



# CITY OF SWEET HOME PLANNING COMMISSION AGENDA

June 15, 2023, 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.

## Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

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## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 246 156 257#

## 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) [May 4, 2023 Meeting Minutes](#)

## Public Hearings

- a) [Application LA23-02 Staff Report](#)

## Staff Updates:

**Round Table Discussions** (Committee comments about topics not listed on the agenda)

## 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 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.

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*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.*

## 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

May 04, 2023, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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## Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM.

## Roll Call of Commissioners

### PRESENT

Laura Wood  
Jamie Melcher  
Henry Wolthuis  
Eva Journey  
Todd Branson  
Nancy White

### ABSENT

Jeff Parker, excused

### STAFF

Blair Larsen, Community and Economic Development Director

### GUESTS

Daniel Smith, 3235 Highway 20, Sweet Home, OR 97386  
Terry and Renae Hoover, 863 18th Avenue, 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) April 6, 2023 Planning Commission Meeting Minutes

A motion to approve the minutes with the revision that Eva Journey's absence was excused was made by Melcher, seconded by Wood.

Yea: 5

Nay: 0

Abstain: 1

Absent: 1

## Public Hearings

- a) Application CMA23-01

The public hearing opened at 6:43 PM.

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*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.*

Commissioner Wolthuis asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none. Commissioner Wood stated that she lives within a notice zone.

CEDD Director Larsen gave the staff report and testified on behalf of the application giving the purpose for the comprehensive plan map amendment.

Testimony in favor: None

Testimony in opposition: Renea Hoover asked if the zone change would affect property taxes. Larsen explained that it would not, it is only to change the zoning. Larsen explained the purpose of the Public Facility Zone. Hoover was concerned with public access, development and possible sales of the properties. Larsen explained the zone change will not have an effect on development or taxes. Wolthuis stated that the application is a house keeping item to bring the zoning into compliance with the use. Hoover asked if the property lines would be changed. Larsen explained that there are no property lines changes with a zone change. Wood further explained the purpose of the zone change.

Neutral Testimony: None

The public hearing was closed at 7:03 PM

Larsen announced that he would be happy to stay after the meeting and talk to anyone that has questions, but did not want to speak during the public hearing.

Commission discussion: Melcher stated that staff addressed the issues brought up by the public and the change will bring these properties into the correct zoning. Melcher was in favor of it. Journey stated that the change is consistent with the way the City is moving into the future. White felt it will tie it together neatly and will make the process less complicated. Branson stated that it should have been done a while ago and he is in favor of it. Wood feels that it will clean up the zoning and make the government more effective. Wood is in favor of the change.

A motion to approve Application CMA23-01 and recommend it to City Council was made by Wood, seconded by Journey.

Yea: 6

Nay: 0

Absent: 1

b) Application ZMA23-02

The public hearing was opened at 7:06 PM

Commissioner Wolthuis asked of the Commission if there were any ex parte, conflicts of interest, or personal bias, there were none.

CEDD Director Larsen gave the staff report and testified on behalf of the application giving the purpose for the zone map amendment.

Testimony in favor: None

Testimony in opposition: None

Neutral Testimony: None

The public hearing was closed at 7:13 PM

Melcher, Journey, White and Branson stated that they have the same comments as for the comprehensive plan map amendment. Wood stated that it made sense to match the zone change with the comprehensive plan change.

A motion to approve Application ZMA23-02 and recommend it to City Council was made by Wood, seconded by Melcher.

Yea: 6

Nay: 0

Absent: 1

**Staff Updates:**

Larsen informed the Commissions that Angela, the Associate Planner was at a training.

Larsen gave an update on current and proposed land use applications.

The City Council passed the Housing needs analysis.

The next hearing for the Redwood Street vacation is at the End of May.

Larsen informed the first City Council meeting of every month is now a work session meeting. There will be no voting except for land use decisions.

**Round Table Discussions** (Committee comments about topics not listed on the agenda)

None

**Adjournment**

The meeting was adjourned at 7:22 PM

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Henry Wolthuis, Vice Chairperson  
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



**Legislative Amendment LA23-02  
 Staff Report**

This legislative amendment, LA 23-02, consists of revisions to Sweet Home Municipal Code Chapter 17.04 Definitions, 17.06 City Comprehensive Plan and Establishment of Zones, 17.10 Residential Low Density Zone (R-1), 17.12 Residential Medium Density Zone (R-2), 17.14 Residential High Density Zone (R-3), 17.16 Mixed Use Zone (MU), 17.18 Commercial Central Zone (C-1), 17.20 Commercial Highway Zone (C-2), 17.22 Industrial Zone (I), 17.24 Public Facility Zone (PF), 17.25 Recreation Commercial Zone (RC), 17.26 Mixed Use Employment Zone (MUE), 17.42 Street Standards, 17.44 Off Street Parking and Loading, 17.50 Signs, 17.52 Fencing and Screening; 17.56 Yards and Lot Standards, 17.58 Land Division, 17.66 Manufactured Homes on Individual Lots, 17.70 Residential Accessory Structures, 17.72 Special Residential Dwellings, 17.90 Application – General, 17.108 Nonconforming Uses, and 17.119 Vacation and Dedication of Public Ways. The proposed text amendments were identified by City Staff.

**FILE NUMBER:** LA23-02

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code 17.116.020

**PLANNING COMMISSION HEARING DATE & TIME:** June 1, 2023 at 6:30 PM

**LOCATION:** City Hall Council Chambers, 3225 Main Street, Sweet Home, OR 97386

**CITY COUNCIL HEARING DATE & TIME:** June 13, 2023 at 6:30 PM

**LOCATION:** City Hall Council Chambers, 3225 Main Street, Sweet Home, OR 97386

**STAFF CONTACT:** Angela Clegg  
 Phone: (541) 367-8113  
 Email: aclegg@sweethomeor.gov

**REPORT DATE:** May 25, 2023

**I. REVIEW AND DESIGN CRITERIA**

Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:

- A. The proposed amendment will not adversely impact the following:**
- 1. Traffic generation and circulation patterns;**
  - 2. Demand for public facilities and services;**
  - 3. Level of park and recreation facilities. [SHMC 17.116.030(A)(1-3)]**

Staff Findings: SHMC Chapter 17 was amended, approved, and became effective on October 27, 2022. Since using the new code, the staff has identified errors that needed to be corrected. These corrections shall not impact traffic generation and circulation patterns, shall not create demand for public facilities and services or impact the level of park and recreation facilities.

Based on the above information, staff find that the application complies with these criteria.

**B. A demonstrated need exists for the proposed amendment.** [SHMC 17.116.030(B)].

Staff Findings: The revisions identified by staff are needed for defensibility and clarity of code. Section 17.119 Vacation and Dedication of Public Way was unintentionally left out of the original revisions and is being added back into the chapter.

Based on the above information, staff find that the application complies with these criteria.

**C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements. In addition, amendments to the Development Code shall conform with applicable City Comprehensive Plan policies.** [SHMC 17.116.030(C)].

Staff Findings: The proposed amendments comply with the Oregon Statewide Planning Goal 2: Land Use Planning.

Based on the above information, staff find that the application complies with these criteria.

**D. The amendment is appropriate as measured by at least one of the following criteria:**

1. **It corrects identified error(s) in the provisions of the plan.**
2. **It represents a logical implementation of the plan.**
3. **It is mandated by changes in federal, state, or local law.**
4. **It is otherwise deemed by the City Council to be desirable, appropriate, and proper.** [SHMC 17.116.030(D)(1-4)].

Staff Findings: The amendments correct identified errors in the provisions of the plan.

Based on the above information, staff find that the application complies with these criteria.

## **II. CONCLUSIONS AND RECOMMENDATION**

Based on the findings listed in Section I of this report, staff recommends that the Planning Commission recommend that the City Council approve this application. Since the request is for text amendments, staff has not recommended any conditions of approval.

## **III. PLANNING COMMISSION ACTION**

In acting on a zone change application; the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and decide on this application.

Motion:

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

1. Move to recommend that the City Council approve application LA23-02, which includes adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application LA23-02 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

#### **IV. ATTACHMENTS**

##### A. Draft Text Amendments



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" be 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.

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 that is used in connection with, or that is accessory to, a single-family dwelling.

**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.

**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.

**ADULT-ORIENTED USE** - Establishments that provide sexually oriented entertainment, services, or products. Such establishments exclude minors by virtue of age under the law of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian, or spouse. Types of uses include, but are not limited to, adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, adult paraphernalia shops, nude photography studios, or eating and drinking establishments that have sexually oriented entertainment such as nude dancers, strippers, or other similar entertainers.

**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.

**ANTENNA, WIRELESS TELECOMMUNICATIONS** - 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.

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

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

**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.

**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.

**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.

**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 those 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.

**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 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 childcare to three or more children not of common parentage, including a childcare center, certified family childcare home, and registered family childcare 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 applies to the total childcare 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.

**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 structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.

**DWELLING, SINGLE-FAMILY** - A detached structure on a lot or parcel that is comprised of a single dwelling unit.

**DWELLING, SINGLE-FAMILY ATTACHED** - A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

**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 a portion thereof that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. 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.

**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.

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

**FAMILY** - Persons living together in a dwelling unit as a single housekeeping unit.

**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.

**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.

**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.

**HANDOFF (WTCF)**- Refers to the process of transferring an active call or data session from one cell in a cellular network to another or from one channel in a cell to another.

**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:
    - 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.

**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 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.

**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.

**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 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 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 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.

**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 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 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.

**OPEN STORAGE** - To put aside or accumulate property for use when needed or later, 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).

**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.

**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 has surfaced.

**PREEXISTING** – Any use or structure existing before adoption of the current applicable provision of the Sweet Home Municipal Code.

**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.

**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.

**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** – Senior housing is housing that is suitable for the needs of an aging population. In senior housing there is an emphasis on safety, accessibility, adaptability, and longevity that many conventional housing options may lack. 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 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.

**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.

**STORAGE AREA** – A storage unit facility, either enclosed within a structure or within a site obscuring fence, and having one or more of the following: large storage units, small storage units, and/or covered or uncovered RV, boat and commercial inventory storage.

**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.

**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
  - 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 92.44 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.
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 (WTCF)** - 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.

**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 (WTCTF)** - 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.

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:

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

17.06.030 LOCATION OF ZONES

The boundaries for the zones listed in this title are indicated on The City Zoning Map of ~~2003~~ 2022 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 be ~~continue to be zoned under the existing county zoning, unless the area or a part of the area is~~ specifically placed in a City 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.

## 17.10 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 dwelling, including those duplexes created through conversion of an existing detached single-family dwelling.
- C. Residential care homes, licensed by the State of Oregon.
- B. Day care facility; day nursery for 12 or fewer children.
- C. 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.
- K. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

**17.10.040 CONDITIONAL USES**

The following uses require approval of a Conditional Use Permit:

- A. Cemetery.
- B. Houses of worship, 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. Amateur radio, police, and fire antennas.
- K. 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. Duplexes shall count as one dwelling unit for purposes of density calculation.

**17.10.060 DIMENSIONAL STANDARDS**

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

<b>Minimum Lot Area &amp; Width</b>	
Single Family Dwelling, Manufactured Home	7,000 square feet
Duplex	7,000 square feet
Other Uses	Sufficient to meet density and development requirements
Minimum Width at Building Line	70-feet
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Primary Building	30 feet
Accessory Building	20 feet (Roof Apex)
<b>Maximum Lot Coverage</b>	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 and duplexes 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.
- 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 dwelling, including those duplexes created through conversion of an existing detached single-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.
- K. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

**17.12.040 CONDITIONAL USES**

The following uses require approval of a Conditional Use Permit:

- A. Multi-family dwellings.
- B. Cemetery.
- C. Houses of worship, 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 12.0 dwelling units per net acre.

**17.12.060 DIMENSIONAL STANDARDS**

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

<b>Minimum Lot Area &amp; Width</b>	
Single Family	5,000 square feet
Duplex	5,000 square feet
Attached Dwelling	2,000 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	25 feet
<b>Minimum Setbacks</b>	
Front Yard	15 feet
Garage, Carport	20 feet to the entrance
Side Yard (Interior)	5 feet
Side Yard (Street)	15 feet
Rear Yard	15 10 feet
Attached Side Yard	0 feet/10 feet Exterior Boundary
<b>Maximum Structure Height</b>	
Single-family	30 feet
Single-family Attached, Duplex	40 feet
Accessory Building	20 feet (Roof Apex)
<b>Maximum Lot Coverage</b>	
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. 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.

~~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 and duplexes 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.
- 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 dwelling, including those duplexes created through conversion of an existing detached single-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.

- 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.
- L. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

**17.1014.040 CONDITIONAL USES**

The following uses require approval of a Conditional Use Permit:

- A. Cemetery.
- B. Houses of worship, 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**

- A. Single Family Attached and Detached Homes, Duplexes – No more than one residential structure per lot or parcel, other than an approved accessory dwelling unit; maximum of 12.0 dwelling units per net acre.
- B. Multi-family – Maximum of 28 units per net acre.

**17.14.060 DIMENSIONAL STANDARDS**

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

<b>Minimum Lot Area &amp; Width</b>	
Single Family	5,000 square feet
Duplex	5,000 square feet
Attached Dwelling	2,000 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
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Single-family	30 feet
Single family Attached, Duplex, Multi-family	40 feet
Accessory Building	20 feet (Roof Apex)
<b>Maximum Lot Coverage</b>	
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. 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.

#### 17.14.070 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 and duplexes 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.
- 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; and, duplex dwelling, including those duplexes created through conversion of an existing detached single-family dwelling.
- 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. Open space and parks identified in The City's adopted Parks Master Plan.
- 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. 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, **not including adult-oriented uses.**
- 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, **not including adult-oriented uses.**
- 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.
- H. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

#### **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 16 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**

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

<b>Minimum Lot Area</b>	
Attached Single Family	2,000 square feet
Other Residential	5,000 square feet
Nonresidential Development	5,000 square feet
<b>Minimum Lot Dimension Requirements</b>	
Lot Width: Attached/Other/Nonresidential	25 feet/50 feet/50 feet
Lot Depth: Attached/Other/Nonresidential	80 feet//100 feet/100 feet
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Primary Structure	40 feet
Accessory Building	20 feet (Roof Apex)
<b>Maximum Lot Coverage</b>	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.

**17.16.070 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.~~—All single family attached homes shall require a garage or carport; and in addition, provide one hard-surfaced parking space per unit. 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.
- 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.
  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. Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14].
- B. Dwellings located above a first-floor commercial business.
- BC. Parking lot.
- CD. Family day care center; not a home occupation.
- DE. Community center.
- EF. Bus depot, taxicab stand.
- FG. Club, lodge, fraternal organization.
- GH. Newspaper office, print shop.
- HI. Motel, hotel, rooming/boarding house establishment.
- IJ. 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, not including adult-oriented uses;
  - 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;
5. Eating or drinking establishments such as restaurant, tavern or cocktail lounge, **not including adult-oriented uses**;
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.

**JK.** 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.
- H. Affordable Housing, subject to provisions in Chapter 17.72.
- I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.**

### **17.18.040 CONDITIONAL USES**

The following uses require approval of a Conditional Use Permit:

- A. Houses of worship, 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.
- 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 always kept within an enclosed building.
- G. Amateur radio antennas.
- H. Commercial radio stations and antennas.
- I. Marijuana retailer or medical dispensary.
- J. Open Storage complying with SHMC 8.04.030
- JK. 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:

<b>Minimum Lot Area</b>	
Multi Family (3 or More)	9,000 square feet (parcel) 1,500 square feet per unit
All Other Development	None
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Principal and Accessory Building	40 feet
<b>Maximum Lot Coverage</b>	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
  4. No more than one drive-up, drive-in or drive-through facility shall be permitted on one block, or for 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. Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14].
- B. Parking lot.
- BC. Day care center.
- CD. Community center.
- DE. Bus depot, taxicab stand.
- EF. Club, lodge, fraternal organization.
- FG. Newspaper office, print shop.
- GH. Commercial enterprises with customer drive-in service facilities, pursuant to requirements in Chapter 17.18.060.
- HI. Automobile service station, provided, any incidental automobile repair shall be performed entirely within an enclosed building.
- IJ. Automobile, boat, truck, trailer sales, service, rental, display, storage, and repair.
- JK. Cabinet or similar woodworking shop.
- KL. Cold storage plant, ice processing plant.
- LM. Feed, seed store.

- MN.** Heavy equipment, implement, machinery sales, service, rental, display, storage, and repair.
- NO.** Lumber, building materials sales and storage.
- OP.** 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.
- PQ.** Plumbing, heating, electrical or paint contractor's storage, sales or repair shop.
- QR.** Tire sales, repair shop.
- RS.** Truck terminal, freight depot.
- ST.** Warehouse, storage **area facility** including mini-storage.
- TU.** Wholesale establishment.
- UV.** Motel, hotel, rooming/boarding house establishment.
- VW.** 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, **not including adult-oriented uses.**
  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, **not including adult-oriented uses.**
  6. Office, business or professional, including medical clinics.
  7. Small animal clinic or animal hospital; provided, all animals shall be always kept 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.

- WX.** 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**

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.
- H. Affordable Housing, subject to provisions in Chapter 17.72.
- I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.**

### **17.20.040 CONDITIONAL USES**

The following uses require approval of a Conditional Use Permit:

- A. Houses of worship, 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. Open Storage complying with SHMC 8.04.030.

HI. 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**

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

<b>Minimum Lot Area</b>	
Multi Family (3 or More)	9,000 square feet (parcel) 1,500 square feet per unit
All Other Development	None
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Principal and Accessory Building	35 feet
<b>Maximum Lot Coverage</b>	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.
- 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 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 17.74.
- F. Affordable Housing, 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.
- 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. **Adult-oriented uses.**
- 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.

**17.22.050 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:

<b>Minimum Lot Area</b>	
All Development	None
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Principal and Accessory Building	80 feet
<b>Maximum Lot Coverage</b>	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.

**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.
- 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. Adult-oriented Uses. Where allowed by conditional use, adult-oriented uses shall meet the following standards:
  - 1. An adult-oriented use shall not be established or expanded within 500 feet of any residential zone or use.
  - 2. An adult-oriented use shall not be established or expanded within 500 feet of the property line of a church, school, or public park.
- 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).

## 17.24 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.
- D. Affordable Housing, subject to provisions in Chapter 17.72.

**17.24.040 CONDITIONAL USES**

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**

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

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

- B. Minimum setback: where a front, 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.

**17.24.060 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.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. 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.
- 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. 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).

## 17.2625 RECREATION COMMERCIAL ZONE (RC)

### 17.2625.010 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.

### 17.2625.020 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, **not including adult-oriented uses.**
- 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 and duplex dwellings, including those duplexes created through conversion of an existing detached single-family dwelling, on legal lots of record at the time of enactment of this Chapter.

### 17.2625.030 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 17.74.
- I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

#### **17.2625.040 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.

#### **17.2625.050 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, duplexes and accessory uses 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, 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 ~~43~~12 feet;
    - c. Street side shall be minimum of 15 feet;
    - d. A garage/~~carport~~ 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~~40% 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/~~carport~~ 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~~60% of the land area.
  5. A carport or garage is required.
  56. Off-street parking will be based on The City parking standards.
- C. 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/~~carport~~ 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.
- D. 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.

**17.2625.060 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.
- 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)

### 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 dwelling, including those duplexes created through conversion of an existing detached single-family dwelling.
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.
- A. 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.

I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

**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, 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 and duplex 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.
- 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. 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.

D. 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 - 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.
- E. 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.
- F. 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 or duplex, or conversion of an existing single-family detached dwelling into a duplex, a Planned Development shall be required for any proposed project or development exceeding one acre in size.



## 17.42 STREET STANDARDS

### 17.42.010 PURPOSE

- A. To provide for safe, efficient, convenient multi-modal movement in The City of Sweet Home.
- B. To provide adequate access to all proposed developments in The City of Sweet Home.
- C. To provide adequate area in all public rights-of-way for sidewalks, bikeways, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way.
- D. For purposes of this Chapter:
  - 1. “Adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.
  - 2. “Adequate area” means space sufficient to provide all required public services to Standards defined in this Development Code or The City’s most current Engineering Standards.

### 17.42.020 SCOPE

The provisions of this Chapter shall be applicable to:

- A. The creation, dedication or construction of all new public or private streets, bikeways, or accessways in all subdivisions, partitions or other developments in The City of Sweet Home.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or The City, or which may be required by The City in association with other development approvals.
- C. The construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or street easements.

### 17.42.030 GENERAL PROVISIONS

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in The City of Sweet Home. Unless otherwise modified through provisions in this Chapter, all streets shall be designed in conformance with the specific requirements of The City’s Transportation System Plan and most current Engineering Standards.

- A. Street Layout. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- B. Continuation. Development proposals shall provide for the continuation of all streets, bikeways and accessways within the development and to existing streets, bikeways, and accessways outside the development.
- C. Future Street Extensions. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, these facilities shall be platted to a boundary of the subdivision or development. Further, the street may be platted without a turnaround unless the Public Works Department or local Fire District finds a turnaround is necessary for reasons of traffic safety.
- D. Dead End Streets. The following shall apply:
  - 1. Dead end streets can be allowed only when the extension of street is not possible due to one or more of the following reasons:
    - a. A natural feature, such as a wetland, stream or steep slope makes it impractical for the street to be extended.
    - b. An existing structure or use is located on an adjacent parcel within the alignment of the proposed street.
    - c. An existing deed restriction or covenant or political boundary does not allow the extension of the street.
    - d. The alignment is approved as part of a Planned Development.
  - 2. Reserve strips and street plugs may be required to preserve the objectives of dead-end streets.
- E. Alignment. All streets other than local streets or cul-de-sacs, shall be in alignment with existing streets by continuation of the centerlines to the maximum extent feasible. The staggering of street alignments resulting in "T" intersections shall be avoided wherever practical. However, when not practical, the staggering of street alignments resulting in "T" intersections shall meet with the approval of the City Engineer and ensure compliance with accepted traffic safety standards.
- F. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 80 degrees shall require approval of the City Engineer. All tangent calculations and curb radii shall comply with Engineering Standards.
- G. Existing Streets. Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.

- H. Half-Streets. Half-streets may be approved where essential to the reasonable development of an area and when The City finds it to be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half-street is adjacent to a tract to be developed, the other half of the street shall be dedicated. Specific improvement requirements are contained in Chapter 17.42.050. Reserve strips and street plugs may be required to preserve the objectives of half-streets.
- I. Cul-de-sacs. Cul-de-sacs are not encouraged and allowed only where no other reasonable alternative exists. Where permitted, a cul-de-sac shall have maximum lengths of 800 feet and terminate with a circular turn-around. Cul-de-sacs over 400 feet in length shall provide accessways to provide connectivity to adjacent streets and uses, unless physical constraints preclude a pedestrian/bicycle accessway. The Fire Code may establish additional standards.
- J. Street Names. Street names and numbers shall conform to regulations contained in the Sweet Home Municipal Code Chapter 12.20.
- K. Grades and Curves. Grades shall conform with City of Sweet Home Engineering Standards.
- L. Marginal Access Streets. If a development abuts or contains an existing or proposed arterial street, The City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- M. Lots Abutting a Partial Street. Development of property abutting an existing public street which does not meet the minimum right-of-way standards, shall include sufficient yard setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right-of-way width.
- N. Unimproved Street. Development of property adjacent to an unimproved right-of-way shall require the installation of an improved surface to meet fire code requirements and the submittal of a non-remonstrance development agreement to participate in future street improvements, conforming to the regulations in SHMC 17.58.050(B)(2).

**17.42.040 STREETS**

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, the proposed use of land to be served by the streets, and full land utilization which will not result in tracts of vacant inaccessible land. Street design standards are intended

to provide city staff with standards and guidelines for protecting the function and integrity of The City's transportation system. There are two types of Improved Type Standards for City streets:

- **Improved streets** are Urban Standard roadways that provide paved travel lanes, curb and gutter or infiltration basin drainage, pedestrian sidewalks, bike lanes, and landscaped planter areas. **Improved streets** are also Rural Standard roadways that provide paved travel lanes, roadside ditch or infiltration basin drainage, pedestrian sidewalks, shared road & bike lanes, and sometimes beautification planter areas.
- **Unimproved streets** are Rural Standard roadways that provide paved travel lanes, roadside ditch drainage, however no pedestrian sidewalks or bike lanes, and no landscaped planter areas.

The following table implements the standards of the Transportation System Plan.

<b>Standards</b>	<b>Major Arterial</b>	<b>Minor Arterial</b>	<b>Collector</b>	<b>Local Street</b>	<b>Residential Neighborhood Street ***</b>
ROW Width	80' (max)	70' (max)	60' (max)	50' (max)	20' (min)
Curb to curb width	60' (max)	40' (max)	40' (max)	36' (max)	20' (min)
Travel Lane width	11' (min)	10.5' (min)	10' (min)	7' (min)	7' (min)
Number of lanes	4 (max)	3 (max)	2 (min)	2 (max)	2 (min)
Median/center turn width (max)	12'	11.5'	Not required	Not required	Not required
Bike Lane width (min)	2 @ 6'	2 @ 6'	1 @ 6'	7'	Not required
Parking width (max)	8'	8'	8'	7'	Not required
Curb *	6"	6"	6"	6"	Not required
Planting Strip width (min)**	7'	7'	7'	3'	3'
Sidewalk width (min)	8'	7'	6'	5'	Not required
System spacing	1 mile	½ mile	½ mile	250'	100'
Design speed - (max)	40 mph	35 mph	25 mph	25 mph	20 mph
Access management: intersection spacing (min)****	300'	100'	100'	75'	50'
Access Management: driveway	No direct driveway	Shared driveway	Shared driveway	Direct access	Direct access allowed

spacing	access	access	access	allowed	
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\* Other City approved alternatives may be proposed, such as "Green Streets" standards, as defined by Portland Metro Green Streets handbook, and subsequent updates. A green street can be defined as a street designed to integrate a system of storm water management within its right of way, and to:

- Reduce the amount of water that is piped directly to streams and rivers.
  - Be a visible component of a system of "green infrastructure" that is incorporated into the aesthetics of the community.
  - Make the best use of the street tree canopy for storm water interception as well as temperature mitigation and air quality improvement.
  - Ensure the street has the least impact on its surroundings, particularly at locations where it crosses a stream or other sensitive area.
- \*\* Planting strips may include filtration strips and swales.  
 \*\*\* Allowed only within a Planned Development.  
 \*\*\*\* Measured as adjacent edge to edge of right-of-way, with the higher street category controlling.

**17.42.050 HALF STREET DEVELOPMENT AND IMPROVEMENT**

Half-Street development conditions typically occur in areas where existing travel lanes are pre-existing and development occurs on one side of the right-of-way only.

- A. Extension of Roadways. In areas where street pavement, curbs, stormwater drainage, and sidewalks do not exist; sidewalk, curb, drainage system and driveway construction shall be required in the following conditions:
1. When located adjacent to existing street improvements of sidewalk, curb, drainage system and street paving.
  2. When located on an arterial or collector street, as designated in the City's adopted Transportation System Plan.
  3. When as a property lot of an existing subdivision, lot frontages were not constructed within or around the perimeter of the subdivision.
  4. When located on a corner of two public street rights-of-way, both of which do not have existing sidewalk, curb and drainage. Corner development will set line and grade for the remainder of street block segment.
  5. When located on a corner of two public street rights-of-way, only one of which has sidewalk, curb and drainage, the undeveloped adjacent side shall be constructed to match line and grade of the abutting roadway right-of-way and shall provide linkages in the sidewalk network.
  6. When located on the opposite side of the public right-of-way from an existing system of sidewalk, curb and drainage, development of street structure shall match both vertical and horizontal alignments.
  7. When commercial development projects are constructed, or when existing commercial projects are redeveloped, reconstructed or modified, and could

provide access to the roadway frontage for vehicles and pedestrians, regardless of adjacent roadway conditions such improvements shall be provided. Not providing access to the right-of-way frontage will not remove the requirement for development of pedestrian access along that frontage.

B. Layout Standards. Half-Street improvements shall follow the existing grade and curvature alignment of the roadway and right-of-way. Half-Street Improvements have 3 different scenarios.

1. Half-Street improvements in the truest condition shall extend to the centerline of the right-of-way. In cases where the roadway is not centered in the right-of-way the improvement will terminate as close as practical to the center of the roadway. The Public Works Director shall review the project for consideration of alternative options.
2. The equivalent of a Quarter-Street Improvement is where the roadway is in good condition, at the right slope and elevation, and nothing needs to be changed or updated, then the roadway may be sawcut along the edge of pavement or Fog Line. The new construction improvements shall meet flush with the existing roadway surface and be sealed with a tack coat and sand seal on the joint.
3. The equivalent of a Three-Quarter-Street Improvement is where the roadway is in bad enough shape in any form, that the improvement shall extend across the centerline to cover the opposite lane area. This applies also when development happens in category 1 and 2 roadways (grass and gravel respectively) that undergo improvements for access without the benefit of subdivision requirements.
4. Where the existing roadway is at adequate elevation relative to the adjoining property, the half-street improvement may meet the edge of existing pavement or roadway structure. If pavement degradation or excavations are significant to the roadway frontage, the developer may be required to complete finish paving to the centerline of the street.
5. When one end of the roadway section is at a lower elevation and remainder is higher than the abutting property, the half-street improvement will require the excavation of the full width of the travel lanes and the lowering of the roadway surface.
6. When both ends of the roadway section are at the higher incorrect elevation, the roadway does not need to be constructed. In this case street improvements will have to be accomplished in a comprehensive neighborhood street improvement project, taking into account driveway apron slopes, stormwater drainage and property area drainage inlets, etc.

#### **17.42.060 MODIFICATION OF RIGHT-OF-WAY AND IMPROVEMENT WIDTH**

The City may allow modification to the public street standards of Chapter 17.42.040 when **both** of the following criteria are satisfied:

- A. The modification is necessary to provide design flexibility in instances where:
  - 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  - 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of this Chapter; or
  - 3. A modification is necessary to preserve trees or other natural features determined by The City to be significant to the aesthetic character of the area.
  
- B. Modification of the standards of Chapter 17.42.040 shall only be approved if The City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

**17.42.070 CONSTRUCTION SPECIFICATIONS**

Construction specifications for all public streets shall comply with the criteria of the most recently adopted public works/street standards of The City of Sweet Home.

**17.42.080 SIDEWALKS**

Public sidewalk improvements are required for all property development in The City of Sweet Home and along Arterial and Collector streets. Sidewalks may be deferred by The City where future road or utility improvements will occur and on property in the rural fringe of The City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by The City or is obligated to pay their fair share if sidewalks are installed by The City at a later date.

- A. Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the Public Works Department determines that full right-of-way acquisition is impractical.
  
- B. Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.
  
- C. Sidewalks width and location, including placement of any landscape strip, shall comply with City of Sweet Home Engineering Standards.
  
- D. Planter strips and the remaining right-of-way shall be landscaped and maintained as part of the front yard of abutting properties. Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.
  
- E. Mid-block Crosswalks. The City may require mid-block crosswalks for long blocks or to provide access to schools, parks, shopping centers, public transportation stops or other community services.

- F. Internal pedestrian circulation and accessways shall be provided within all commercial, multifamily and planned developments.

#### **17.42.090 BIKEWAYS**

Bikeways are required along Arterial and Collector streets. Bikeways shall comply with City Engineering Standards. Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way.

#### **17.42.100 PRIVATE STREETS**

Private streets shall only be permitted as part of an approved Planned Development. At a minimum, the streets shall conform to the Residential Neighborhood Street requirements unless otherwise modified by the decision.

#### **17.42.110 PRIVATE ACCESS EASEMENT (JOINT USE DRIVEWAY)**

A private access easement (joint use driveway) created as the result of an approved land division shall conform to the following.

- A. Width. Where permitted, the access easement shall comply with the following standards:
  - 1. Minimum easement width: 20 feet
  - 2. Minimum paved width: For private access of 150' or less and serving one dwelling - 12 feet; serving two dwellings - 16 feet. For private access of more than 150' – 16 feet.
  - 3. Maximum length: 200 feet
  - 4. No more than 2 single-family detached dwellings or 2 duplexes shall have their sole access to the easement. Easements serving 2-3 homes or 2-3 duplexes shall comply with the provisions for a Residential Neighborhood Street. Easements serving 4 or more homes, or 4 or more duplexes shall comply with the local street standards and Chapter 17.110 Subdivision standards.
- B. Surface Improvement. The surface width noted in A.1. above shall be improved with either asphalt or concrete for the entire length of the private access easement.
- C. Maintenance. Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, homeowners' association, or similar instrument acceptable to The City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.



- D. Turn-around. A turn-around shall be required for any access easement which is the sole access, and which is either in excess of 150 feet or which serves more than one dwelling. Turn-arounds shall comply with the requirements of the Sweet Home Fire District.
- E. Fire Lanes. All private access easements shall be designated as fire lanes and signed for "no parking." All private access easements and joint use driveways shall comply with International Fire Code.
- F. Easement Required. Where The City approves a private access easement or joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to The City for its records, but The City is not responsible for maintaining the driveway or resolving any dispute between property owners.

**17.42.120 LOTS AND PARCELS SERVED BY PRIVATE ACCESS EASEMENTS**

The following shall apply to all lots and parcels that are accessed by either a private street or private access easement:

- A. Lot and Parcel Size. The easement containing the private access easement shall be excluded from the lot or parcel size calculation.
- B. Setbacks. The line fronting along a private street or private access easement shall be considered a property line. Setbacks to the garage and home shall be measured from this easement line.
- C. Lot Depth and Width. Where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line.

**17.42.130 TRAFFIC IMPACT STUDY**

The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section OAR 660-012-00451.E. of the state Transportation Planning Rule, which requires The City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic

Impact Analysis; and who is qualified to prepare the analysis.

- A. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development involves one or more of the following:
1. A change in zoning or a plan amendment designation;
  2. Operational or safety concerns documented in writing by a road authority;
  3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
  4. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
  5. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
  6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
  7. A change in internal traffic patterns that may cause safety concerns; or
  8. A TIA required by ODOT pursuant to OAR 734-051.
- B. Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

## 17.44 OFF-STREET PARKING AND LOADING

### 17.44.010 PURPOSE

The purpose of this Chapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in The City of Sweet Home.

### 17.44.020 SCOPE

- A. Application. Except as modified or restricted elsewhere within this Development Code, the provisions of this Chapter shall apply to the following types of development:
1. Any new building or structure erected after the effective date of this Development Code.
  2. ~~The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.~~ For existing commercial, industrial, or multifamily residential structures, the construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
  3. For existing single family or duplex residences, any expansion greater than 50% of the original floor area.
- B. Change of Use Exception. A change in the use of an existing building or structure to another use permitted in the underlying zone **shall not** require additional parking spaces or off-street loading areas.

### 17.44.030 LOCATION

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- A. Yards. Off-street parking areas may be located in a required yard setback for multi-family residential, commercial and industrial uses with an approved 10-foot landscaped buffer.
- B. Residential. In residential zones, automobile parking for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use, and if guaranteed by access easement or other recorded agreement prior to development. In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking.
- C. Parking. Driveways may be used for off-street parking for single-family and duplex dwellings.

- D. Non-Residential. In non-residential zones, parking may be located off the site of the main building, structure or use if it is within 500 feet of such site. In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking.

**17.44.040 JOINT USE**

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared between uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of this Chapter may be reduced accordingly. Such joint use shall not be approved unless satisfactory evidence is presented which demonstrates the access and parking rights of all parties.

**17.44.050 GENERAL PROVISIONS OFF-STREET PARKING AND LOADING**

- A. Parking Required. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Development Code.
- B. Interpretation of Parking Requirements. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Planner based upon the requirements of comparable uses listed and expectations of parking and loading need.
- C. Multiple Use Facilities. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately, unless a reduction is approved for shared parking pursuant to Chapter 17.44.040.
- D. Storage Prohibited. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials.

**17.44.060 OFF STREET AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS**

- A. Vehicle Parking Spaces. Provisions for off street vehicle and bicycle parking shall comply with the following minimum requirements:

## VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
A.	Single family and Duplex	2 spaces per single family dwelling unit; two spaces total for a duplex	0	None
B.	Multi-family dwellings (3 or more units)	Studio – 1 space/unit 1-2 bedroom – 1.5 spaces/unit 3+ bedroom – 2 spaces/unit	0.25	Per dwelling unit
C.	Hotel, motel, boarding house	1 space per guest room plus 1 space for the owner or manager	1	Per 20 guest rooms
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.	2	Per 20 vehicle spaces
E.	Hospital, nursing home	1 space per two beds and 1 space per 2 employees	0.5	Per five beds
F.	Public assembly, churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length, or 60 sq. ft. of area w/o fixed seats	1	Per 20 vehicle spaces
G.	Preschool, kindergarten, elementary, junior high school	Greater of 2 spaces per classroom, or the requirement for a place of public assembly	2	Per classroom
H.	High school	Greater of 8 spaces per classroom, or the requirement for a place of public assembly	1	Per classroom
I.	Bowling alley, skating rink, community center	1 space per 100 sq. ft. plus 1 space per two employees	1	Per 20 vehicle spaces
J.	Retail store, except as provided in "K"	1 space per 500 sq. ft. plus 1 space per 2 employees	1	Per 20 vehicle spaces
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	1 space per 800 sq. feet of gross floor area, plus 1 space per 2 employees	1	Per 30 vehicle spaces
L.	Bank; office buildings; medical and dental clinic	1 space per 400 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces
M.	Eating and drinking establishment	Greater of 1 space per 4 seats, or, 1 space per 400 sq. ft. of gross floor area	1	Per 20 vehicle spaces

N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 800 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 800 square feet, plus 1 space per 2 employees	1	Per 20 vehicle spaces
P.	Manufacturing and processing:	One space per employee during the largest shift, <u>plus</u> ,		
	0-24,900 sq. ft.	1 space per 800 sq. ft.	1	Per 20 vehicle spaces
	25,000-49,999 sq. ft.	1 space per 900 sq. ft.	1	Per 20 vehicle spaces
	50,000-79,999 sq. ft.	1 space per 1000 sq. ft.	1	Per 20 vehicle spaces
	80,000-199,999 sq. ft.	1 space per 1,200 sq. ft.	1	Per 20 vehicle spaces
	200,000 sq. ft. and over	1 space per 2,000 sq. ft.	1	Per 20 vehicle spaces
Q.	Warehousing and storage distribution, terminals	One space per employee during the largest shift, <u>plus</u> ,		
	0-49,999 sq. ft.	1 space per 3,000 sq. ft.	1	Per 30 vehicle spaces
	50,000 sq. ft and over	1 space per 5,000 sq. ft.	1	Per 30 vehicle spaces

B. Bicycle Spaces. Bicycle parking development requirements

1. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.
2. Location. All bicycle parking shall be within 100 feet from a building entrance(s) and located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.

C. Maximum Vehicle Parking Spaces. The minimum spaces identified under item A. in this Section, shall not be increased by more than 30%.

**17.44.070 OFF-STREET LOADING REQUIREMENTS**

Commercial or industrial buildings between 10,000 to 25,000 square feet in area shall require a loading space. This initial loading space may incorporate the parking area. One additional space shall be required for each additional 25,000 square feet of gross floor area, or any portion thereof. The minimum loading space dimensions shall be 12 feet wide, 30 feet long, and 14 feet vertical clearance.

## 17.44.080 PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS

All parking and loading areas shall be developed and maintained as follows:

- A. Surfacing. All driveways, parking and loading areas shall have a durable hard surface of asphaltic cement or concrete. Surface improvements shall conform to the following:
1. Paving Improvements. Paving shall comply with adopted Engineering Standards of The City of Sweet Home.
  2. Timing. Unless modified by a variance or a site development review, or, bonded per City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure.
  3. Surfacing Options for Industrial Zone – The City Engineer may allow the use of a graveled parking area in the industrial zones, provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.
- B. Parking Spaces. Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain “compact spaces” with dimensions of ~~8.5 feet~~ 8 feet in width and ~~18 feet~~ 16 feet in length.
- C. Driveways. The following standards shall apply to all driveways:
1. Single Family Residence, and Duplex Dwellings
    - a. If one driveway is installed, no driveway width shall be less than 12 feet nor exceed 24 feet as measured at the property line. For lots or parcels exceeding 100-feet in width, the driveway width shall not exceed 36-feet.
    - b. If more than one driveway is installed, for property with 50 to 100 feet of frontage, the maximum width for each driveway is 20 feet and no more than two driveways may be permitted. For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.
    - c. Driveways shall be limited to off-street parking, and, the parking and storage of recreational vehicles.
  2. Multi-Family, Commercial, Industrial and Public Uses
    - a. Without adjacent parking (minimums):
      - (i) One-way: 12 feet
      - (ii) Two-way: 24 feet

- b. With adjacent parking:

<u>Parking Angle</u>	<u>Driveway Width</u>
0 to 40	12 feet*
41 to 45	13 feet*
46 to 55	15 feet*
56 to 70	18 feet*
71 to 90	26 feet

\*One-way only driveways

- c. There shall be a minimum separation of 22 feet between all driveways.

3. General Standards.

- a. *Distance from intersection.* All driveways shall be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following measured from the nearest curb return radius, which is the nearest beginning point of the arc of a curb:

Local street	20 feet
Collector street	30 feet
Arterial street	40 feet

Where streets of different functional classification intersect, the distance required shall be that of the higher classification.

- b. *Number of accesses permitted.* Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and street carrying capacity.
- c. *Double frontage properties.* Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan review or other review procedures.
- d. *Joint access encouraged.* Common accessways at a property line shall be encouraged and, in some instances, may be required, in order to reduce the number of access points to street. Construction of common accessways shall be preceded by recording of joint access and maintenance easements.
- e. *Maximum slope.* Access and approach grades shall not exceed 10% slope except as otherwise approved by the City Engineer.
- f. *Access to state highways.* Access to designated state highways shall be subject to the provisions of this chapter in addition to requirements of the Highway Division, Oregon Department of Transportation. Where regulations of The City and state may conflict, the more restrictive requirement shall apply.



- D. Screening. When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least 4 feet in height. The screening shall otherwise comply with applicable height limitations and clear vision requirements.
- E. Lighting. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- F. Driveway Required. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.
- G. Traffic Safety. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- H. Curbing. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

## 17.50 SIGNS

### 17.50.010 PURPOSE.

- A. The purpose of this chapter is to provide reasonable and necessary regulations for the design, construction, placement and maintenance of signs to protect the public health, safety and general welfare of the community. The regulations allow a variety of sign types and sizes. The sign standards are intended to allow for signs with adequate visibility to adjacent streets, but not necessarily to streets farther away.
- B. The regulations for signs have the following specific objectives:
1. To ensure that signs are designed, constructed, installed and maintained to ensure public and traffic safety and enhance the appearance of The City;
  2. To reflect and support the desired character and development patterns of the community;
  3. To provide for adequate and effective signs without dominating the visual landscape;
  4. To balance the needs of business with the desire to preserve and enhance the visual character of The City;
  5. To allow clear visibility of traffic signs and signal devices, pedestrians, driveways, intersections and other necessary clear vision areas.

### 17.50.020 DEFINITIONS.

**ABANDONED 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.

**ALTERED.** 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.

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

**CLEARANCE.** The distance measured from the highest point of the grade below the sign to the lowest point of the sign.

**CURB LINE.** The face of the curb that delineates the roadway line from block to block, excluding pedestrian and parking bulb outs.

**DISPLAY SURFACE.** The area made available by the sign structure for the purpose of displaying the message.

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

**HEIGHT.** The distance measured from the highest point of the natural grade below the sign to the highest attached component of the sign.

**ILLUMINATED.** A sign that contains or consists of lights or a light source including the following:

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

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

**INTERNAL ILLUMINATION.** A source of illumination from within a sign.

**MARQUEE.** A permanent roofed structure attached to and supported by the building and projecting over public property.

**MURAL.** 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).

**NATURAL GRADE.** The elevation of the original or undisturbed natural surface of the ground.

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

**PERMANENT.** Any sign intended to be used for a period greater than 60 days.

**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.** Any structure which supports a sign.

**WORK OF ART.** A work made and/or valued primarily for an artistic rather than practical function.

#### **17.50.030 GENERAL STANDARDS.**

- A. It is unlawful for any person to erect, repair, alter, relocate or maintain within The City, any sign except as provided in this chapter.

- B. Signs shall not be attached to an approved sign without permits to ensure compliance with this chapter.
- C. Signs, along with their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in a safe condition.
- D. The display surfaces of signs shall be kept clean and legible.
- E. Signs which do not conform to this chapter but which existed and were maintained as of the effective date of the ordinance codified in this chapter shall be considered nonconforming signs.
- F. Any nonconforming sign that is altered or relocated shall immediately comply with all provisions of this chapter.
- G. Sign area includes the area within a perimeter enclosing the limits of words, pictures, graphics, logos, symbols, colors, motion, illumination or projected images used to advertise or identify an object. The area of a sign with no such perimeter or the area of a sign with irregular shape shall be computed by enclosing the surface area within a known geometric size or shape. The measurable area shall not include the essential sign structure, foundations, supports, pole covers, or decorative roofing provided there is no advertising copy, symbols or logos present.

**17.50.040 DESIGN AND CONSTRUCTION**

Signs shall be designed and constructed to comply with the provisions of this chapter and of building codes, as adopted in Title 15 for the use of materials, loads and stresses. Illuminated signs may require an electrical permit that must be obtained from the appropriate governmental agency, currently the Linn County Building Department.

- A. All signs are subject to Sweet Home Building Inspection Program permit or a zoning permit, unless specifically exempted by this chapter.
- B. Where a permit is required, construction documents shall include a site plan and show the dimensions, material and required details of construction, including loads, stresses and anchors.
- C. Signs shall be designed and constructed for wind and seismic load and working stresses to meet building codes.
- D. LED signs shall have photocell(s) that dim to 50% levels during the night hours.
- E. Guy wires are permitted for support of a sign only in instances in which no other means of safe support exists.

- F. Trusses and frames which support signs, excepting sandwich board signs, will be enclosed with the supporting structures constructed as a part of the continuation of the sign.

#### **17.50.050 TYPES OF SIGNS**

- A. Awning Sign. Any sign that is displayed on or is a part of a fabric, metal or other structural awning material supported entirely from the exterior wall of a building.
- B. Directional Sign. An on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, telephone or similar place, service or route.
- C. Double Faced Sign. When two display surfaces supported by the same sign structure are placed back-to-back, or the distance between each sign face does not exceed two feet at any point, the display surfaces shall be regarded as a single sign.
- D. Flexible Sign. A windsock, flag, pennant, streamer, banner or similar sign or structure that identifies the building or the business and/or attracts attention to the business and is constructed of cloth, canvas or similar material.
- E. Group Sign. A sign identifying a group of businesses located on the same property, such as a shopping center shall be considered independent of the permitted sign area for the individual businesses.
- F. Household Sign. A sign placed at a ~~single-family~~ residence identifying the occupants.
- G. Marquee Sign. A sign placed under a marquee or awning.
- H. Projecting Sign. A sign that projects from and is supported by a wall of a building or structure and perpendicular or nearly perpendicular to the structure or wall.
- I. Reader Board. A sign designed so that the message may be changed by removal or addition of specially designed letters that attach to the display surface of the sign.
- J. Sandwich Board Sign. A temporary sign of A-frame construction, usually two sided, designed for placement on the sidewalk in front of a place of business.
- K. Temporary Sign. Any sign, regardless of construction material, which is not permanently mounted.
- L. Wall Sign. A display surface ~~attached flat~~ **directly adhered** onto a building or structure.

- M. Window Sign. A sign placed in or on a window or glass door in a building.

**17.50.060 EXEMPTIONS**

- A. The following are not included as signs:
  - 1. Flags of nations, states, and cities;
  - 2. Window displays that are not signs;
  - 3. Works of art.
- B. Signs exempt from the Building Inspection Program permits include the following:
  - 1. Signs painted directly on a structure. The Planning Office will issue a sign permit for these signs;
  - 2. Signs erected by a transportation authority;
  - 3. Signs that are replaced or are upgraded with no change to the frame or anchorage.

**17.50.070 MARQUEE SIGNS**

No part of a sign located under a marquee or awning shall project more than 12 inches below the marquee or awning and shall be at least eight feet above grade.

**17.50.080 TEMPORARY SIGNS**

- A. Temporary signs in a residential zone must be removed within 60 days of being placed on a property.
- B. Temporary signs may not be located on private property without consent of the property owner or their agent.

**17.50.090 PROHIBITED SIGNS**

No sign shall be constructed, erected or maintained that:

- A. Intends to be, is an imitation of, or resembles an official traffic sign or signal;
- B. By reason of its size, location, movement, content, coloring or manner of illumination:
  - 1. May be interpreted as a traffic control device;
  - 2. Blocks from view any traffic signal or street sign; or
  - 3. May pose a hazard to pedestrians or vehicular traffic.
- C. Is affixed to a utility pole;

- D. Is affixed to a mural;
- E. Is attached to or painted on vehicles visible from the right-of-way unless the vehicle is used for transport in the normal day-to-day operations of a business;
- F. Projects any sound that may create a safety hazard;
- G. Shines directly into any adjacent residential quarters or onto vehicle drivers;
- H. Obstructs any fire escape, window, door or opening used as a means of egress;
- I. Prevents free passage from one part of a roof to any other part of the roof or any opening required for ventilation;
- J. Substantially obstructs the view of a sign on adjoining property when viewed from a distance of 200 feet at any point four feet above the grade of the traffic lane closest to the street property line.

**17.50.100 SIGNS IN RESIDENTIAL ZONES**

In an R-1, R-2 and R-3 zones, the following signs shall be allowed:

- A. A household sign not exceeding six inches by 18 inches in size per dwelling unit, is not illuminated and is located entirely within the property lines of the lot;
- B. The maximum square footage of signs in a residential zone shall not exceed 60 square feet;
- C. Neighborhood organizations may place signs on private property with owner approval, provided that the sign does not exceed 18 inches by 24 inches in size, and is not illuminated;
- D. Commercial and professional uses and residential care facilities allowed in a residential zone may have one of the following principal signs:
  - 1. One monument or ground-mounted sign with up to 32 square feet of sign area and a maximum of five feet in height, or
  - 2. Signs attached to the structure not to exceed a maximum combined sign area of 12 square feet for each principal use in the building;
- E. Multi-family dwellings and subdivisions may have two monument or ground-mounted signs up to a total of 32 square feet of sign area and a maximum of five feet in height located at the principal entrances to the multi-family dwelling or subdivision;

- F. A temporary sign shall not exceed six square feet in area;
- G. A directional sign shall not exceed two square feet in area.

**17.50.110 SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES**

- A. The total square footage of signs for each property may not exceed an area equal to one square foot for each linear foot of public frontage of the property. Regardless of frontage, all properties are allocated at least 50 square feet of signage.
- B. In addition to square footage authorized for each property based on public frontage, an additional square footage for each business, as identified by a current certificate of occupancy, located on that property, is authorized as follows:
  - 1. If a business is located less than 50 feet from a public right-of-way, that business is allocated an additional 16 square feet of sign area, regardless of frontage.
  - 2. If a business is located more than 50 feet but less than 100 feet from a public right-of-way, that business is allocated an additional 32 square feet of sign area, regardless of frontage.
  - 3. If a business is located more than 100 feet but less than 200 feet from a public right-of-way, that business is allocated an additional 100 square feet of sign area, regardless of frontage.
  - 4. If a business is located more than 200 feet from a public right-of-way, that business is allocated an additional 200 square feet of sign area, regardless of frontage.
- C. A group sign, excluded from any square footage authorized, may not exceed an area equal to one square foot for each foot of public frontage of the property or 200 square feet, whichever is the least.
- D. Temporary and flexible signage is not included in the allocated square footage on a property in these zones.
- E. Signs in these zones may be illuminated.
- F. Signs in the Central Commercial (C-I) zone must conform to the following standards:
  - 1. Every sign must maintain a minimum horizontal distance between the sign and the curb line of not less than two feet;
  - 2. A sign projecting more than two-thirds of the distance from the property line to the curb line shall have a minimum clearance of at least 12 feet;
  - 3. A sign projecting less than two-thirds of the distance from the property line to the curb line shall have a minimum clearance of at least eight feet.



- G. Signs in the Highway Commercial (C-2) and Recreational Commercial (RC) and Industrial(M) zones must conform with the following standards:
  - 1. No sign shall be located so it will extend beyond the property lines;
  - 2. Signs shall meet one of the following standards:
    - a. The display surface of the sign must have a minimum clearance of 12 feet if located within five feet of the property line;
    - b. If a display surface has a clearance of less than 12 feet, all parts of the sign shall be located a minimum of five feet behind the property line.
  
- H. Signs in the Neighborhood Commercial (C-3) zone must conform with the following standards:
  - 1. No more than one sign, not to exceed 25 square feet in area.
  - 2. The sign shall be placed flat against the building.

**17.50.120 SIGNS ON PUBLIC PROPERTY**

- A. The City or another public agency sign shall be allowed to be erected, installed, replaced, or maintained in or on any public property, including streets.
  
- B. Temporary signs may not be located in public rights-of-ways, except as allowed by this section:
  - 1. Flexible signs in existing pole hole locations in sidewalks, or as approved in the future by the appropriate jurisdiction, as long as the display surface does not exceed 12 inches in width, three feet in length, and is not located in an area that will block the view of vehicular or pedestrian traffic;
  - 2. In the Central Commercial zone, sandwich board signs may be placed on the sidewalk as long as they do not exceed six square feet in size, three feet in height, and are not located in an area that will block the view of vehicular or pedestrian traffic. Placement of a sandwich board must maintain a clear pedestrian passage area of at least four feet for Americans with Disabilities Act passage clearance. Placement should take into consideration curb parking and the ability to open car doors.
  
- C. Banners for special events may be placed over rights-of-ways at locations with permanent attachments with approval of the jurisdictions having authority of the right-of-way and the structure where the banner will be attached.

**17.50.130 SPECIAL SIGNS**

Signs that either do not lend themselves to the ordinary processes of measurement because they are integrated into the design of the building structure or signs designed for a special purpose that makes strict application to this chapter difficult may be permitted

as a conditional use when the Planning Commission finds such signs conform with the intent of this chapter and are appropriate to the type of development or structure to which they are related.

#### **17.50.140 ENFORCEMENT**

- A. All required permits must be obtained prior to placement of the sign.
- B. Signs that do not comply with this chapter or that are abandoned are declared a nuisance and The City may cause the removal of the sign.
- C. The City may use Chapter 8.04.020 for the abatement procedures for this Chapter.
- D. If the owner of the sign, or the owner of the premises upon which the sign was located, does not pay the costs of removal, The City may dispose of the sign.

#### **17.50.150 INTERPRETATION**

Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other applicable codes, the provisions which are more restrictive shall govern.

#### **17.50.160 VARIANCES - SIGNS**

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Chapter 17.50 shall be processed according to the variance procedures in Chapter 17.106; however, the variance request shall be subject to the following criteria:

- A. There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- B. The requested variance is consistent with the purpose of the Section as stated in Chapter 17.50.010; and
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.
- D. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- E. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match

standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance.

- F. The variance request shall not be the result of a self-imposed condition or hardship.

## 17.52 FENCING AND SCREENING

### 17.52.010 PURPOSE

Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

For purposes of this Chapter, "front yard" means a yard extending across the full width of a lot or parcel of land and extending from the front lot line to the entire actual front building line or shall be the same as the respective front setbacks required by the underlying zone, whichever is less. The following standards shall apply to all fences, hedges, and walls.

### 17.52.020 GENERAL STANDARDS

Construction of fences and walls shall conform to all of the following requirements:

- A. Permits Required. No person shall construct or reconstruct any fence or wall without first obtaining a permit.
- B. Clear Vision Areas. All fences, hedges, and walls adjacent to a roadway intersection shall comply with clear vision requirements.
- C. Land Use Approval. The Planning Commission may require installation of walls and/or fences as a condition of development in a land use approval. When so conditioned by a land use action, no further land use review is required for the fence or wall.
- D. Measuring Fence Height. Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. Where the natural grade changes (i.e., hillside or swale) the fence, hedge, and wall height shall change with the grade.
- E. Temporary Fences. A temporary fence may be constructed with wire, rolled plastic, wood or other suitable material as determined by the City Manager or designee. The City Manager or designee shall establish the time duration for a temporary fence not to exceed 12 months. All temporary fences, prior to installation, must first have the approval of the City Manager or designee.

- F. Hedges. Hedges located within five feet of a property line abutting a street shall not exceed a maximum height of three and one-half feet.
- G. Gates. Gates shall not open or swing into public right-of-way.

**17.52.030 MATERIALS**

Fences and walls shall comply with the materials standards set forth in this subsection.

- A. Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wood, wrought iron, vinyl, aluminum, and chain link (with a top rail support). Materials not specifically designed as fencing material, include, but are not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, concrete rubble, and junked material, are prohibited.
- B. Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar materials.
- C. Hazardous Materials. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows:
  - 1. Barbed wire is permitted on top of a six-foot tall fence in **the industrial (M) zone non-residential zones only**. The total height of the fence and barbed wire is limited to seven feet. Barbed-wire-only fences are prohibited except as allowed in subsection "a." below:
    - a. Livestock Containment. Where cattle, sheep, horses or other livestock are permitted or existed when the property was annexed to The City, barbed wire is permitted when used to contain or restrict livestock provided that the fences are posted at 15-foot intervals with clearly visible warnings of the hazard.
  - 2. Above ground electrically charged fences are only permitted when used to pasture or control livestock, for farming or other similar agricultural uses in zones where such uses are permitted and when the following standards can be met:
    - a. On boundary fences, the electrically charged wires shall be located on the inside face of the fence posts;
    - b. The electrically charged fence shall not exceed four feet in height;
    - c. The electrically charged fence shall be a pulsed charge system, and not a continuous charge system; and
    - a. Warning signs stating, "Warning, Electric Fence" shall be posted at intervals not less than 15 feet.

**17.52.040 LOCATION AND HEIGHT - RESIDENTIAL ZONES**

*Residential Zoning Districts (R-1, R-2, R-3, MU).* The maximum height of a fence and wall within residential zoning districts shall be as follows:

A. Fences and Walls

1. Front Yard Abutting Street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of three and one-half feet when constructed with solid materials (i.e. wood fence) or four feet when constructed with open material (i.e. chain-link fence).
2. Side and Rear Yards Abutting Street.
  - a. Fences and walls located less than three feet from a street property line shall not exceed a maximum height of three and one-half feet when constructed with solid materials (i.e. wood fence) or four feet when constructed with open material (i.e. chain-link fence).
  - b. Fence and walls located more than three feet from the street property line shall not exceed a maximum height of seven feet.
3. Interior Side and Rear Yards. Fences and walls located at a property line not abutting a street shall not exceed a maximum height of seven feet.
4. Through lots. Fences and walls shall be constructed in accordance with the front setbacks required by underlying zone on both streets.
5. Flag lots. On flag lots, the maximum height of a front yard fence or wall shall not exceed seven feet, provided the front yard of the flag lot is abutting interior side or rear yards on all sides.
  - a. Fences and walls located in the portion of the pole that abut a front or corner side yard (i.e. from the street property line to the front building line of the adjacent property, or respective front setbacks required by underlying zone, whichever is less) shall not exceed a maximum height of three and one half feet when constructed with solid materials (i.e. wood fence) or four feet when constructed with open material (i.e. chain-link fence).

**17.52.050 LOCATION AND HEIGHT – NON-RESIDENTIAL ZONES**

The maximum height of fences and walls within the commercial and industrial zones, shall be as follows.

A. *Yards Abutting Street*

1. Fences and walls located less than five feet from a street property line shall not exceed a maximum height of three and one-half feet when constructed with solid materials (i.e. wood fence) or four feet when constructed with open material (i.e. chain-link fence).
2. Fences and walls located more than five feet from the street property line shall not exceed a maximum height of seven feet.

- B. *Interior Side and Rear Yards.* Fences and walls located at a property line not abutting a street shall not exceed a maximum height of seven feet.
- C. *Barbed Wire.* Barbed Wire may be used in the City Limits.

**17.52.060 PLACEMENT OF FENCING ON PUBLIC RIGHTS-OF-WAY OR EASEMENTS**

Fences may be constructed on public rights-of-way and/or easements subject to certain restrictions. Construction of fences on public rights-of-way or easements requires permission from the appropriate public agency. The City allows placement of fences on public rights-of-way and certain easements, provided that action does not impair The City's ability to address its public functions and the permit holder agrees to remove the fence upon request.

**17.52.070 PATHWAY FENCING**

- A. When residential construction includes a pathway or walkway intended to be constructed adjacent to these pedestrian type features, the Applicant shall install along the full length of the property frontage intersecting or encountering these features, a fence composed of metal, rock or vinyl material with the supporting wood treated posts placed on an adequate concrete footing. Pathway or walkway type fencing shall be installed in such a fashion as to provide better visibility from adjacent homes or buildings and to assure public safety and avoid a tunneling effect associated with tall fences bordering narrow pathways.
- B. See-through pathway fencing shall not exceed five feet in height and solid fencing shall not exceed four feet in height the length of the property frontage intersecting or encountering the pathway, walkway or greenbelt.

**17.52.080 FENCES REQUIRED FOR SIGHT-OBSCURING PURPOSES**

- A. Sight obscuring fences shall be constructed of an aluminum mesh fencing with slats or other solid non-vision-type fencing of such design and material that will retain its attractiveness with nominal maintenance.
- B. The following uses are declared to require sight obscuring fences: junkyards, wrecking yards, equipment or vehicle salvage storage yards, auction blocks, lumberyards, sanitary landfills, recycling collection stations and other uses determined to be similar in nature to the aforementioned as determined by the community and economic development director or designee.

**17.52.090 FENCE ADVERTISING OR SIGNAGE**

- A. Except as noted in item “B.”, no signage may be installed on fencing except for advisory purposes (such as “no trespassing”) consistent with the sign code provisions in this Development Code. No such sign shall exceed two square feet and no such sign shall be located closer than 20 feet from any other sign posted on the same fence.
- B. Signs may be placed on the interior side of fences delineating athletic fields, such as the outfield fence at a baseball park.

**17.52.100 SWIMMING POOL FENCING**

All swimming pools shall be enclosed by a locking fence of at least six (6) feet in height. An existing structure or structures may be incorporated into the fence design.



## 17.56 YARD AND LOT STANDARDS

### 17.56.010 NEW BUILDINGS SHALL BE ON A LOT

Every building erected shall be located on a lot as herein defined.

### 17.56.020 YARDS APPLY ONLY TO ONE BUILDING

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Development Code shall be considered as providing a yard or open space for any other building. No yard or other required space on an adjoining lot shall be considered as providing a yard or open space on the lot whereon the building is to be erected.

### 17.56.030 FRONT YARD PROJECTIONS

The following features, when not more than one story high, may project into the front yard setback area, provided the projection shall come no closer than 10 feet from the property line: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.

### 17.56.040 SIDE YARD PROJECTIONS

- A. Cornices, eaves, gutters and fire escapes may project into a required side yard not more than one-third of the width of the required side yard.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than 1.5 2.5 feet into a required side yard, provided the chimneys and flues shall not exceed 6 feet in width.
- C. Uncovered decks and patios attached to the main building, and no more than 3-feet in height when measured directly beneath the outside edge of the deck or patio, may be extended to the side yard property line. This provision shall exclude street side yards.

### 17.56.050 REAR YARD PROJECTIONS

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 1.5 feet into a required rear yard, provided the chimneys and flues shall not exceed 6 feet in width.
- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard.

- C. The following features, when not more than one story high, may project into the rear yard setback area: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, uncovered porches, covered but unenclosed porches.
- D. No permitted projection into a required rear yard shall extend within 10-feet of the center line of an alley or within 5-feet of a rear lot line if no alley exists.

**17.56.060 VISION CLEARANCE**

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform to the following:

- A. Measurement. A clear vision area at an intersection shall be the triangular area established according to the following procedure:
  - 1. A line extending a certain number of feet from the intersection along a public street right-of-way;
  - 2. A line extending a certain number of feet from the intersection along the intersecting access;
  - 3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in 1. and 2., above.
- B. Street-Driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the driveway.
- C. Street-Alley. The clear vision area for street-alley intersections shall be 10 feet along the alley from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the alley.
- D. Street-Private Access Easement. The clear vision area for street-access easement intersections shall be 10 feet along the access easement from its intersection with the street right-of-way and 20 feet along the street right-of-way at the point of intersection with the access easement.
- E. Corner Lots (Street-Street Intersection). The clear visions area for corner lots shall be 20 feet along the right-of-way of each intersecting street.
- F. Prohibited Development. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:

1. Trees, provided all branches and foliage are removed to a height of eight feet above grade;
  2. Telephone, power, and cable television poles; and
  3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.
- G. Exemption. Clear vision areas shall not be required at intersections containing traffic signals.

## 17.58 LAND DIVISIONS

### 17.58.010 PURPOSE

The purpose of this Chapter is to provide for the orderly, safe and efficient division of land within The City.

### 17.58.020 SCOPE

The provisions of this Chapter shall apply to all partitions and subdivisions within The City of Sweet Home. The following shall determine the appropriate process and design standards:

- A. Partition. A land division creating two or three parcels within a calendar year shall be processed as a Partition and subject to the design and improvement standards for a Partition.
- B. Subdivision. A land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.
- C. Serial Partition. If a Partition results in the creation of a large parcel that can be subsequently divided so that there is the potential to create more than three parcels from the original, the request shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.

### 17.58.030 STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

- A. Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.
- B. Lot Width and Depth. The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions.
- C. Access. All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the provisions of Chapter 17.42 when it is determined that a public street access is:
  - 1. Infeasible due to parcel shape, terrain, or location of existing structures;

2. Unnecessary to provide for the future development of adjoining property.
  3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.
- D. Flag Lots. Flag lots shall be subject to the following development standards:
1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width.
  2. The access strip shall not be included in the lot area calculation.
  3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.
- E. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.
- F. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street or private access easement upon which the lot or parcel faces.
- G. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.

**17.58.040 ADDITIONAL STANDARDS FOR SUBDIVISIONS**

- A. General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.
- B. Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or, if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.
- C. Traffic Circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient and direct traffic circulation. At a minimum, “nearby” means the distance from the subdivision boundary – 1/4 mile for pedestrians, and one mile for bicyclists.

- D. Connectivity. To achieve the objective in “C. Traffic Circulation” above, The City may require the following:
1. Stub-end Streets: Where the potential exists for additional residential development on adjacent property. The City may require reserve strips and streets plugs to preserve the objectives of street extensions.
  2. Accessways: Public accessways to provide a safe, efficient and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.
- E. Collector and Arterial Connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site’s arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.
- F. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards:
1. Minimum dedicated width: 10 feet
  2. Minimum improved width: 8 feet
  3. The accessway shall be designed to prohibit vehicle traffic.

#### **17.58.050 IMPROVEMENT REQUIREMENTS - PARTITION**

During the review of partition proposals, The City shall require, as a condition of approval, the following improvements:

- A. Private Access. Where included, private driveways serving flag lots, or private easements shall be surfaced per the requirements of this Development Code.
- B. Street Frontage Improvements. The following improvements shall be required:
1. Consistent with the adopted transportations plans, sufficient land shall be dedicated to establish the appropriate right-of-way width.
  2. If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall sign a **non-remonstrance development** agreement with The City of Sweet Home. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement

shall be recorded at the County Clerk's Office at the time of the recording of the final plat.

3. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:
  - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a **non-remonstrance development** agreement consistent with item (B)(2), above.
  - b. Sidewalks, meeting City standards, along public street frontage. Sidewalk construction may be deferred until such time a building permit is issued.
  - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off of the new street.

C. Public Facilities. Sewer, Water, and Storm Drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to The City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. The plans shall be reviewed and approved prior to the recording of the final partition plat.

D. Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to The City prior to the approval of the final plat of the partition.

#### **17.58.060 IMPROVEMENT REQUIREMENTS - SUBDIVISION**

A. Improvements. The following improvements shall be required for all subdivisions:

1. Frontage Improvements. Half-street improvements designed to The City's Engineering Standards shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as The City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.
2. Project Streets. Streets within the subdivision shall be constructed as required by City Engineering Standards.
3. Monuments. Monuments shall be established as required by the Engineering Design Standards.

4. Surface Drainage and Stormwater System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.
5. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.
6. Water System. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.
7. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.
8. Street Lights. The installation of street lights is required at locations, and of a type required by City standards.
9. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.
10. Other Requirements:
  - a. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.



- b. Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.
- B. Completion of Improvements. All improvements required under this Chapter shall be completed to City standards, or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. In no case shall the bond exceed 5% of the remaining project improvements as determined by the City Engineer.

#### **17.58.070 IMPROVEMENT PROCEDURES**

In addition to Engineering Design Standards, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Development Code, the improvement standards and specifications adopted by The City, and shall be installed in accordance with the following procedures:

- A. City Approval Required. Improvement work shall not commence until plans are approved by The City. All plans shall be prepared in accordance with requirements of The City.
- B. Notification. Improvement work shall not commence until The City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until The City has been notified.
- C. Inspections. Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director or designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.
- D. Installation of Utilities. All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
- E. As-Built Drawings. A map or plan showing all public improvements as built shall be filed with the Department of Public Works upon completion of the improvements.

## 17.66 MANUFACTURED HOMES ON INDIVIDUAL LOTS

### 17.66.010 SCOPE

The provisions of this Chapter are applicable to all manufactured homes sited on individual lots in The City of Sweet Home. Manufactured homes sited in approved mobile/manufactured home parks or manufactured home subdivisions are not affected by the provisions of this Chapter.

### 17.66.020 GENERAL STANDARDS

Manufactured homes are permitted in all residential zones, in accordance with the following general standards, and the design compatibility standards set forth in this Chapter. The minimum lot area, setback, and height standards of the subject zone shall also apply to manufactured homes sited on individual lots.

- A. Size. The manufactured home shall be multi-sectional and have at least 1,000 square feet of gross floor area.
- B. Performance Standards. The exterior thermal envelope must meet the standards specified by state law for single family dwellings, as defined in ORS 455.010.
- C. Removal of Towing Equipment. All towing hitches, wheels, running lights, and other towing related equipment shall be removed within thirty (30) days after installation of the manufactured home.
- D. Foundations. The manufactured home shall be placed on an excavated and back filled foundation with no more than 12 inches of inclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the inclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the twelve (12) inch limitation shall not apply. Furthermore, the twelve (12) inch limitation shall not apply if the requirements of the Flood Hazard District mandate that the home be elevated more than twelve (12) inches above grade.

The foundation shall meet building code and Flood Hazard Area (if applicable) standards. The base of the manufactured home shall be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or a combination thereof.

- E. Utilities. The manufactured home shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the City Building Official where underground service would require an exception to local prevalent conditions. Manufactured homes shall not be occupied **purposes** unless connected to local water, sewer, and electrical systems.
- F. Historical Sites. No manufactured home shall be located on property containing a historic landmark, or, on a lot or parcel immediately adjacent to property containing a historic landmark. For the purpose of this Chapter, a historic landmark is property designated by the Sweet Home Comprehensive Plan as containing a significant historical resource.
- G. Roofing. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in width.
- H. Exterior Siding and Finish. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings.
- I. Garage or Carport. A garage or carport of like material and color of the manufactured home is required. The garage or carport shall be placed on the property prior to occupancy of the manufactured home.
- J. Off-Street Parking. Parking and improvements shall be as specified in Chapter 17.44.

## 17.70 RESIDENTIAL ACCESSORY STRUCTURES

### 17.70.010 SINGLE FAMILY RESIDENCES

Residential accessory structures for attached or detached single family homes and duplexes, excluding Accessory Dwelling Units as defined in Chapter 17.72, shall be subject to the following regulations.

- A. Dimensions and Design Requirements. Residential accessory structures shall be subject to the following requirements:

Structure Size and Finish <sup>1 2</sup>	Location on Property	Area Coverage for Accessory Structure <sup>1</sup>	Maximum Height
Up to 200 sf	Side or Rear Yard	No Maximum	10 feet <sup>3</sup>
200 to 600 sf	Side or Rear Yard	50% of Yard	20 feet <sup>3</sup>
Over 600 sf	Side or Rear Yard	35% of Yard	Shall not exceed height of primary residence

1. Up to 10,000 square feet of lot area, maximum size is 1,200 square feet; over 10,000 square feet of lot area, the structure may be increased an additional 100 square feet for each 1,000 square feet of lot size.
2. For any accessory structure located on a lot of 10,000 or less, the exterior siding shall have the same appearance as materials commonly used on residential dwellings. Otherwise, there are no restrictions.
3. The greater of 20 feet, or the height of the primary residence.

- A. Setbacks. Accessory structures shall comply with the following setbacks:

1. Front and/or Street Side Yard: Comply with requirements of underlying zone.
2. Side Yard: 5-feet plus 1-foot for every foot above 8-feet.
3. Rear Yard: 10-feet plus 1-foot for every foot above 15-feet.
4. An accessory structure shall be separated from all other structures by a minimum of 6 feet.

- C. Multiple Accessory Structures. There shall be no limit to the number of structures, provided the structures in combination comply with the area coverage requirements. When there is more than one accessory structure within a yard, all provisions in this Chapter shall apply and shall be based on the total square footage of all accessory structures within the yard.

- A. Prohibited Structures. The use of metal shipping containers, railroad box cars, manufactured homes and similar buildings as an accessory structure shall be prohibited.

**17.70.020 MULTIPLE FAMILY DEVELOPMENTS**

There shall be no limit to the size, number, location or exterior finish of accessory structures for multiple family developments, provided, the accessory structures shall comply with all setback, height restrictions and other dimensional and design requirements for the primary structure(s).

## 17.72 SPECIAL RESIDENTIAL DWELLINGS

### 17.72.010 RESIDENTIAL ACCESSORY DWELLING UNITS

Where identified as an allowed use, a maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor); subject to the following standards:

- A. A detached accessory dwelling shall not exceed 75% of the primary dwelling's floor area and shall comply with the lot coverage requirements.
- B. An attached or interior accessory dwelling shall not exceed 40% of the dwelling's floor area. However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling exceeds 40% of the floor area.
- C. A detached accessory dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.
- D. An accessory dwelling shall be placed on a foundation that meets the requirements of all applicable building codes.
- E. Parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.
- F. Unless otherwise specified, accessory dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district.

### 17.72.020 ATTACHED DWELLINGS

Attached dwelling units are single family homes on individual platted lots that are attached to a similar unit on one or two sides. Where permitted as a special use, attached dwelling units shall meet the following use and development standards:

- A. Permitted Development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot.
- B. Setbacks

1. Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone.
  2. Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply.
- C. Building Separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least ten feet.
- D. Accessory Buildings. The provisions of this section apply to accessory as well as main buildings.

**17.72.030 AFFORDABLE HOUSING PROVISIONS**

- A. Purpose. To implement Oregon State Legislature Bills SB 8 and HB 2008, as well as enhance affordable housing opportunities in Sweet Home and open opportunities for affordable housing on land not currently zoned for residential development.
- B. Applicability
1. All land in the City of Sweet Home currently zoned C-1, C-2, and PF may be developed for affordable housing without a zone change application or process provided all conditions of this section and state law are met.
  2. All land in the City of Sweet Home currently zoned I may be developed for affordable housing without a zone change application and only if the property is: (a) publicly owned;(b) adjacent to lands zoned for residential uses or schools; and (c) not specifically designated for heavy industrial uses.
  3. The land is owned by religious organizations or government agencies; or, non-profit organizations with housing development as their primary goal.
  4. The project shall develop affordable housing for those individuals or households with a combined annual income at or below 60% of the most recent Linn County median income.
- C. Application Requirements
1. Application shall be made on forms prescribed by the City and shall demonstrate that all state and Residential Medium Density (R-32) Zone requirements are met. The following exceptions apply to the R-32 zone requirements:
    - a. Density may increase by 150 percent of the existing density.
    - b. Structures may be increased in height by 24 additional feet.

2. The parcel(s) proposed for affordable housing development shall not contain slopes greater than 25%, be located within the City's 100-year floodplain or be identified as hazardous land.
  3. The site, when developed, shall meet all state and county requirements for public safety, health, and habitability, and as well as city utility, street, and water drainage requirements.
- D. Affordable Housing shall be administered through the Site Design Review process contained in Chapter 17.102.

#### 17.72.40 LOT DIVISIONS FOR MIDDLE HOUSING

- A. Background. Senate Bill 458 was adopted by the Oregon Legislature in 2021 as a follow-up to House Bill 2001 (which legalized middle housing in many cities throughout the state) and allows lot divisions for middle housing that enable them to be sold or owned individually.
- B. Purpose. To allow middle housing lot divisions for any HB 2001 middle housing type (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) built in accordance with ORS 197.758. Senate Bill 458 only applies to middle housing land divisions permitted on or after June 30, 2022.
- C. Submittal Requirements. The applicant shall prepare and submit a tentative plan for the division including the following:
  1. A proposal for development of middle housing in compliance with the Oregon residential specialty code and applicable middle housing land use regulations,
  2. Separate utilities for each dwelling unit,
  3. Easements,
    - a. Easements shall be submitted in a form approved by the City and address specific issues like maintenance and repair, cost-sharing, access, notice, damage, disputes, etc.
    - b. Types of easements include:
      - i. Locating, accessing, replacing and servicing all utilities;
      - ii. Pedestrian access from each dwelling unit to a private or public road;
      - iii. Any common use areas or shared building elements;
      - iv. Any dedicated driveways or parking; and
      - v. Any dedicated common area.



4. One dwelling unit per each resulting lot or parcel (except common areas), and
5. Demonstration that the buildings will meet the Oregon residential specialty code and
6. Homeowners Association information or maintenance plans if the division results in any dedicated common areas.

#### D. Additional Requirements and Prohibitions

1. Further division of the resulting lots or parcels is prohibited.
2. Notation in the final plat indicating approval was provided under SB 458 is required.
3. Where a lot of parcel abuts a street, street frontage improvements are required (consistent with House Bill 2001).
4. Hard surfaced pedestrian connectivity from each unit to the sidewalk of the adjacent public or private road is required.
5. If the original parcel did not previously provide a dedication, right-of-way dedication is required.
6. Vertical divisions shall not be allowed (i.e. divisions in which one or more units of middle housing is not on the ground floor).
7. If the proposed division results in any shared common areas, the formation of a Homeowners Association to maintain such areas is required.

#### E. Decision Criteria

1. Each original parcel/parent lot shall satisfy the dimensional standards of the applicable zone.
2. The original parcel/parent lot shall meet the Development Standards for Land Division of Chapter 17.58.
3. Existing dwellings and accessory structures on the original parcel/parent lot shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size.
4. Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped, not developed to their maximum density, or landlocked, consideration will

be given to extending appropriate access to those properties in accordance with provisions in Chapters 17.42 and 17.44.

#### F. Final Plat Approval

1. *Survey.* A final survey of the approved plat shall be recorded within two years of the final decision. Failure to record a plat within the required time period shall void the approval and require a new partitioning application.
2. *Final approval.* The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied.
3. *Final plat.* The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements.
4. *Recording of approved plat.* The final Plat shall be recorded with Linn County and a copy of the recorded document shall be submitted to The City. The applicant shall be responsible for all recording fees.
5. *Sale and development.* No parcel shall be sold, transferred or assigned until the final approved Plat is recorded and evidence of the recording is submitted to The City. Building permits shall not be issued prior to recording of the final plat if the proposed structure will violate this Code absent recording the partition.
6. *Validity.* Middle Housing lot division approval is valid in perpetuity upon recording of the final surveyed plat.

#### G. Expedited Land Division

1. When an expedited land division for residential use is requested by an Applicant, The City shall use the procedures for expedited land divisions specified under ORS 197.365 in lieu of the procedures described in Chapter 17.98, if the application complies with the conditions and standards of ORS 197.360 through 197.380.

17.90 APPLICATIONS - GENERAL

17.90.010 SUMMARY OF APPLICATION TYPES

- A. General. With the exceptions noted below, all development permits and land use actions are processed under the administrative procedures provided for in this Chapter. There are four types of actions, each with its own procedures.
- B. Building Permit. Building permits are subject to provisions of the Uniform Building Code and are processed administratively. Therefore, these actions are not considered land use actions and subject to appeal. The procedures in this Chapter only apply if an action is necessary to site the use or vary a requirement of the Development Code.

17.90.020 TYPE OF ACTIONS

- A. Type I Action. A ministerial action reviewed by staff based on clear and objective standards. Conditions are limited to those that ensure compliance with Development Code requirements and implement these standards. Decisions are memorialized on the relevant permit form or other order and notice provided to applicant. Appeal is to the Planning Commission.
- B. Type II Action. A ministerial action reviewed by staff based on clear and objective standards, but with limited discretion. Conditions are limited to those that ensure compliance with Development Code requirements and implement these standards. Notice of the decision is sent to the applicant, and adjacent property owners who submitted comments, after a decision is reached. Appeal is to the Planning Commission.
- C. Type III Action. A Type III action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow discretion. Public notice and a public hearing are provided. Appeal of a Type III decision is to the City Council.
- D. Type IV Action. A Type IV action can be either quasi-judicial or legislative actions. The quasi-judicial process applies to map amendments for individual properties. Plan and zone amendments or text amendments that impact larger areas are legislative actions. These later amendments must be initiated by City staff, Planning Commission, or City Council, although a private party may suggest such amendments. Both actions require hearings before both the Planning Commission and City Council with the Planning Commission providing an advisory role and the City Council rendering the Final Decision. Public notice is provided for both and public hearings. Appeal of the decision is to the Land Use Board of Appeals (LUBA).

**17.90.030 TABLE OF LAND USE APPLICATION PROCEDURES**

<b>Land Use Action</b>	<b>Type</b>	<b>Staff</b>	<b>Planning Commission</b>	<b>City Council</b>
Property Line Adjustment	Type - I	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Planning Commission Decision
Home Occupation	Type - I	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Planning Commission Decision
Interpretations	Type - I	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Planning Commission Decision
Partition	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Planning Commission Decision
Adjustment	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Planning Commission Decision
Site Development Review	Type III	Recommendation to Planning Commission	Final Decision unless appealed	Appeal - Planning Commission Decision
Conditional Use	Type - III	Recommendation to Planning Commission	Final Decision unless appealed	Appeal - Planning Commission Decision
Variance	Type - III	Recommendation to Planning Commission	Final Decision unless appealed	Appeal - Planning Commission Decision
Nonconforming Uses	Type - III	Recommendation to Planning Commission	Final Decision unless appealed	Appeal - Planning Commission Decision
Subdivision & Planned Development	Type - III	Recommendation to Planning Commission	Final Decision unless appealed	Appeal - Planning Commission Decision
Comp. Plan Map Amendment	Type - IV	Recommendation to Planning Commission	Recommendation to City Council	Final Decision unless appealed
Zone Map Amendment	Type - IV	Recommendation to Planning Commission	Recommendation to City Council	Final Decision unless appealed
Text Amendment	Type - IV	Recommendation to Planning Commission	Recommendation to City Council	Final Decision unless appealed

Annexation	Type - IV	Recommendation to Planning Commission	Recommendation to City Council	Final Decision unless appealed
Vacation and Dedication of Public Ways	Type - IV	Recommendation to Planning Commission	Recommendation to City Council	Final Decision unless appealed

**17.90.040 OTHER REVIEWS**

The City shall process the following activities administratively. These are non-discretionary actions by City staff whose decision is final and not subject to appeal:

- A. Building permits
- B. Sign permits
- C. Fence permits
- D. Temporary Use

**17.90.050 EXPIRATION OF APPROVAL AND TIME EXTENSION**

- A. Time Limit. Unless otherwise specifically stated, Type I and Type II approvals shall be effective for two years following final approval. The applicant or developer shall exercise the approved decision within this time period. Type III time limits shall be dependent upon the type of application and applicable conditions. Type IV approvals shall have no time limits. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees. The applicant will be subject to all applicable standards currently in effect.
- B. Time Extension. Extensions may be granted in accordance with the original procedure for the application. Requests for extension of approval time shall be submitted, in writing, 30 days prior to the expiration date of the approval period.
- C. Decision. For a time extension request, the only matter to be considered is the extension. Approval shall be based on a determination that the approved application cannot proceed due to circumstances beyond the applicant’s control.
- D. Conditions of Approval. During the review of an extension request, the conditions of approval may be revised to reflect Development Code changes and/or changes in site or area conditions.
- E. Number of Extensions. No more than two extensions shall be granted. Any further action shall require the submittal of a new application and fee.

- F. Time Extension Provisions for Subdivisions and Planned Developments. The Planning Commission may extend the approval period for any subdivision or PD for not more than two additional years. The Planning Commission may grant the request for extension if the circumstances are the same and the findings of fact are still appropriate. The Planning Commission may modify the original conditions of approval as part of any time extension review.

#### **17.90.060 EXERCISING A LAND USE APPROVAL**

Unless otherwise specifically stated, exercising a land use decision shall be subject to the following regulations.

- A. Building Permit. Except for manufactured home parks, when a building permit is required as part of an approved land use, the decision shall be considered exercised with the first placement or permanent construction of a structure on a site. This may include the pouring of slabs or footings, any work beyond the stage of excavation, including the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; the installation of driveways or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; the construction of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure.
- B. Manufactured Home Parks. The decision shall be considered exercised with the beginning of construction of facilities for servicing the site on which the manufactured homes are to be placed. This shall include, at a minimum, the construction of streets with final site grading, or, the pouring of concrete pads, or, the extension or installation of utilities.
- C. Specific Use. If the approval does not require a building permit, the decision shall be considered exercised if the use or activity which was approved is in operation within the allotted time limit.

#### **17.90.070 MODIFICATION OF DECISIONS**

- A. Except as noted in "B.", below, modifications to a final approved land use application shall be processed as a new application. However, the review of the modified request shall be limited to the proposed modification(s) with a determination on whether the change or changes comply with the decision criteria. Further:

1. The modified request shall be considered a new application, with new notice, final decision date and rights of appeal.
  2. Conditions of approval may be revised to address the modified findings.
  3. The City may establish a reduced fee for an application to modify a decision.
- B. Modification of a final approved plan or existing development by the Planning Commission may be processed as a Type II decision by the City Planner only if the following threshold criteria can be met:
1. There will be no change in land use;
  2. The proposed change does not result in an increase in the overall impacts to adjacent properties;
  3. There is no increase in the amount of operational activity;
  4. The proposed change does not violate the standards of the land use zone;
  5. The proposed change does not result in a change to lot or parcel boundary lines.

**17.108 NONCONFORMING USES**

**17.108.010 APPLICABILITY**

Within the zoning districts established by this Development Code, uses and structures may exist which were lawful before the date of adoption or amendment of this Development Code but which are prohibited or restricted current Code requirements. This Section allows nonconforming uses and structures to be altered, restored or replaced subject to satisfaction of the review criteria. No alteration of a nonconforming use shall be permitted except in compliance with this Chapter.

**17.108.020 PROCESS**

Proposed alterations of nonconforming uses shall submit a Conditional Use application, which shall be reviewed in accordance with the Type III review procedures in Chapter 17.126.

**17.108.030 APPLICATION**

A Conditional Use application for an alteration or expansion of a nonconforming use shall be filed with the City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126. The application shall contain sufficient information and/or plans to address the decision criteria.

**17.108.040 DECISION CRITERIA**

The alteration of a nonconforming use or structure may be authorized provided that the applicant demonstrates that the proposal satisfies the following criteria:

- A. That the alteration of structures would not result in an increase in nonconformity of the structure.
- B. A change in use to another non-conforming use shall be permitted if it is of the same or less intensity of use.
- A. Conversion of an existing detached single-family dwelling to a Duplex is allowed, for a total of two dwelling units on a property, provided that the conversion does not increase nonconformance with applicable clear and objective standards in this code.

**17.108.050 CONDITIONS OF APPROVAL**

In approving the alteration, restoration, or replacement of a nonconforming use, the City Manager or designee may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out.



17.119 VACATION AND DEDICATION OF PUBLIC WAYS

17.119.010 GENERALLY

- A. Upon receiving a proposal to vacate or dedicate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, or before initiating such vacation or dedication proceedings on its own motion, the Council shall refer the proposal to the Planning Commission.
- B. The Planning Commission shall review the proposal, hold hearings thereon as it deems proper and make recommendations to the Council.
- C. In the event that the Council finds that immediate action is necessary to initiate proceedings for vacation or dedication before the proposal is referred to the Planning Commission for consideration, the Council may proceed, but the Planning Commission shall be promptly advised and afforded an opportunity to make recommendations at the hearing before the Council.
- D. Notwithstanding the provisions above, any vacation of any street, avenue, boulevard, alley, plat, public square, or other public place must comply with State Law. See Oregon Revised Statutes 271.080 through 271.230.