE II ZONES AND ZONING REGULATIONS

- A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-1 zone:

Minimum Lot Area & Width	
Single Family Dwelling, Manufactured Home	7,000 square feet
Duplex	9,000 square feet
Other Uses	Sufficient to meet density and development requirements
Minimum Width at Building Line	70-feet
Minimum Setbacks	
Front Yard	15-feet
Garage, Carport	20-feet to entrance
Side Yard (Interior)	5-feet minimum any side 12-feet both sides combined
Side Yard (Street)	15 feet
Rear Yard	15 feet
Maximum Structure Height	
Primary Building	30 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	40%

- B. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.
- C. Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.

17.10.070 DEVELOPMENT STANDARDS

All development in the R-1 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. All single-family homes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.

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- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.12 RESIDENTIAL MEDIUM-DENSITY ZONE (R-2)

17.12.010 PURPOSE

The purpose of the R-2 zone is to provide areas suitable and desirable for single-family homes, duplexes, condominiums, town houses and appropriate community facilities.

17.12.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the R-2 zone:

- A. Single-family dwelling;
- B. Single-family attached dwellings.
- C. Duplex (two-family) dwelling.
- D. Residential care homes, licensed by the State of Oregon.
- E. Day care facility; day nursery for 12 or fewer children.
- F. Open space and parks identified in The City's adopted master parks plan.

17.12.030 SPECIAL USES

The following uses, when developed under the special development requirements, are permitted in the R-2 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Manufactured homes on individual lots, subject to provisions in Chapter 17.66.
- G. Home occupations, subject to the provisions of Chapter 17.68.
- H. Residential accessory structures, subject to the provisions in Chapter 17.70.
- I. Residential accessory dwelling, subject to the provisions in Chapter 17.72.

- J. Temporary uses, subject to provisions in Chapter 17.74.

17.12.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Multi-family dwellings.
- B. Cemetery.
- C. Church, religious institution, club, lodge, fraternal organization.
- D. Community center.
- E. Hospital and medical clinics.
- F. Professional office, except for animal clinic.
- G. Private golf course, country club or recreational club.
- H. Public school and private schools, except trade schools.
- I. Public utility facility.
- J. Bed and breakfast establishments, and short term rentals subject to provisions in Chapter 17.76.
- K. Secondary use on a lot without a primary use.
- L. Amateur radio, police and fire antennas.
- M. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.12.050 DENSITY REGULATIONS

- A. Single Family and Manufactured Homes, Duplexes - No more than one residential structure per lot or parcel, other than an approved residential accessory dwelling.
- B. Other Residential Development – Maximum of 9.0 dwelling units per net acre.

17.12.060 DIMENSIONAL STANDARDS

ARTICLE II ZONES AND ZONING REGULATIONS

- A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-2 zone:

Minimum Lot Area & Width	
Single Family	5,000 square feet
Duplex	7,000 square feet
Attached Dwelling	3,500 square feet
Multiple Family (3 or more)	2,500 square feet per unit
Other Uses	Sufficient to meet setbacks and development requirements
Minimum Width at Building Line – Corner Lot	70 feet
Minimum Width at Building Line – Interior Lot	60 feet
Minimum Width at Building Line – Attached	30 feet
Minimum Setbacks	
Front Yard	15 feet
Garage	20 feet to the entrance
Side Yard (Interior)	5 feet
Side Yard (Street)	15 feet
Rear Yard	15 feet
Attached Side Yard	0 feet/10 feet Exterior Boundary
Maximum Structure Height	
Single-family	30 feet
Single-family Attached, Duplex	40 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	
Single-family	40%
Single-family Attached	60%
Duplex, Multi-family	60%

- B. On a flag lot, the inset front yard setback shall be a minimum of ten feet.
- C. No building shall be located closer than one-half the distance of the right-of-way projected for the abutting street, based on the street classification, plus the required front setback from a centerline of a street other than an alley.

17.12.070 DEVELOPMENT STANDARDS

All development in the R-2 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. All single-family homes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.

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- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.14 RESIDENTIAL HIGH-DENSITY ZONE (R-3)

17.14.010 PURPOSE

The purpose of the R-3 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-3 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside The City.

17.14.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the R-3 zone:

- A. Single-family dwelling.
- B. Single-family attached dwellings.
- C. Duplex (two-family) dwelling.
- D. Multi-family dwelling.
- E. Residential care homes and facilities, licensed by the State of Oregon.
- F. Day care facility; day nursery for 12 or fewer children.
- G. Open space and parks identified in The City's adopted Parks Master Plan.

17.14.030 SPECIAL USES

The following uses, when developed under the special development requirements, are permitted in the R-3 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Manufactured dwelling park, subject to the provisions of Chapter 17.64.

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- G. Manufactured homes on individual lots, subject to the provisions of Chapter 17.66.
- H. Home occupations, subject to the provisions of Chapter 17.68.
- I. Residential accessory structures, subject to the provisions in Chapter 17.70.
- J. Residential accessory dwelling, subject to the provisions in Chapter 17.72.
- K. Temporary uses, subject to provisions in Chapter 17.74.

17.10.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Cemetery.
- B. Church, religious institution, club, lodge, fraternal organization.
- C. Community center.
- D. Hospital and medical clinics.
- E. Professional office, except for animal clinics.
- F. Private golf course, country club or recreational club.
- G. Public school and private schools, except trade schools.
- H. Public utility facility.
- I. Bed and breakfast establishments and short-term rentals, subject to provisions in Chapter 17.76.
- J. Secondary use on a lot without a primary use.
- K. Amateur radio, police and fire antennas.
- L. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.14.050 DENSITY REGULATIONS

ARTICLE II ZONES AND ZONING REGULATIONS

- A. Single Family and Manufactured Homes, Duplexes – No more than one residential structure per lot or parcel, other than an approved accessory dwelling unit; maximum of 9.0 dwelling units per net acre.
- B. Multi-family – Maximum of 28 units per net acre.

17.14.060 DIMENSIONAL STANDARDS

Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-3 zone:

Minimum Lot Area & Width	
Single Family	5,000 square feet
Duplex	7,000 square feet
Attached Dwelling	3,500 square feet
Multiple Family (3 or more)	9,000 square feet (parcel) 1,500 square feet per unit
Other Uses	Sufficient to meet setbacks and development requirements
Minimum Width at Building Line – Corner Lot	70 feet
Minimum Width at Building Line – Interior Lot	60 feet
Minimum Width at Building Line – Attached	25 feet
Minimum Setbacks	
Front Yard	15 feet
Garage	20 feet to the entrance
Side Yard (Interior)	5 feet (per story)
Side Yard (Street)	15 feet
Rear Yard	15 feet
Attached Side Yard	0 feet 10 feet Exterior Boundary
Maximum Structure Height	
Single-family	30 feet
Single family Attached, Duplex, Multi-family	40 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	
Single-family	40%
Single-family Attached	60%
Duplex, Multi-family	60%

17.14.070 DEVELOPMENT STANDARDS

All development in the R-3 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. All single-family homes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44

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- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.16 MIXED-USE ZONE (MU)

17.16.010 PURPOSE

The Mixed-Use Zone is intended to provide areas appropriate for centralized commercial facilities to serve the needs of area residents and provide a variety of housing opportunities in support of commercial activities.

17.16.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the MU zone:

- A. Single-family, attached dwellings.
- B. Multi-family dwellings.
- C. Residential care homes and facilities, licensed by the State of Oregon.
- D. Day care facility; day nursery for 12 or fewer children.
- ~~E.~~ E. Open space and parks identified in The City's adopted Parks Master Plan.
- ~~F.~~ F. Nursing homes, assisted living centers, convalescent homes, housing specifically designed for, and occupied by, individuals 55 years of age and older, and similar facilities.
- ~~G.~~ G. Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores and sporting goods stores.
- ~~H.~~ H. Retail service establishments offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments, motels and hotels (but excluding recreational vehicle parks and campgrounds), banks, real estate, and financial services.
- ~~I.~~ I. Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services.
- J. Professional offices and clinics for medical, dental, legal, engineering and other professions
- K. Public and private utility buildings and structures, including but not limited to electric substations, telephone exchanges, and communications antennas or towers.

- L. Publicly owned and operated facilities or structures, including government offices and stations, public use buildings and recreation sites, excluding water and sewage treatment facilities.

17.16.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the MU zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions, subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Residential accessory structures, subject to the provisions in Chapter 17.70.
- G. Temporary uses, subject to provisions in Chapter 17.74.

17.16.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Houses of worship, subject to provisions in Chapter 17.78.
- B. Public and private schools, pre-schools, kindergartens, elementary, middle and high schools, including business, art, dancing, trade, technical, or similar schools.
- C. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.16.050 DENSITY REGULATIONS

The maximum allowable density shall be 9 dwelling units per net acre for single family attached homes, and, 32 dwelling units per net acre for multi-family development.

17.16.060 DIMENSIONAL STANDARDS

ARTICLE II ZONES AND ZONING REGULATIONS

Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the MU Zone:

Minimum Lot Area	
All Development	5,000 square feet
Minimum Lot Dimension Requirements	
Lot Width	50 feet
Lot Depth	100 feet
Minimum Setbacks	
Front Yard	10 feet
Garage, carport	20 feet to entrance
Side Yard	5 feet
Side Yard (adjacent to "R" zone)	5 feet + 5 feet per story
Side Yard (Street)	10 feet
Rear Yard	5 feet
Rear Yard (adjacent to "R" zone)	5 feet + 5 feet per story
Maximum Structure Height	
Primary Structure	40 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	75%

17.16.070 DEVELOPMENT STANDARDS

Unless otherwise amended by Chapter 17.106, all development in the MU Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. Uses identified in the MU zone shall comply with provisions in Chapter 17.44.
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Outdoor Storage and Display. Outdoor storage and display of merchandise, material, or equipment shall be permitted only when such storage is incidental to a permitted use located on the same property, and provided that:
 1. The storage area shall be completely enclosed by sight obscuring fences, walls, or buildings or a combination thereof. Said walls or fences shall be not less than six feet in height.

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2. There shall be no outdoor storage of merchandise, materials, equipment, or other goods to a height greater than that of any enclosing fence, wall, or building.
 3. Outdoor display of limited commercial goods may be permitted in front of the building, such as adjacent to the sidewalk, provided that the sidewalk is not obstructed, or the sidewalk is widened to create additional space outside of the normal 5-foot walkway.
- G. Mixing Uses. Residential and commercial uses may be mixed either on the entire site, within a building or both. No more than 90% of the development shall be a single use, as measured by square footage of building floor area or square footage devoted to a use or activity.
- H. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).



17.18 COMMERCIAL CENTRAL ZONE (C-1)

17.18.010 PURPOSE

The purpose of the C-1 zone is to provide an area suitable and desirable for retail and service enterprises, offices, financial institutions and public service uses which are appropriate in the intensively developed commercial center of the community in order to meet shopping and other business needs of area residents. The C-1 zone is appropriate only in the downtown area of The City.

17.18.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the C-1 zone:

- A. Dwellings located above a first-floor commercial business.
- B. Parking lot;
- C. Family day care center; not a home occupation.
- D. Community center;
- E. Bus depot, taxicab stand;
- F. Club, lodge, fraternal organization;
- G. Newspaper office, print shop;
- H. Motel, hotel, rooming/boarding house establishment;
- I. A commercial enterprise which may be classified as belonging to one of the following use groups:
 - 1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store;
 - 2. Automobile, boat, truck or trailer sales establishment; provided any associated repair shall be incidental to the operation and that all sales, service, storage, repair and display shall occur within an enclosed building;
 - 3. Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, tailor shop or locksmith;
 - 4. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-1 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop;

ARTICLE II ZONES AND ZONING REGULATIONS

- 5. Eating or drinking establishments such as restaurant, tavern or cocktail lounge;
 - 6. Office, business or professional;
 - 7. Financial institution, such as bank; and
 - 8. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall.
- J. Antique shop or second-hand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building.

17.18.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the C-1 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned developments, subject to the applicable provisions of Chapter 17.60.
- E. Home occupations within a pre-existing residence, subject to the provisions of Chapter 17.68.
- F. Bed and breakfast, and short term rentals within a pre-existing residence, subject to the provisions of Chapter 17.76.
- G. Temporary uses, subject to provisions in Chapter 17.74.

17.18.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Church, nonprofit religious or philanthropic institution.
- B. Governmental structure or use of land.
- C. Public utility facility.
- D. Automobile service station; provided, that no major automobile repair, overhaul or reconstruction shall be permitted; and provided, further, that any incidental automobile repair shall be performed entirely within an enclosed building.

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- E. Any use permitted in a C-1 zone with customer drive-in service facilities, per requirements in Chapter 17.18.060.
- F. Small animal clinic or animal hospital; provided, all animals shall be kept at all times within an enclosed building.
- G. Amateur radio antennas.
- H. Commercial radio stations and antennas.
- I. Marijuana retailer or medical dispensary.
- J. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.18.050 DIMENSIONAL STANDARDS

- A. Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the C-1 Zone:

Minimum Lot Area	
All Development	None
Minimum Setbacks	
Front Yard	0 feet
Side Yard	0 feet
Street Side Yard	0 feet
Rear Yard	0 feet
Front Yard (adjacent to "R" zone)	20 feet
Side Yard (adjacent to "R" zone)	10 feet
Street Side Yard (adjacent to "R" zone)	15 feet
Rear Yard (adjacent to "R" zone)	10 feet
Maximum Structure Height	
Principal and Accessory Building	40 feet
Maximum Lot Coverage	100%

- B. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- C. Setbacks for Automobile Service Stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of 15 feet from the property line separating the yard from the street.

17.18.060 DEVELOPMENT STANDARDS

All development in the C-1 Zone shall comply with the following specific standards:

- A. Off-street Parking. Uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Site Development Review. All new development and expansion of an existing structure or use in the C-1 Zone shall be subject to the Site Development Review procedures of Chapter 17.102.
- G. Outdoor Storage and Display. Permanent outdoor storage and display of merchandise, material, or equipment shall be prohibited. Temporary outdoor display of merchandise shall be allowed, provided the display is limited to business hours.
- H. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- I. Drive-Through Facilities. Drive-up, drive-in and drive-through facilities (e.g., associated with restaurants, banks, car washes and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all of the following standards:
 - 1. The facility receives access from an alley or driveway, and not a street;
 - 2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, window, teller machines, service windows, drop-boxes and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. Walk-up only teller machines and kiosks are exempted from this requirement;
 - 3. The facility is subordinate to a primary permitted use. **Subordinate** means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and

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4. No more than one drive-up, drive-in or drive-through facility shall be permitted on one block, or for a distance of 300 linear feet along the same street frontage, whichever is less.
- J. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.20 COMMERCIAL HIGHWAY ZONE (C-2)

17.20.010 PURPOSE

The purpose of the C-2 zone is to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in areas along or near U.S. Highway 20 east and west of downtown Sweet Home which have developed with commercial activities or which have potential for such activity as long as sufficient vehicular access control is maintained.

17.20.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the C-2 zone:

- A. Parking lot.
- B. Day care center.
- C. Community center.
- D. Bus depot, taxicab stand.
- E. Club, lodge, fraternal organization.
- F. Newspaper office, print shop.
- G. Commercial enterprises with customer drive-in service facilities, pursuant to requirements in Chapter 17.18.060.
- H. Automobile service station, provided, any incidental automobile repair shall be performed entirely within an enclosed building.
- I. Automobile, boat, truck, trailer sales, service, rental, display, storage and repair.
- J. Cabinet or similar woodworking shop.
- K. Cold storage plant, ice processing plant.
- L. Feed, seed store.
- M. Heavy equipment, implement, machinery sales, service, rental, display, storage and repair.
- N. Lumber, building materials sales and storage.

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- O. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but excluding uses such as race track or automobile speedway.
- P. Plumbing, heating, electrical or paint contractor's storage, sales or repair shop.
- Q. Tire sales, repair shop.
- R. Truck terminal, freight depot.
- S. Warehouse, storage area including mini-storage.
- T. Wholesale establishment.
- U. Motel, hotel, rooming/boarding house establishment.
- V. A commercial enterprise which may be classified as belonging to one of the following use groups:
 - 1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store.
 - 2. Automobile, boat, truck or trailer sales establishment; provided any associated repair shall be incidental to the operation and that all sales, service, storage, repair and display shall occur within an enclosed building.
 - 3. Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, tailor shop or locksmith.
 - 4. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-2 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop.
 - 5. Eating or drinking establishments such as restaurant, tavern or cocktail lounge.
 - 6. Office, business or professional, including medical clinics.
 - 7. Small animal clinic or animal hospital; provided, all animals shall be kept at all times within an enclosed building.
 - 8. Financial institution, such as bank.
 - 9. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall.
- W. Antique shop or second-hand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building.

17.20.030 SPECIAL USES

ARTICLE II ZONES AND ZONING REGULATIONS

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the C-2 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Home occupations within a pre-existing residence, subject to the provisions of Chapter 17.68.
- F. Bed and breakfast, and short term rentals within a pre-existing residence, subject to the provisions of Chapter 17.76.
- G. Temporary uses, subject to provisions in Chapter 17.74.

17.20.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Church, nonprofit religious or philanthropic institution.
- B. Governmental structure or use of land.
- C. Public utility facility.
- D. Machine and welding shops, sheet metal, wood, fiberglass manufacturing and other similar uses;
- E. Amateur radio antennas.
- F. Commercial radio stations and antennas.
- G. Marijuana retailer or medical dispensary.
- H. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.20.050 DIMENSIONAL STANDARDS

ARTICLE II
ZONES AND ZONING REGULATIONS

- A. Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the C-2 Zone:

Minimum Lot Area	
All Development	None
Minimum Setbacks	
Front Yard	20 feet
Side Yard	0 feet
Street Side Yard	20 feet
Rear Yard	0 feet
Side Yard (adjacent to "R" zone)	10 feet
Rear Yard (adjacent to "R" zone)	10 feet
Maximum Structure Height	
Principal and Accessory Building	35 feet
Maximum Lot Coverage	100% ??

- B. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- C. Setbacks for Automobile Service Stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of 15 feet from the property line separating the yard from the street.

17.20.060 DEVELOPMENT STANDARDS

All development in the C-2 Zone shall comply with following specific standards:

- A. Off-street Parking. Uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Site Development Review. All new development and expansion of an existing structure or use in the C-2 Zone shall be subject to the Site Development Review procedures of Chapter 17.102.

ARTICLE II ZONES AND ZONING REGULATIONS

- G. Outdoor Storage and Display. Outdoor storage shall be limited to those items normally displayed; e.g., automobiles for an automobile dealership. Permanent outdoor storage of merchandise, material, or equipment shall be permitted, provided the storage area is surrounded by a sight-obscuring fence. Temporary outdoor display shall be allowed, provided the display of merchandise is limited to business hours.
- H. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- I. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).



17.22 INDUSTRIAL ZONE (I)

17.22.010 PURPOSE

The purpose of the Industrial zone is to provide areas suitable and desirable for all types of industrial activity; provided that, development controls are utilized to minimize possible harmful effects related to air and water pollution and to potential nuisance hazards such as fire, explosion or noise. The I zone is appropriate in those large areas already developed for industrial use and in those areas possessing site characteristics suitable for industry, such as good access to highway and rail facilities, readily available water and sewer systems, level and well drained sites, and little or no potential hazard to nearby residential or commercial areas.

17.22.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the I zone:

A. Manufacturing and Assembly, Secondary Processing

1. Food processing, including canning, freezing, drying, dairy products and similar food processing and preserving, beverage bottling facility, including warehousing and distribution, but excluding processes which involve the slaughter of animals.
2. Textile mill products including apparel and other finished products made from fabrics and similar materials.
3. Furniture and fixtures including retail wood products.
4. Printing, publishing, and allied industries.
5. Rubber and miscellaneous plastics.
6. Leather and leather goods, but excluding a tannery.
7. Cement, glass, clay and stone products manufacturing.
8. Fabricated metal products.
9. Electrical and electronic equipment, machinery and supplies but excluding batteries.
10. Battery manufacture, sales and service.
11. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.
12. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses.
13. Other manufacturing, wholesaling or distributing activities similar to those listed.

B. Wholesale trade and distribution facilities, but excluding trade and distribution involving:

1. Metals and minerals.
 2. Scrap and waste material.
 3. Farm-product raw materials.
 4. Chemicals and allied products.
 5. Petroleum and petroleum products.
- C. Public and private utility facilities, including water and sewage treatment facilities, substations, pumping stations and similar facilities with outdoor equipment storage permitted.
- D. Commercial radio stations and antennas, or other wireless telecommunications facilities.

17.22.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the I zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Temporary uses, subject to provisions in Chapter 17.72.

17.22.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Manufacturing and related uses including:
 1. Cement, lime or similar products manufacture;
 2. Explosives storage or manufacture;
 3. Petroleum products manufacture or refining;
 4. Pulp mill;
 5. Rendering plant, tannery, slaughterhouse;
 6. Smelting, refining of metallic ore; and
 7. Other uses similar to the above which may possess characteristics injurious to public health and safety due to emission of smoke, noise, dust, odor, refuse, fumes, vibration or similar hazard.

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- B. Automobile wrecking yard, junkyard;
- C. Public utility or safety facility;
- D. A single-family dwelling occupied by the owner, manager, night watchperson or caretaker of the industrial establishment.
- E. Marijuana producer, marijuana processor, marijuana wholesaler, a marijuana laboratory, a marijuana test facility, a marijuana grow site, and a marijuana processor site.
- F. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.22.050 DIMENSIONAL STANDARDS

- A. Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the I Zone:

Minimum Lot Area	
All Development	None
Minimum Setbacks	
Front Yard	20 feet
Side Yard	0 feet
Street Side Yard	20 feet
Rear Yard	0 feet
Side Yard (adjacent to "R" zone)	20 feet
Rear Yard (adjacent to "R" zone)	20 feet
Maximum Structure Height	
Principal and Accessory Building	No Limit
Maximum Lot Coverage	75%

- B. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

17.22.060 DEVELOPMENT STANDARDS

All development in the I Zone shall comply with the following specific standards shall apply:

- A. Off-street Parking. Parking, driveway and loading improvements shall comply with provisions in Chapter 17.44.

ARTICLE II ZONES AND ZONING REGULATIONS

- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to the provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to the provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Site Development Review. All new development and expansion of an existing structure or use in the I Zone shall be subject to the Site Development Review procedures of Chapter 17.102.
- G. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- H. Limitations on Use. Uses permitted outright involving manufacture and all conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use permits or zoning permits, evidence shall be submitted to The City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
- I. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).



17.24 PUBLIC FACILITY ZONE (PF)

17.24.010 PURPOSE

The purpose of the Public Facility zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use.

17.24.020 PERMITTED USES

The following uses are permitted in the PF zone and subject to a Site Development Review:

- A. Educational facilities, including:
 - 1. Kindergartens;
 - 2. Elementary, junior high and high schools;
 - 3. Stadiums and athletic fields;
 - 4. Playgrounds;
 - 5. Open space.

- B. Municipal service facilities, including:
 - 1. Fire and Police stations.
 - 2. City Hall;
 - 3. Community centers and recreational facilities
 - 4. Sewage treatment facilities;
 - 5. Water treatment facilities;
 - 6. Public Works Shops;
 - 7. Wireless Telecommunication Facilities;
 - 8. Libraries.
 - 9. Parks and Open Space

17.24.030 SPECIAL PERMITTED USES

The following uses, when developed under the special development requirements, are permitted in the PF zone:

- A. Property line adjustments, subject to the provisions in Chapter 17.92.
- B. Partitions, subject to the provisions in Chapter 17.58.
- C. Subdivisions, subject to the applicable provisions of Chapter 17.58.

17.24.040 CONDITIONAL USES

ARTICLE II ZONES AND ZONING REGULATIONS

The following uses require approval of a Conditional Use Permit:

- A. Fraternal and civic organizational facilities
- B. Hospitals and overnight clinics
- C. Semi-public facilities such as houses of worship, cemeteries, monasteries, and similar.
- D. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section.

17.24.050 DIMENSIONAL STANDARDS

The following dimensional standards shall be required for all development in the Public Facility Zone:

Minimum Lot Area	Sufficient to allow the use and comply with setback requirements.
Minimum Setbacks	
Front Yard – Non-residential	None
Front Yard - Residential	15-feet
Side Yard – Non-residential	None
Side Yard - Residential	15 feet
Rear Yard – Non-residential	None
Rear Yard – Residential	15 feet
Maximum Structure Height	60 feet
Maximum Lot Coverage	80%

17.24.060 DEVELOPMENT STANDARDS

All development in the Public Facility Zone shall comply with the applicable provisions of Chapter 2.40 of this Code. In addition, the following specific standards shall apply:

- A. Off-street Parking. All uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Section 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.

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- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- G. Site Development Review. All new development or expansion of an existing structure or use shall be subject to the Site Development Review procedures of Chapter 17.102.
- H. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- G. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.26 RECREATION COMMERCIAL ZONE (RC)
[CURRENT ZONING]

17.26.010 PURPOSE

The purpose of the RC zone is to provide and maintain areas which possess unique characteristics for recreation-related commercial and residential development, and which are suitable and desirable for recreation businesses for tourists and recreationists in the area. A high standard is essential in order to maintain and enhance the appearance of the area and its unique value to the community.

17.26.020 PERMITTED USES

In an RC zone, the following uses and their accessory uses are permitted outright:

- A. Motel, hotel or resort.
- B. Recreational vehicle park.
- C. Recreational vehicle park with owner time share.
- D. Museum or art gallery.
- E. Community center, meeting facility, convention center or similar use.
- F. Residential uses related to or in conjunction with a recreational development.
- G. Eating and drinking establishment.
- H. Recreational retail, such as ski, hiking, climbing or similar equipment.
- I. Arts and crafts workshops and retail sales.
- J. Amusement or recreation services.
- K. Recreational teaching facilities.
- L. Single-family dwellings on legal lots of record at the time of enactment of this Chapter.

17.26.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the RC zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Home occupations within a pre-existing residence, subject to the provisions of Chapter 17.68.
- F. Residential accessory dwellings, subject to provisions of Chapter 17.72.
- G. Bed and breakfast within a pre-existing residence, subject to the provisions of Chapter 17.76.
- H. Temporary uses, subject to provisions in Chapter 17.72.

17.26.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Listed permitted uses in the I zone.
- B. Recreation oriented uses or activities not listed as permitted.
- C. Residential uses not related to or in conjunction with a recreational development.
- D. Public storage facility.
- E. Non-recreational retail.
- F. Governmental structure or use of land, or public utility facility.
- G. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.26.050 SPECIAL STANDARDS

In the RC zone, the following special standards shall apply unless modified as a part of a planned development.

- A. Single-family dwellings and accessory uses shall meet the following minimum standards.

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1. Minimum lot size shall be 5,000 square feet.
2. Minimum lot width shall be 50 feet.
3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 15 feet;
 - b. Side shall be a minimum five feet with a combined minimum of 13 feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 20 feet.
4. Building height shall not exceed 30 feet.
5. Building coverage shall not exceed 35% of the land area.
6. A carport or garage is required.
7. Off-street parking will be based on The City parking standards.

B. Single-family attached dwellings shall meet the following standards.

1. Minimum lot size shall be 2,000 square feet per unit.
2. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be 15 feet;
 - b. Sides between units shall be zero;
 - c. Sides on exterior boundaries shall be five feet;
 - d. Street side shall be a minimum of 15 feet;
 - e. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - f. Rear shall be a minimum of 15 feet.
3. Building height shall not exceed 40 feet.
4. Building coverage shall not exceed 70% of the land area.
5. Off-street parking will be based on The City parking standards.

C. Two-family dwellings and accessory uses shall meet the following standards.

1. Minimum lot size shall be 7,000 square feet.
2. Minimum lot width shall be 70 feet.
3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 15 feet;
 - b. Side shall be a minimum of five feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 20 feet.
4. Building height shall not exceed 40 feet.
5. Building coverage shall not exceed 60% of the land area.

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6. A carport or garage for each unit is required.
- D. Multi-family dwellings and accessory uses shall meet the following standards.
1. Minimum lot size shall be 1,500 square feet per unit.
 2. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Side shall be a minimum ten feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 20 feet.
 3. Building height shall not exceed 40 feet.
 4. Building coverage shall not exceed 60% of the land area.
 5. Off-street parking will be based on The City parking standards.
- E. Commercial establishments shall meet the following standards.
1. Off-street parking will be based on The City parking standards.
 2. A minimum of 15% of the land area shall be designed as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 45 feet.
 4. Yard setbacks:
 - a. Front, from either a public or private street, shall be 20 feet; and
 - b. Sides, none, except if abutting residential zones, and then the side yard shall be at least ten feet. The required side yard shall be increased by one-half foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential zones, and then the rear yard shall be at least ten feet. The required rear yard shall be increased by one-half foot for each foot that the building height exceeds 20 feet.

17.26.060 DEVELOPMENT PLAN REVIEW

In the RC Zone, submittal of a plan for development on a specific piece of property shall comply with the following.

- A. The site plan, with proposed land uses, shall include accurate measurements from property lines to and between all structures.
- B. Building types, with approximate dimensions should be submitted. The plans should indicate the general height, bulk and appearance of buildings.
- C. Vehicular and pedestrian access and circulation must be included on the plan.

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- D. The configuration, including a count and size of all spaces and aisle widths, of all parking areas should be included.
- E. Existing natural features such as streams, riparian zone, wetlands and topography must be shown before construction and include proposed impacts to the natural resources.
- F. Proposals for landscaping, fencing or other barriers should be included on the plan.
- G. Proposals for the location, size, height and lighting of signs should be submitted.
- H. Proposals for the provision of water, fire suppression, sewage, storm drainage, exterior lighting and solid waste must be submitted.

17.26 MIXED USE EMPLOYMENT ZONE (MUE)
[ALTERNATE TO RC ZONE]

17.26.010 PURPOSE

The purpose of the Mixed Use Employment zone is to provide a mix of business and professional services, research facilities, offices, retail and services firms and limited manufacturing opportunities. While primarily intended as an employment center, opportunities will be available for residential development as either a separate or ancillary use. It is expected that industrial uses will likely locate near or adjacent to the existing rail line, while residential and commercial facilities will gravitate toward the South Santiam River.

17.26.020 PERMITTED USES

In an MUE zone, the following uses and their accessory uses are permitted outright:

A. Residential Uses

1. Single family detached and attached homes.
2. Duplex
3. Multi-family homes.
4. Residential care homes and facilities, licensed by the State of Oregon.

B. Commercial Uses

1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store;
2. Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, tailor shop or locksmith;
3. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-1 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop;
4. Eating or drinking establishments such as restaurant, tavern or cocktail lounge; except drive-up, -in or -through facilities shall not be permitted
5. Office, business or professional;
6. Financial institution, such as bank; except drive-up, -in or -through facilities shall not be permitted
7. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall.
8. Motel, hotel or resort.
9. Recreational vehicle park.
10. Small scale food/beverage manufactures – i.e., bakeries, microbreweries – where primary retail sales are on-site.

C. Industrial Uses

1. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy products; and medical, dental, optical precision and surgical instruments and equipment
2. Research and scientific laboratories
3. Wholesale distribution and warehousing facilities (limited to properties adjacent to railroad right-of-way)
4. Wineries, breweries and distilleries
5. Other employment uses that are compatible with the purpose and intent of the zone, and having limited off-site impacts. The intent is to permit flexibility in allowing appropriate uses generated by emerging technologies. For example, server farms or call centers would be consistent with provision.

D. Public and Community Related Uses

1. Art galleries, libraries and museums
2. Community center, meeting facility, convention center or similar use.
3. Hospital, health and medical clinics
4. Golf courses and country clubs
5. Public and private parks.

17.26.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the MUE zone:

- A. Property line adjustments, subject to the provisions in Chapter 17.92.
- ~~B.~~ Partitions, subject to the provisions in Chapter 17.58.
- C. Subdivisions, subject to the provisions in Chapter 17.58.
- D. Planned development, subject to the provisions in Chapter 17.60.
- E. Cottage cluster development, subject to the provisions in Chapter 17.62.
- F. Home occupations, subject to the provisions in Chapter 17.68.
- G. Residential accessory dwellings, subject to the provisions in Chapter 17.72.
- H. Temporary uses, subject to the provisions in Chapter 17.74.

17.26.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper
- B. Houses of worship, Churches, temples, synagogues and places of worship, including cemeteries and customary accessory buildings and uses, per Chapter 17.76.
- C. Clubs, lodges. Clubs, lodges, fraternal institutions and other places of assembly for membership groups.
- D. Governmental structure or use of land, or public utility facility.
- E. Utilities and communication facilities, such as telephone exchanges, electric substations and television stations
- F. Public and private schools, kindergarten, elementary, middle and high schools
- G. Colleges and trade schools
- H. Marijuana retailer or medical dispensary.
- I. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section.

17.26.050 DEVELOPMENT STANDARDS

In the MUE zone, the following special standards shall apply unless modified as a part of a planned development.

- A. Single-family dwellings shall meet the following minimum standards.
 - 1. Minimum lot size shall be 5,000 square feet.
 - 2. Minimum lot width shall be 50 feet.
 - 3. Minimum yard setbacks:
 - a. Front - 15 feet.
 - b. Side – 5 feet.
 - c. Street side - 15 feet;

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- d. Garage - 20 feet to entrance
 - e. Rear - 15 feet.
 - 4. Building height – 30 feet residence, 20 feet – accessory building.
 - 5. Building coverage shall not exceed 40% of the land area.
- B. Single-family attached dwellings shall meet the following standards.
 - 1. Minimum lot size shall be 2,000 square feet per unit.
 - 2. Minimum yard setbacks:
 - a. Front - 15 feet.
 - b. Sides between units – 0 feet
 - c. Sides on exterior boundaries – 5 feet
 - d. Street side - 15 feet;
 - d. Garage - 20 feet to entrance
 - e. Rear - 15 feet.
 - 3. Building height shall not exceed 40 feet, 20 feet – accessory building.
 - 4. Building coverage shall not exceed 70% of the land area.
- C. Two-family dwellings and accessory uses shall meet the following standards.
 - 1. Minimum lot size shall be 7,000 square feet.
 - 2. Minimum lot width shall be 70 feet.
 - 3. Minimum yard setbacks:
 - a. Front - 15 feet.
 - b. Side – 5 feet.
 - c. Street side - 15 feet;
 - d. Garage - 20 feet to entrance
 - e. Rear - 15 feet.
 - 4. Building height shall not exceed 40 feet. 20 feet – accessory building.
 - 5. Building coverage shall not exceed 60% of the land area.
- D. Multi-family dwellings and accessory uses shall meet the following standards.
 - 1. Minimum lot size shall be 1,500 square feet per dwelling unit.
 - 2. Minimum yard setbacks:
 - a. Front - 20 feet.
 - b. Side – 10 feet.
 - c. Street side - 15 feet;
 - d. Garage - 20 feet to entrance
 - e. Rear - 20 feet.
 - 3. Building height shall not exceed 40 feet, 20 feet – accessory building.
 - 4. Building coverage shall not exceed 60% of the land area.
- E. Commercial establishments shall meet the following standards.
 - 1. Off-street parking will be based on The City parking standards.

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2. A minimum of 15% of the land area shall be designed as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 45 feet.
 4. Yard setbacks:
 - a. Front - 20 feet
 - b. Sides, none, except if abutting residential use or zone, and then the side yard shall be at least 15 feet. The required side yard shall be increased by one foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential use or zone, and then the rear yard shall be at least 15 feet. The required rear yard shall be increased by one foot for each foot that the building height exceeds 20 feet.
 5. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- F. Industrial establishments shall meet the following standards.
1. Off-street parking will be based on The City parking standards.
 2. A minimum of 15% of the land area shall be designated as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 60 feet.
 4. Yard setbacks:
 - a. Front - 20 feet
 - b. Sides, none, except if abutting residential use or zone, and then the side yard shall be at least 20 feet. The required side yard shall be increased by one foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential use or zone, and then the rear yard shall be at least 20 feet. The required rear yard shall be increased by one foot for each foot that the building height exceeds 20 feet.
 5. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- G. Public, public facility and similar types of uses shall meet the following standards.
1. Off-street parking will be based on The City parking standards.
 2. A minimum of 15% of the land area shall be designated as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 50 feet.

4. Yard setbacks:
 - a. Front - 20 feet
 - b. Sides, none, except if abutting residential use or zone, and then the side yard shall be at least 20 feet. The required side yard shall be increased by one foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential use or zone, and then the rear yard shall be at least 20 feet. The required rear yard shall be increased by one foot for each foot that the building height exceeds 20 feet.

17.26.060 SPECIAL DEVELOPMENT REQUIREMENT

With the exception of constructing a single-family home, a Planned Development shall be required for any proposed project or development exceeding one acre in size.

17.28 NATURAL RESOURCES OVERLAY ZONE (NRO)

17.28.010 PURPOSE

The NRO zone is designed to protect identified significant natural resources in The City of Sweet Home. The intent of this zone is to ensure reasonable economic use of property while protecting valuable natural resources. Requirements in this Chapter apply only to that portion of a property located within the NRO zone.

17.28.020 ESTABLISHMENT AND APPLICABILITY

The NRO zone is an overlay zone is used and applied to any parcel having one of the following identified natural resources:

- A. Significant wetlands, as mapped in The City's Local Wetlands Inventory (LWI).
- B. Riparian corridors, as mapped in The City's Riparian Inventory.

17.28.030 ACTIVITIES SUBJECT TO REVIEW

In the NRO zone, the following actions are subject to review. These shall be processed as a Type I application and subject to the standards contained in this Chapter and applicable provisions of the underlying zone:

- A. New structural development.
- B. Exterior expansion of any building or structure.
- C. Increases in impervious surfaces or storage areas.
- D. Grading, excavation or fill.
- E. Removal of native vegetation.

17.28.040 EXCEPTIONS IN THE RIPARIAN ZONE

The following activities may be excepted from the requirements of this Chapter, if administrative review finds that they meet the standards listed in this Chapter.

- A. Drainage facilities, utilities and irrigation pumps.
- B. Streets, roads, driveways or paths.
- C. Water-related and water-dependent uses.

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- D. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- E. Removal of non-native vegetation and replacement with native plant species.
- F. Alteration of the area by placement of structures or impervious surfaces within the Riparian Zone upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures; providing that, the alterations not exceed 50% of the width of the riparian area, measured from the upland edge of the Zone.

17.28.050 AGENCY REVIEW

Decisions made by The City of Sweet Home under this Chapter do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question.

- A. It is the responsibility of the landowner or applicant to ensure that any necessary state or federal permits or clearances are obtained.
- B. The City will notify the Division of State Lands for development permits and other land use decisions affecting inventoried wetlands.

17.28.060 GENERAL DEVELOPMENT STANDARDS

- A. The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property.

<i>Natural Area</i>	<i>Width of Vegetated Corridor, per side</i>
South Santiam River	75'
Ames Creek and Wiley Creek	50'



- B. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event.
- C. For an exception to be allowed, the applicant shall comply with the following requirements:
 - 1. Demonstrate that no other practicable access to the buildable area exists.
 - 2. Design roads, driveways and paths to be the minimum width necessary while allowing for safe passage of vehicles and/or pedestrians.

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3. Consider the need for future extensions of shared access, access easements or private streets in order to avoid subsequent encroachments into a significant natural resource.
 4. During construction, no stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant natural resource.
 5. Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering a significant natural resource.
 6. Utilities and drainage facilities: Public and private utilities or drainage facilities may be placed when it is shown that no other practicable alternative location exists. If a utility or drainage facility is allowed, the following standards shall apply:
 - a. Demonstrate that no other practicable access exists.
 - b. The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into a significant natural resource.
 - c. Removal of trees and native vegetation shall be avoided unless absolutely necessary. Native vegetation shall be used to restore the vegetative character of the construction corridor.
 - d. The existing grade of the land shall be restored after construction.
 - e. No stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant natural resource.
 7. Structures or other non-conforming alterations existing fully or partially within a significant Natural Resource may be expanded provided the expansion occurs outside of a significant natural resource. Substantial improvement of a non-conforming structure in a significant natural resource shall require compliance with the standards of this Chapter.
 8. Existing lawn within a significant natural resource may be maintained, but not expanded within the limits of a significant natural resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.
- D. Vegetation Removal and Replacement
1. Removal of non-native vegetation and replacement with native plant species is permitted.
 2. The replacement vegetation shall at a minimum:
 - a. Cover the area from which vegetation was removed.
 - b. Maintain or exceed the density of the removed vegetation.
 - c. Maintain or improve the shade provided by the vegetation.
- E. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from a licensed professional, and the Community Development Director or designee.



- F. The control or removal of nuisance plants should primarily be by non-chemical means (e.g., hand-pulling).
1. If non-chemical means fail to adequately control nuisance plant populations, a glyphosate-based herbicide, or other environmentally safe herbicide, may be used.
 2. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used.
 3. Herbicide applications must be applied according to manufactured specifications.

17.28.070 VARIANCES

A variance to the provisions of this Chapter may be applied for to consider claims of map errors verified by DSL, and when necessary to allow reasonable economic use of the subject property. Permanent alteration of the significant natural resource by an action requiring a variance is subject to the mitigation procedures and criteria of this chapter. Variances shall be processed per provisions in Chapter 17.106.

17.28.080 MITIGATION STANDARDS

When impacts to any identified significant natural resource occur, mitigation will be required.

- A. For impacts to wetlands, the following standards and criteria shall apply.
1. The applicant must obtain a fill and removal permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers.
 2. The applicant must provide an approved mitigation plan that complies with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations.
- B. For impacts to riparian corridors, the following standards and criteria shall apply:
1. A mitigation plan prepared by a qualified professional shall be submitted to The City. The mitigation plan shall meet the following criteria:
 - a. Mitigation for impacts to a non-wetlands riparian area shall require a minimum mitigation area ratio of one to one.
 - b. The mitigation plan shall document:
 - (1) The location of the impact.
 - (2) The existing conditions of the resource prior to impact.
 - (3) The location of the proposed mitigation area.
 - (4) A detailed planting plan of the proposed mitigation area with species and density.
 - (5) A narrative describing how the resource will be replaced.

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2. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact.
3. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity.
4. Trees shall be planted at a density of not less than five per 1,000 square feet. Shrubs shall be planted at a density of not less than ten per 1,000 square feet.

17.28.09 PLAN AMENDMENT OPTION

- A. Any owner of property affected by the NRO Zone may apply for a Zone amendment. The amendment must be based on a specific development proposal. The effect of the amendment would be to remove the NRO Zone from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an Environmental, Social, Economic and Energy (ESEE) Consequences Analysis prepared in accordance with Oregon Administrative Rules. If the application is approved, then the ESEE analysis shall be incorporated by reference into the applicable Sweet Home Inventory and the Maps shall be amended.
- B. The ESEE analysis shall adhere to the following requirements.
 1. The ESEE analysis must demonstrate to the ultimate satisfaction of the Sweet Home City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource.
 2. The ESEE analysis must demonstrate why the use cannot be located on land outside of the natural resource area.
 3. The ESEE analysis shall be prepared by a qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCD.

17.30 FLOOD HAZARD OVERLAY ZONE (FHO)

17.30.010 STATUTORY AUTHORIZATION

The State of Oregon has in O.R.S. 197.175, Cities' and Counties' Planning Responsibilities delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the public health, safety and general welfare of its citizenry.

17.30.020 FINDINGS OF FACT

- A. The flood hazard areas of The City 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 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 floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

17.30.030 STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in 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. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- 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 special flood hazard areas;
- F. To 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;

- G. Notify potential buyers that the property is in a special flood hazard area;
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

17.30.040 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this chapter 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.

17.30.050 DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter 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 Chapter 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 1% 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% 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**.

BASE FLOOD. The flood having a 1% 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.

BUILDING. See **STRUCTURE**.

CRITICAL FACILITY. 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. 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.

FLOOD or FLOODING.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection 1.b. 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.
2. 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 subsection 1.a. 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**.

FLOODPROOFING. 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 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 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.

HISTORIC STRUCTURE. Any structure that is:

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.

LETTER OF MAP CHANGE (LOMC). 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**:

1. **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% annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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.

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 Chapter.

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.

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 The City and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;
2. Four hundred 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.

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

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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% 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% 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 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, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE. A grant of relief by The City 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 Chapter is presumed to be in violation until such time as that documentation is provided.

17.30.060 LANDS TO WHICH CHAPTER APPLIES

This Chapter shall apply to all special flood hazard areas within the jurisdiction of The City.

17.30.070 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 entitled "The Flood Insurance Study (FIS) for Linn County, Oregon and Incorporated Areas", dated September 29, 2010 and the revised

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date December 27, 2012, with accompanying Flood Insurance Rate Maps (FIRMs) 41043C0895G, 41043C0911G, 41043C0912G, 41043C0913G, 41043C0914G, 41043C0916G, 41043C0917G, 41043C0918G, and 41043C0919G are hereby adopted by reference and declared to be a part of this Chapter. The FIS and FIRM panels are on file at City Hall, 3225 Main Street, Sweet Home, Oregon.

17.30.080 COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in O.R.S. Chapter 455 that The City administers and enforces the State of Oregon Specialty Codes, The City 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 Chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

17.30.090 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

- A. *Compliance.* All development within special flood hazard areas is subject to the terms of this Chapter and required to comply with its provisions and all other applicable regulations.
- B. *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation and may be prosecuted under the provisions of Chapter 9.36 and any amendments thereto. Abatement of the violations of this Chapter 17.30 can be accomplished by any remedy open to The City, including using the procedures set out in Chapter 8.04 for abatement of nuisances. Each day that a violation exists is a separate offense. Nothing contained herein shall prevent The City from taking such other lawful action as is necessary to prevent or remedy any violation.

17.30.100 ABROGATION AND SEVERABILITY

- A. *Abrogation.* This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- B. *Severability.* This Chapter and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of this Chapter 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 Chapter.

17.30.110 INTERPRETATION

In the interpretation and application of this Chapter, 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.

17.30.120 WARNING AND DISCLAIMER OF LIABILITY

- A. *Warning.* The degree of flood protection required by this Chapter 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 Chapter 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.
- B. *Disclaimer of liability.* This Chapter shall not create liability on the part of The City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

17.30.130 DEVELOPMENT PERMIT REQUIREMENT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Chapter 17.30.070. The permit shall be for all structures, including manufactured homes, as set forth in Chapter 17.30.030, and for all other development.

17.30.140 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Manager, and the City Manager's designee, is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

17.30.150 APPLICATION FOR DEVELOPMENT PERMIT

- A. Application for a development permit shall be made on forms furnished by the building inspection program and may include, but not be limited to, plans in

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duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities.

B. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered design professional that the floodproofing methods for any nonresidential structure meet the floodproofing criteria; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

17.30.160 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator, or their designee, shall include, but not be limited to:

A. *Permit review.* Review all development permits to determine that:

1. The permit requirements of this Chapter have been satisfied;
2. All other required local, state, and federal permits have been obtained and approved;
3. 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 Chapter 17.30.220 are met; and
4. 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 Chapter 17.30.190.G. below; and
5. Provide to building officials the Base Flood Elevation (BFE) and freeboard, applicable to any building requiring a development permit.
6. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Chapter 17.30.030.
7. 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 Chapter 17.30.190.A.
8. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

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- B. *Information to be obtained and maintained.* The following information shall be obtained and maintained and shall be made available for public inspection as needed:
1. 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 Chapter 17.30.190.G.
 2. 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 Chapters 17.30.220 and 17.30.170.B.2. are adhered to.
 3. 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).
 4. 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.
 5. Maintain all Elevation Certificates (EC) submitted to The City.
 6. 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 Chapter and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Chapter 17.30.190.G.
 7. Maintain all floodproofing certificates required under this Chapter.
 8. Record and maintain all variance actions, including justification for their issuance.
 9. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Chapter 17.30.220.
 10. Record and maintain all substantial improvement and substantial damage calculations and determinations as required under Chapter 17.30.160.F.
 11. Maintain for public inspection all records pertaining to the provisions of this Chapter.
- C. *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

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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.

D. *Watercourse alterations.*

1. 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.
2. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under subsection E. below. Ensure compliance with all applicable requirements in subsection E. below and Chapter 17.30.190.A.

E. *Requirement to submit new technical data.*

1. 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 Section 44 of the Code of Federal Regulations (CFR), Sub-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.
2. 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 foot in areas where FEMA has provided base flood elevations but no floodway.
3. An applicant shall notify FEMA within six 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).

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4. 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-F.
 5. 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 laws.
- F. *Substantial improvement and substantial damage assessments and determinations.* Conduct Substantial Improvement (SI) (as defined in Chapter 17.30.030) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with subsection B. above. Conduct Substantial Damage (SD) (as defined in Chapter 17.30.030) 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 Chapter 17.30.050) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

17.30.170 ESTABLISHMENT OF DEVELOPMENT PERMIT

- A. *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 Chapter 17.30.050. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Chapter 17.30.030, including fill and other development activities.
- B. *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:
1. 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 Chapter 17.30.160.B.
 2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 3. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-

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residential structure meet the floodproofing criteria for non-residential structures in Chapter 17.30.210.C.3.

4. Description of the extent to which any watercourse will be altered or relocated.
5. Base flood elevation data for subdivision proposals or other development when required per Chapters 17.30.160.A. and 17.30.190.F.
6. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
7. The amount and location of any fill or excavation activities proposed.

17.30.180 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.

A. *Conditions for variances.*

1. 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 subsections 3., 5., and C. below. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increase.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. 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.
5. 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 subsections 2. through 4. above 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.

B. *Appeal Board.*

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1. The City Council shall hear and decide appeals and requests for variances from the requirements of this Chapter.
 2. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made in the enforcement or administration of this Chapter.
 3. Those aggrieved by the decision of the City Council may appeal the decision as provided for by law.
 4. In passing upon the applications, the City Council shall consider technical evaluations, relevant factors and standards specified in other sections of this Chapter:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on individual owners;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the Comprehensive Plan;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
 - k. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer and water systems, streets and bridges.
 5. Upon consideration of the factors of subsection A. above, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this Chapter.
 6. The City shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- C. *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 Chapter 17.30.160.B.

17.30.190 PROVISIONS FOR FLOOD HAZARD REDUCTION—GENERAL STANDARDS

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In all special flood hazard areas, the following standards shall be adhered to:

- A. *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 Chapters 17.30.160.D. and 17.30.160.E.
- B. *Anchoring.*
 - 1. 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.
 - 2. All manufactured dwellings shall be anchored per Chapter 17.30.210.C.4.
- C. *Construction materials and methods.*
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- D. *Utilities and equipment.*
 - 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.
 - 2. *Electrical, mechanical, plumbing, and other equipment.*
 - a. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level 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 meet all the requirements of this section if replaces as part of a substantial improvement.

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- b. If replaced as part of substantial improvement, shall meet all the requirements of this section.

E. *Tanks.*

1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
2. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

F. *Subdivision proposals and other proposed developments.*

1. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals, base flood elevation data.
2. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - c. Have adequate drainage provided to reduce exposure to flood hazards.

G. *Use of other base flood data.*

1. When base flood elevation data has not been provided in accordance with Chapter 17.30.050 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 this section and Chapter 17.30.210. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection F. above.
2. Base flood elevations shall be determined for development proposals that are five 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. 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, and the like where available. In unnumbered A Zones, when no base flood elevation data is available, the minimum elevation requirement is two feet above the highest adjacent grade to reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

H. *Structures located in multiple or partial flood zones.* In coordination with the State of Oregon Specialty Codes:

1. 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.
2. 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.

17.30.200 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 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.

17.30.210 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 Chapter 17.30.190.

A. *Flood openings.*

1. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.
2. 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 flood waters;
 - 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,

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- 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 flood water into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
- 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.

B. *Garages.*

- 1. 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:
 - a. If located within a floodway the proposed garage must comply with the requirements of Chapter 17.30.220;
 - b. The floors are at or above grade on not less than one side;
 - c. The garage is used solely for parking, building access, and/or storage;
 - d. The garage is constructed with flood openings in compliance with subsection A. above to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood water;
 - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - f. The garage is constructed in compliance with the standards in Chapter 17.30.190 and
 - g. 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.
- 2. Detached garages must be constructed in compliance with the standards for appurtenant structures in subsection C.6. below or non-residential structures in subsection C.3. below depending on the square footage of the garage.

C. *For riverine (non-coastal) special flood hazard areas with base flood elevations.* In addition to the general standards listed in Chapter 17.30.190 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.

- 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,

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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.

2. *Residential construction.*

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the Base Flood Elevation (BFE).
- b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection A. above.

3. *Non-residential construction.*

- a. New construction 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); or, together with attendant utility and sanitary facilities;
 - ii. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iv. 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 Chapter 17.30.160.B.
- b. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection A. above.
- c. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).
- d. 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.
- e. 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.

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4. *Manufactured dwellings.*
 - a. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with subsection A. above;
 - b. The bottom of the longitudinal chassis frame beam shall be at or above base flood elevation;
 - c. New or substantially improved manufactured dwellings 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 12 inches above Base Flood Elevation (BFE).
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 subsection C.4. above, including the anchoring and elevation requirements for manufactured dwellings.
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 Chapter 17.30.220;
 - 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 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;

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- 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 subsection A. above;
- 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 Chapter 17.30.190.E.;
- 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.

17.30.220 FLOODWAYS

Located within the special flood hazard areas established in Chapter 17.30.050 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:
 - 1. 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
 - 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.
 - a. If an encroachment proposal resulting in an increase in base flood elevation meets the following criteria:
 - i. Is for the purpose of fish enhancement,
 - ii. Does not involve the placement of any structures (as defined in Chapter 17.30.030) within the floodway,
 - iii. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,
 - iv. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,

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- v. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and
 - vi. Has evidence to support that no existing structures will be negatively impacted by the proposed activity; then an approved CLOMR may be required prior to approval of a floodplain permit.
- B. 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:
 - 1. 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
 - 2. 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 general welfare of the public and it meets the following criteria:
 - a. As required by 44 CFR Ch. 1, Subpart 60.3(d)(3) and subsection A.2. above, it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - b. The replacement manufactured dwelling shall have the bottom of the longitudinal chassis frame beam elevated to or above the base flood elevation and any accessory buildings or structures (encroachments) shall have the finished floor elevated a minimum of 18 inches above the BFE as identified on the Flood Insurance Rate Map;
 - c. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by The City and anchored per Chapter 17.30.210.C.4.;
 - d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
 - e. The location of a replacement manufactured dwelling is allowed by Sweet Home Municipal Code Title 17;
 - f. Electrical crossover connections shall be a minimum of 12 inches above the base flood elevation; and

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- g. Any other requirement deemed necessary by The City.
- 3. If the requirements of subsection A. above are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Chapters 17.30.190 and 17.30.210.

17.32 HISTORICAL PROPERTY OVERLAY ZONE (HPO)

17.32.010 PURPOSE

The purpose of this Overlay Zone is to:

- A. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the preservation, restoration and protection of those buildings, structures, sites, zones, and objects of historic interest within The City;
- B. Foster civic pride in the accomplishments of the past; and
- C. Carry out the provisions of the Land Conservation and Development Commission Goal 5.

17.32.020 CONFORMANCE REQUIRED

No land shall be used, and no building, site, object, zone, or structure of significance, or part thereof, shall be demolished, moved, or altered, nor shall any new construction take place within a zone or on a landmark site except in conformity with this Development Code.

17.32.030 DEFINITIONS

The following definitions shall apply to this Section:

ALTERATION - A change, addition, or modification to the exterior of a building.

CULTURAL RESOURCE INVENTORY - Historical buildings or sites identified as “significant” on the Goal 5 historical resource inventory.

DEMOLISH - To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic zone.

HISTORIC ZONE - A geographically definable area, the boundaries of which have been adopted by the City Council pursuant to provisions in Chapter 17.32.

LANDMARK - Any site, object, building or structure designated by the City Council pursuant to provisions in Chapter 17.32.

MAJOR PUBLIC IMPROVEMENT - The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property within a zone or on a landmark site, except for the repair or maintenance of existing public improvements.

17.32.040 LANDMARK AND ZONE DESIGNATION

- A. Process. The process for designating a landmark or historic zone may be initiated by the City Council, the Planning Commission, or by any interested person who submits an application for designation to the City Manager or designee. At the time of application, The City shall provide the property owner and applicant with information regarding the benefits and restriction of designation.
- B. Information. The following information shall be required in an application:
1. The applicant's name and address;
 2. The owner's name and address, if different from the applicant;
 3. A written description of the boundaries of the proposed zone or the location of the proposed landmark;
 4. A map illustrating the boundaries of the proposed zone or the location of the proposed landmark;
 5. A statement explaining the following:
 - a. The reason(s) why the proposed zone or landmark should be designated;
 - b. The reason(s) why the boundaries of the proposed zone are appropriate for designation;
 - c. The potential impact, if any, which designation of the proposed zone or landmark would have on the residents or other property owners in the area.
 6. Any other information deemed necessary by The City.
- C. City Council Action. Within seven days of receipt of a complete application, the City Manager or designee shall forward the request to the City Council. The City Council shall hold a public hearing within 45 days of receipt of the application pursuant to ~~Chapter 152.419~~ Section 17.132 of this Development Code. The City Council shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request.
- D. Decision Criteria. The City Council shall consider the following criteria in determining whether to approve a proposed landmark or zone:
1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to The City, county, state, or nation;
 2. Association with an event that has made a significant contribution to The City, county, state, or nation;
 3. Association with broad patterns of political, economic, or industrial history in The City, county, state, or nation;
 4. Significance as an example of a particular architectural style, building type and/or convention;

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5. Significance due to quality of composition, detailing, and/or craftsmanship;
 6. Significance as an example of a particular material and/or method of construction;
 7. Significance because the resource retains its original design features, materials, and/or character;
 8. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction;
 9. Significance as a visual landmark;
 10. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented;
 11. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community;
 12. Significance because the property is 50 years old or older in conjunction with other criteria listed above;
 13. The resource is listed on the National Register of Historic Places.
- E. Removal of Designation. The process for removing a landmark or historic zone designation may be initiated by the City Council, the Planning Commission, or by any interested person who submits to the City Manager or designee an application for removal of the designation. The City Council may amend or rescind its designation by following procedures required by this Development Code for designating a landmark, including the adoption of appropriate findings.

17.32.050 DEMOLITION AND MOVING

- A. City Manager Approval. No person shall move, demolish, or cause to be demolished a landmark or a significant resource in an historic zone, unless a permit to do so has first been obtained from the City Manager or designee. Application for a permit shall be on a form provided by The City.
- B. Review Process. Upon receipt of a completed application, the City Manager or designee shall include the demolition request on the agenda for consideration at the next available Planning Commission meeting. The Planning Commission shall hold a public hearing pursuant to Chapter 17.130 of this Development Code within 45 days after a completed application has been received by The City. The Planning Commission shall request comments from any historical commission recognized by The City.
- C. Decision Criteria. In determining whether the requested demolition or moving is appropriate, the Planning Commission shall consider the following:
1. Plans, drawings, and photographs submitted by the applicant.
 2. Information presented at the public hearing concerning the proposal.
 3. The purpose of this chapter as set forth in Chapter 17.32.010.
 4. The criteria used in the original designation of the resource.

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5. If within an historic zone, the resource's contribution to the zone and the subsequent integrity of the zone if the resource is demolished or moved.
 6. Whether denial of the request will involve substantial hardship to the applicant.
 7. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this Development Code.
 8. The economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it.
 9. The physical condition of the resource.
 10. Comments from the historical commission.
- D. Planning Commission Approval. The Planning Commission may approve the demolition or moving request after considering the criteria in this section. If no appeal is filed, the City Manager or designee shall issue the permit in compliance with all other codes and ordinances of The City.
- E. Planning Commission Denial. The Planning Commission may disapprove the demolition or removal request if after considering the criteria in this section it determines that, in the interest of preserving historical or architectural values, the resource should not be demolished or moved.
- F. Planning Commission Postponement. The Planning Commission may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the Planning Commission as follows:
1. No more than 60 days following the date of public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of hearing, if the Planning Commission makes the findings specified in item (2) of this Subsection.
 2. Further postponements as stated above may only be made if the Planning Commission finds:
 - a. There is a program or project underway that could result in public or private acquisition of the landmark or resource; and
 - b. There is a reasonable ground for believing the program or project may be successful.
 3. After granting a further postponement, the Planning Commission may order the City Manager or designee to issue the permit if it finds:
 - a. All programs or projects to save the resource have been unsuccessful;
 - b. The application for demolition or moving has not been withdrawn; and
 - c. The application otherwise complies with City Codes and state law.
- G. Appeals. A decision by the Planning Commission to approve, disapprove or postpone issuance of a demolition or moving permit or to grant a further

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- postponement may be appealed to the City Council by any aggrieved party who appeared orally or in writing, in person or through an attorney at the Planning Commission hearing and presented or submitted testimony related to the request under consideration.
- H. Final Decision. If no decision on the application is made by the Planning Commission within the periods specified above, the City Manager or designee shall issue the permit.
- I. Alternative Actions. At the time a demolition or moving application is made the City Manager or designee shall review alternatives to demolition or moving with the owner of the resource, including local, state and federal preservation programs.
- J. Additional Requirements. During a period of postponement, the Planning Commission may require the property owner to:
1. List the resource for sale with a real estate agent for a period of not less than 90 days. The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days over a 5-week period.
 2. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by The City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with (1) above.
 3. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies who inquire.
 4. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource.
- K. Press Notification. Prior to issuance of a demolition permit, the Community and Economic Development Director or designee shall issue a press release to local and state newspapers of general circulation in the county. The press release shall include, but is not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource.
- L. Permit Conditions. As a condition for approval of a demolition permit, the Planning Commission may:
1. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to

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preserve an accurate record of the resource. The historical documentation materials shall be the property of the county or other party determined appropriate by the Planning Commission.

2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. The applicant shall be provided with a list of persons capable of salvaging the resource.
- M. Dangerous Building. This Development Code shall not be construed to make it unlawful for any person, without prior approval of the Planning Commission, to comply with an order by the City Council to remove or demolish any landmark determined by the City Council to be dangerous to life, health, or property.

17.32.060 EXTERIOR ALTERATION AND NEW CONSTRUCTION

- A. Scope. No person shall alter a landmark or any significant resource in an historic zone nor shall any new building or structure be constructed in an historic zone or on a landmark site unless approval is first obtained under this section. In addition, no major public improvements shall be made on a landmark site or in an historic zone unless approved by the Planning Commission.
- B. Application Process. An application for alteration of a landmark or new construction in a historic zone or on a landmark site shall be made to the City Manager or designee. The application shall be on a form provided by The City.
- C. Approval Requirements. The City Manager or designee shall approve the alteration request if:
1. There is no change in the appearance or material of the resource as it exists; **or**
 2. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials.
- D. Planning Commission Action. If a request for alteration does not meet the provisions of subsection (C) of this Section, the City Manager or designee shall forward the application to the Planning Commission. The Planning Commission, after notice and public hearing held in accordance with provisions in Chapter 17.130 of this Development Code, shall approve or disapprove issuance of the requested permit. The Planning Commission may attach conditions to the approval which must be adhered to for the approval to remain valid.
- E. Decision Criteria. The Planning Commission shall consider the following criteria in determining whether to approve an alteration request:
1. The purpose of this Chapter.

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2. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource.
 3. The value and significance of the resource.
 4. The physical condition of the resource.
 5. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, color, texture, and/or materials.
 6. Pertinent aesthetic factors as identified by the Planning Commission.
 7. Economic, social, environmental and energy consequences of the proposed alteration.
 8. Any design guidelines adopted by the Planning Commission.
- F. Repair and Maintenance Provisions. Nothing in this Development Code shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the City Manager or designee shall determine is required for the public safety due to an unsafe or dangerous condition.

17.32.070 NOTICE AND PUBLIC HEARING

The hearing shall be conducted as a Type III hearing and subject to the notice, procedural and appeal provisions for such actions.

From: [Blair Larsen](#)
To: [Angela Clegg](#)
Subject: Re: Additional Code Changes
Date: Friday, February 18, 2022 10:10:42 AM
Attachments: [image001.png](#)
[image002.png](#)
[image005.png](#)
[image006.png](#)

Please add these to a list to be brought up with Walt and the PC.



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From: Angela Clegg <aclegg@sweethomeor.gov>
Date: Thursday, February 17, 2022 at 11:21 AM
To: Blair Larsen <blarsen@sweethomeor.gov>
Subject: Additional Code Changes

Due to some recent issues, I would like to suggest additional edits to the New Code:

17.44 Off-Street Parking and Loading

17.44.020 Scope

2. The construction or provision of additional floor area, seating capacity, **remodel**, or other expansion of an existing building or structure. ***We have pre-existing, nonconforming projects falling through the cracks because they don't expand the footprint. I'm not sure remodel covers it, but we need something. The current issue is that there is a pre-existing ADU that was remodeled, so because it was already there we can't insist on the driveway and garage requirements.*

17.72.010 Residential Accessory Dwelling Units

Garage: If a garage is converted to an ADU, then a garage or carport need to be constructed to replace the converted garage.



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