

# City of Oakland Development Code



## Zoning & Land Division

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## Article I — Introduction and General Provisions

### Chapters:

- 1.1 Introduction
- 1.2 Title, Purpose, and Authority
- 1.3 Non-Conforming Situations
- 1.4 Code Interpretations
- 1.5 Enforcement

### Chapter 1.1 — Introduction

The City of Oakland Development Code (“Code”) is administered by the Planning Commission or its designee. The Code regulates land use and development within the City of Oakland, and is organized as follows:

- Article 1.** Article 1 describes the title, purpose, authority, organization and general administration of the Code. Article 1 also explains how city officials interpret and enforce code requirements.
- Article 2.** Article 2 contains the zoning regulations. Zones are designated by the City of Oakland Zoning Map, consistent with the City of Oakland Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones.
- Article 3.** Article 3 contains the City’s development design standards, including requirements for street access; pedestrian and vehicle circulation; parking; adequate transportation, historic preservation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Article 3 applies to all development, including land divisions and projects for which no land use application or review is required.
- Article 4.** Article 4 contains the City’s application requirements and review procedures for land use and development decisions, including but not limited to procedures for land divisions, lot line adjustments, conditional use permits, site plan review, historic design review and variances.
- Article 5.** Article 5 contains definitions and other exhibits that the City uses in interpreting and administering the Code.

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## I.2 – Title, Purpose, and Authority

### Chapter I.2 — Title, Purpose, and Authority

#### Sections:

- I.2.010 Title
- I.2.020 Purpose and Composition
- I.2.030 Rules of Code Construction
- I.2.040 Development Code Consistency with Comprehensive Plan and Laws
- I.2.050 Coordination of Building Permits
- I.2.060 Official Action
- I.2.070 Repealed Ordinances

#### **I.2.010 Title**

The official name of this Code is “The City of Oakland Development Code.” It may also be referred to as “Development Code” and “Code.”

#### **I.2.020 Purpose and Composition**

This Code, along with other documents is intended to augment and implement the Oakland Comprehensive Plan. All of the various planning documents which control the character and development of the City of Oakland must be used together to fulfill their combined purpose, which is to create and maintain a proper environment for human interaction, and to encourage the orderly and efficient development and use of land within the City of Oakland, consistent with the City of Oakland Comprehensive Plan and the following principles:

- A. Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks and transportation facilities), which maximizes the return on public investments in infrastructure;
- B. Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local designation, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- C. Pedestrian-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas and other components of the built environment are designed foremost with pedestrians in mind; Pedestrian scale addresses the orientation and design of garages; and promotes buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity / architectural character of the community;
- D. Environmental Health**, which requires adequate protection of natural resources, management of surface water runoff, and treatment and disposal of waste; and

- E. Efficient Administration of Code Requirements**, consistent with the needs of the City of Oakland, a small city with limited administrative capacity.

**I.2.030 Rules of Code Construction**

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Highest standard or requirement applies.** Where as the requirement of this Code varies from another provision of this Code or with other applicable regulations, the highest standard or regulation shall govern. The City Recorder or Planning Commission, as applicable, shall determine which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the Planning Commission, or upon referral the City Council, may issue a formal interpretation pursuant with Chapter 1.4 Code Interpretations.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar directive terms, means the Code provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the City decision making body to exercise such discretion.
- E. Interpreting Illustrations.** This Code contains illustrations and photographs, code “graphics,” which are intended to serve as examples of development design that either meet or do not meet particular Code standards. Except where a graphic contains a specific numerical standard or uses the word “shall,” “must,” “required” or “prohibited,” strict adherence to the graphic is not required.
- F. Severability.** The provisions of this Code are severable; where any section, sentence, clause or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

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## 1.2 – Title, Purpose, and Authority

### 1.2.040 Development Code Consistency with Comprehensive Plan and Laws

- A. City of Oakland Comprehensive Plan.** This Code implements the City of Oakland Comprehensive Plan. Except as otherwise required by applicable State or Federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and Federal rules and regulations.
- C. References to Other Regulations.** All references to other City, State, and Federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of State or Federal regulations. Where a proposal, permit, or approval is subject to both City of Oakland requirements and State or Federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.
- D. Current Versions and Citations.** All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

### 1.2.050 Coordination of Building Permits

- A. Land Use Approvals and Building Permits.** The Designated Building Authority for the City of Oakland is Douglas County's Building Official. As such, Douglas County administers building codes and issues building permits within the City of Oakland's UGB. The City of Oakland Zoning Administrator administers the Oakland Development Code by confirming land use approvals on a Certificate of Plan Check in coordination with the Building Official on development and building projects to ensure compliance with the Development Code.
- B. Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the Zoning Administrator has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.

### 1.2.060 Official Action

- A. Official Action.** The City of Oakland Planning Commission, Historic Preservation Commission and City Council and their designees are vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article 4 *Application Requirements, Administrative Procedures, and Approval Criteria*. City officials shall issue no permit and grant no approval for any development or use that violates or fails to

comply with conditions or standards imposed to carry out this Code.

### **B. Duties of the Planning Commission.**

1. The Planning Commission shall conduct public hearings and review and decide on all applicable applications including Variance, Conditional Use Permit, or Temporary Permit as required by this Code; hear all petitions and make a recommendation to the City Council as provided by this Code
2. The Planning Commission shall study and report on all proposed amendments to the text or map of this Code referred to it by the City Council or upon receipt of a petition.
3. The Planning Commission shall hear any appeals of administrative decisions made by the Zoning Administrator or other administrative staff.
4. The Planning Commission shall review this Code and report on the same to the City Council at least once every 5 years, commencing on the date of enactment of this Code Specifically, the Planning Commission shall:
  - a. Analyze the extent to which development has occurred in the City as compared to the projected growth at the time of the last previous mapping of the zones created by this Code;
  - b. Recommend any changes in the Zoning Map or Comprehensive Plan which would be required in order to accommodate the expected 20-year growth of Oakland for residential, industrial, commercial and other land uses;
  - c. Analyze the continued validity of any other regulations imposed by this Code in terms of changed conditions since the last review of the same.

### **C. Duties of the Oakland Historic Preservation Commission (Historic Commission)**

The Oakland Historic Preservation Commission consists of seven members appointed by the City's Mayor and subject to confirmation by a majority of the City Council. The Commission is designated as the Local Landmarks commission for the City. The Historic Commission administers the Historic District and Historic Enhancement Overlay Zones, including reviewing and approving Historic Design Review applications and applications for demolition and/or removal of structures within the Historic District. The Historic Commission also prepares information and materials and conducts public awareness programs for the purpose of assisting people and property owners to conform to the purposes of Ordinance No. 456.

### **D. Administrative or Ministerial Duties**

The City Council shall coordinate the administration of this Code with other City, State or Federal laws and regulations as these plans, laws, and regulations may now or hereafter provide. In addition, the City Council shall be expected to seek the fulfillment of the provisions of this Code, both general and specific. The City Council or their designee shall interpret the provisions of this Code. Interpretations of any designee of the City Council may be appealed to the Planning Commission. Interpretations for uses within zones not expressly mentioned in this Code shall be referred to the Planning Commission for interpretation as per Chapter I.4.

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## I.2 – Title, Purpose, and Authority

Additional duties administered by the City Council through its designees shall include the following:

1. Review and evaluation of all site plans to establish compliance with the provisions of this Code; preparing or contracting for staff reports for development applications requiring submission to the Planning Commission, Historic Preservation Commission, or City Council; and completing Certificates of Plan Check for building permits.
2. Receiving and processing all applications, including variances, conditional use permits, temporary permits and zone changes in accordance with the processing procedures outlined in Article 4.
3. Under the direction of the City Council the Zoning Administrator, takes or delegates responsibility for recording and filing all applications with accompanying plans and documents. All applications and documents shall be a public record.
4. Seeing that inspections and surveys are done to determine compliance or non-compliance with the terms of this Code.
5. Revoking, by writing, a permit or approval issued contrary to this Code or based on a false statement or misrepresentation in the Application.
6. Canvassing the city for violations, preparing notices of violation, checking for compliance, handling complaints regarding all City Ordinance violations, issuing citations for non-compliance.
7. Stopping, by written order, work being done contrary to the Building Code or to this Code. Such written order, posted on the premises involved, shall not be removed except by order of the City Council or their designee. Removal without such order shall constitute a violation of this Code.
8. Initiate appropriate actions or proceedings to:
  - a. address any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
  - b. restrain, correct or abate any such violation, so as to prevent the occupancy or use of any building, structure or land;
  - c. prevent any illegal act(s), conduct, business or use in or about such premises.

### **E. City Council**

This is the legal governing body of the City of Oakland and, as such, the only body that can adopt or amend ordinances, including the one creating this Code. Therefore it shall be the City Council which hears and decides on requests for amendments and zone changes. This body shall also review appointments to the Planning Commission, Historic Preservation Commission and appoint the Zoning Administrator, and shall hear and decide on appeals of decisions of the Planning Commission and Historic Preservation Commission.

### **F. Notices, Filing, and Validity of Actions.**

The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a

good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 4.I General Review Procedures.

### **I.2.070 Repealed Ordinances**

Upon the effective date thereof, but not otherwise, Ordinance 499, Zoning Ordinance of the City of Oakland" enacted March 1999 , Ordinance 504, Subdivision Ordinance of the City of Oakland, enacted August 1999 , Ordinance 548, Flood Damage Prevention, enacted February, 2010, Ordinance 547, enacted November 2009, Ord 524, enacted September 2003, Ord 518 enacted November 2002, Ord 505, enacted July 1999, Ord 523, enacted July 2003, Ord 549, enacted February 2010, Ord 551, enacted May 2010, and all amendments thereto are hereby repealed and all other ordinances in conflict with this Code are hereby repealed to the extent necessary to give this Code full force and effect.

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## I.3 – Non-Conforming Situations

### Chapter I.3 — Non-Conforming Situations

#### Sections:

- I.3.010 Purpose and Applicability
- I.3.020 Non-conformity
- I.3.030 Continuance of a Non-Conforming Use or Structure
- I.3.040 Termination of a Non-conforming Use or Structure
- I.3.050 Expansion or Alteration of a Non-conforming Building or Use
- I.3.060 Completion of a Non-conforming Structure
- I.3.070 Non-conforming Lots of Record

#### **I.3.010 Purpose and Applicability**

Chapter I.3 provides standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with current Code standards (“non-conforming situations”). It is the purpose of this section to provide for the regulation of legally non-conforming structures, lots of record, and uses and to specify those circumstances and conditions under which such non-conformities shall be permitted to continue.

#### **I.3.020 Non-conformity**

No unlawful use of a property existing at the time of passage of this Code shall be deemed a non-conforming use.

#### **I.3.030 Continuance of a Non-Conforming Use or Structure**

The lawful use of a building, structure or land, existing or active at the effective date of this Code, or amendments thereto, may continue even though such use or structure does not conform to the regulations contained herein, provided that if such nonconforming use or activity is terminated as set forth in Section I.3.040, any future use or activity in or on a structure, building or land shall conform to the regulations of the zone in which it is located.

#### **I.3.040 Termination of a Non-conforming Use or Structure**

A nonconforming use of land, building or structure shall terminate under the following conditions

1. When the use has been discontinued for a period of 90 days; or,
2. When the structure which is nonconforming has been destroyed to an extent exceeding 50% of the assessed value as determined by the County Assessor for the year in which the damage or destruction occurred.



**I.3.050 Expansion or Alteration of a Non-conforming Building or Use**

A non-conforming building cannot be enlarged or reconstructed or the use expanded unless it is made to conform to the regulations of this document as adopted by the City, or the Building Code, except as allowed by the following:

1. Maintenance and repair of an existing non-conforming building and its equipment or fixtures is permitted provided that the value of the repair does not exceed 25% of the most recent annual assessed value of the building as determined by the County Assessor for the year in which the work is done.
2. An existing structure conforming as to use, but nonconforming as to height, setback and other dimensional standards, may be altered or extended provided the alteration or extension does not result in an increased violation of this Code.
3. Where a fraction of a building or lot contains a nonconforming use, such use shall not be expanded.

**I.3.060 Completion of a Non-conforming Structure**

Nothing contained in the Code shall require any change in the plans, construction, alteration or designated use of a structure for which a Building Permit has been issued and work has commenced prior to the adoption of this Code, provided the building, if non-conforming or intended for a non-conforming use, is completed and in use within two years from the time the Building Permit was issued.

**I.3.070 Non-conforming Lots of Record**

A building or structure may be erected on any non-conforming lot of record even though such lot fails to meet the requirements for width/length and/or area provided that yard dimensions and requirements other than those applying to the width/length and/or area shall conform to the regulations for the zone in which such lot is located. Variance to yard requirements shall be obtained only through action of the Planning Commission.

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## I.4 – Code Interpretations

### Chapter I.4 — Code Interpretations

#### I.4.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

- A. Authorization of Similar Uses.** The Zoning Administrator may permit in a particular zone a use not listed in this Code if the use is of the same general type as the uses permitted there by this Code, providing a finding to that effect is made. However, this section does not authorize the inclusion of a use in a zone where it is not listed, if that use is specifically listed in another zone or is of the same general type and is similar to a use specifically listed in another zone. The Zoning Administrator may refer a request for a similar use determination to the Planning Commission for its review and decision.
- B. Code Interpretation Procedure.** Requests for a code interpretation, including but not limited to similar use determinations, shall be made in writing to the Zoning Administrator and shall be processed as follows:
1. The Zoning Administrator, within 7-14 days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
  2. Where an interpretation does not involve the exercise of discretion, the Zoning Administrator shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
  3. Where an interpretation requires discretion, the Zoning Administrator shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Zoning Administrator then shall review relevant background information, including but not limited to other relevant Code sections and previous City land use decisions, and follow the application Type review and decision making procedures in Section 4.1.
- C. Written Interpretation.** Following the close of the public comment period on an application for a code interpretation, or a Planning Commission's decision on a code interpretation application, the Zoning Administrator shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.
- D. Referral to City Council.** Where a code interpretation may have significant citywide policy implications, the Zoning Administrator or their designee may bypass the procedure in subsection I.4.010 (B) and refer the request directly to the City Council for its legislative review in a public hearing; such public hearings shall be conducted following Type IV procedure of Chapter 4.1.050.
- E. Interpretations on File.** The City shall keep on file a record of its code interpretations.

## Chapter I.5 — Enforcement

### Sections:

- I.5.010 Violation
- I.5.020 City Attorney
- I.5.030 Provisions of Code Declared to be Minimum
- I.5.040 Severance and Liability
- I.5.050 Complaints
- I.5.060 Persons Liable
- I.5.070 Enforcement Procedures
- I.5.080 Penalties and Remedies
- I.5.090 Permit Revocation

### **I.5.010 Violation**

Any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed an infraction, which, upon conviction thereof, is punishable as prescribed in this Chapter and/or Oregon Revised Statute (ORS) Chapter 161. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

### **I.5.020 City Attorney**

The City Attorney shall seek redress for the City for any violations of this Code referred to him or her by the City Council.

### **I.5.030 Provisions of Code Declared to be Minimum**

In their interpretation, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of any lawfully adopted rules, regulations and ordinances conflict, the most restrictive or that imposing the highest standards shall govern.

### **I.5.040 Severance and Liability**

1. Should any section, provision, clause or portion of this Code be declared by the courts to be invalid, the same shall not affect the validity of this Code as a whole, or any part thereof, other than the part so declared to be invalid.
2. The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by the City of Oakland or any official or employee thereof or the practicality or safety of any structure or use proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result thereto.

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## **1.5 – Enforcement**

### **1.5.050 Complaints**

Whenever the City Council or their designee receives a written and signed complaint alleging a violation of this Code, he/she shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been or will be taken.

### **1.5.060 Persons Liable**

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

### **1.5.070 Enforcement Procedures**

1. If the City Council or their designee finds that any provision of this Code is being violated, he/she shall mail written notice to the person responsible for such violation, indicating the nature of the violation, ordering the action necessary to correct it and the time limit in which action must be taken. Additional written notices may be sent at the discretion of the City Council or their designee. All notices of violation shall be sent via registered mail with receipt notification.
2. The written notice shall state what action the City intends to take if the violation is not corrected and shall advise that the City's decision or order may be appealed in accordance with Chapter 4.1.
3. Notwithstanding the foregoing, in cases where delay would seriously threaten the effective enforcement of this Code or pose a danger to the public health, safety, or welfare, the City Council or their designee may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 1.5.080.
4. If the violation is not corrected in accordance with 1, an authorized Representative of the City of Oakland will issue a citation. The term "authorized representative" means any or all of the following: Oakland's City Recorder, Public Works Director, Code Enforcement Officer or other City staff person(s) designated by the City Council. (Ord. 551)

### **1.5.080 Penalties and Remedies**

In addition to penalties provided by state law, a person who violates or fails to comply with a provision of this Code shall be subject to a fine set by City Council resolution. Violations of this Code may also be deemed to constitute a nuisance that may be abated by appropriate proceedings. Any person who violates this ordinance or fails to comply with any of its requirements shall be responsible for all costs and expenses involved in resolving the violation. Nothing herein contained shall prevent the City of Oakland from taking such other lawful action as is necessary to prevent or remedy any violation.

Any such violation(s) mentioned above shall be offense(s) against the City, and any person(s) committing such violation(s) shall, upon conviction, be punished by a fine not to exceed \$250.00 for each offense, and each day any violation continues may constitute a separate offense. Conviction of a violation shall not give rise to any disability or legal disadvantages based on conviction of a crime. If the offender fails to pay this penalty within 10

days after conviction for a violation, the penalty may be recovered by the City in a civil action in the nature of debt. A civil penalty may not be appealed if the offender was sent a written notice of violation in accordance with Section 1.5.070 and did not file an appeal (as provided by Chapter 4.1) within the prescribed time. (Ord. 551)

### **1.5.090 Permit Revocation**

1. Planning clearance for variances; conditional use permits, sign permits, fence permits and all other permits regulated by this Code (hereinafter called "permits") may be revoked by the permit-issuing authority if the permit recipient fails to develop or maintain the property in accordance with the plans submitted or in accordance with the requirements of this Code or any additional requirements or conditions lawfully imposed by the Planning Commission or City Council.
2. Before a permit may be revoked, the City Council or their designee shall give the permit recipient 10 days of notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his/her right to obtain a hearing before the Planning Commission on the allegations. If a hearing is requested, notice shall be given in accordance with Chapter 4.1.
  - a. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in Subsection 1 of this section shall be upon the party advocating that position. The burden of persuasion shall also be upon that party; and,
  - b. A motion to revoke a permit shall include a statement of the specific reasons or findings of fact that support the motion. The permit issuing authority conducting the hearing shall provide to the permittee a written statement of the decision and the reasons therefore.
3. No person may continue to make use of land or buildings in the manner authorized by permit after such permit has been revoked in accordance with this Section.



## Article 2 – Zoning Regulations

### Chapters:

- 2.1 Application of Regulations
- 2.2 Zoning Districts and Allowed Uses
- 2.3 Special Use Standards

### Chapter 2.1 – Application of Regulations

#### Sections:

- 2.1.010 Purpose
- 2.1.020 Applicability
- 2.1.030 Application of Regulations
- 2.1.040 Official Zoning Map and Regulations
- 2.1.050 Rules for Interpretation

#### **2.1.010 Purpose**

Chapter 2.1 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Oakland Comprehensive Plan and the purposes of this Code, per Section 1.2.020.

#### **2.1.020 Applicability**

All real property in the City of Oakland is subject to the zoning regulations of Chapter 2.2. Certain types of land uses are also subject to the Special Use regulations in Chapter 2.3. In addition, some properties are subject to both the general (“base zone”) regulations of Chapter 2.2 and the (“overlay zone”) regulations of Section 2.2.110 through 2.2.160. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

#### **2.1.030 Application of Regulations**

The regulations set forth by this Code shall apply to all structures and land, within the Urban Growth Boundary of Oakland, Oregon and shall adhere to the following provisions, unless an exception is granted following procedures contained within this Code or other lawfully enacted ordinances:

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## 2.1 – Application of Regulations

1. No building, structure, or land shall hereafter be used or occupied and no building shall be reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone in which it is located.
2. Actions initiated under this Code shall be consistent with the Oakland Comprehensive Plan, and applicable state and federal laws and regulations as noted in Section 1.2.040.
3. No building or other structure shall hereafter be erected or altered:
  - a. To exceed height or volume restrictions.
  - b. To accommodate or house a greater number of families than allowed.
  - c. To occupy a greater percentage of lot area than allowed.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any other manner contrary to the provisions of the Code.
  - e. Out of accordance with any applicable Design Standards outlined in this Code, including those in Article 3.

### **2.1.040 Official Zoning Map and Regulations**

The official Zoning Map reflecting this code shall show the zone classifications or zones into which the city has been divided. The Map shall be on file at the Office of the City Recorder and there shall be only one official copy. If, in accordance with this Code, changes are made in the zone boundaries or other details portrayed on the Map, and the amendment and Map change has been approved by the City Council, the Recorder shall see that such changes are promptly reflected in an updated Map. Each revision shall be noted on the map by date and the Ordinance number creating the change. A new Map may correct errors or omissions in the prior Map, but no such corrections shall have the effect of amending the prior map, provided that there shall also appear on the new map the following words: “This is to certify that this Official Zoning Map supersedes and replaces that Official Zoning Map Adopted (date of adoption and original title of the map being replaced) as part of the Development Code of the City of Oakland, Oregon.”

This above statement shall be accompanied by the signature of the Mayor attested by the City Recorder and the seal of the City. The prior Map and all available records pertaining to its adoption and amendment shall be preserved by the City Recorder.

### **2.1.050 Rules for Interpretation**

Where uncertainly exists as to the boundaries of zones as shown on the official zoning map, or pertaining to the determination of the most appropriate zoning classification for a specific unlisted use, the following rules shall apply:

1. Boundaries indicated approximately following the center lines of streets, highways or alleys shall be construed to be following such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.



3. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be halfway between the railroad right-of-way limits.
5. Boundaries indicated as following shorelines of lakes or rivers shall be construed as following such shorelines and in the event of change in a shore line shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in rules one through five shall be so construed.
7. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by one through six of the above, the City Planning Commission may permit as a special exception the extensions of the regulations for either portion of the lot not to extend fifty (50) feet beyond the zone line into the remaining portion of the lot.
9. Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the Zoning Administrator or Planning Commission may provide clarify in accordance with the provisions of Chapter 1.4 Code Interpretations.

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## 2.2 – Zoning District and Allowed Uses

### Chapter 2.2 – Zoning Districts and Allowed Uses

#### Sections:

- 2.2.010 Allowed Uses
- 2.2.020 Base Zones
- 2.2.030 Agricultural / Open Space (A)
- 2.2.040 Rural Density Residential (R-R)
- 2.2.050 Low Density Residential (R-1)
- 2.2.060 Medium Density Residential (R-2)
- 2.2.070 General Commercial (C-1)
- 2.2.080 Light Industrial (M-1)
- 2.2.090 General Industrial (M-2)
- 2.2.100 Public Land Zone (PL)
- 2.2.110 Overlay Zones
- 2.2.120 Historic Overlay Zone (H)
- 2.2.130 Historic Enhancement Zone (HE)
- 2.2.140 Duplex Overlay Zone (D)
- 2.2.150 Special Flood Hazard Overlay Zone
- 2.2.160 Steep Slopes Overlay Zone
- 2.2.170 Use Summary Tables
- 2.2.180 Lot and Development Standards

#### **2.2.010 Allowed Uses**

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 2.2.170. Where this Code does not list a specific use, and Chapter 5, Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures pursuant with 1.4.010(A). Uses not listed in the Code and not found to be similar to an allowed use are prohibited.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to the lot and development Standards outlined in this Chapter. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 2.3 Special Use Standards and lot and development standards outlined in this Chapter. Uses listed as “Not Allowed (N)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant with Section 1.4.010(A).
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Section 4.3.010 Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the base zone provisions of Sections 2.2.020

through 2.2.100, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Sections 2.2.110 through 2.2.160.

- E. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses.
- F. Temporary Uses.** Temporary uses may be permitted on a temporary basis, subject to review and approval under Section 4.3.30 Temporary Uses.
- G. Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site.

### 2.2.020 Base Zones

The City of Oakland is divided into Zoning Districts, hereafter called zones. Such zones shall be shown on the Official Zoning Map and the requirements and the intent of each zone is given in this Code.

#### **Base Zones**

A	--	Agricultural / Open Space
R-R	--	Rural Density Residential
R-1/A	--	7,500-Low Density Residential (7,500 sq. ft.) minimum lot size
R-1/B	--	10,000-Low Density Residential (10,000 sq. ft.) minimum lot size
R-2	--	Medium Density Residential
C-1	--	General Commercial
M-1	--	Light Industrial
M-2	--	General Industrial

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## 2.2 – Zoning District and Allowed Uses

### 2.2.030 Agricultural/Open Space (A) Zone

#### A. Intent

To allow agricultural and park use of flood prone lands.

#### B. Uses Permitted Outright

The following uses are permitted in the Agricultural / Open Space Zone, subject to compliance with other requirements:

1. Agricultural uses.
2. Buildings related to the agricultural use.

#### C. Conditional Uses

The following uses are permitted in the Agricultural / Open Space Zone if a Conditional Use Permit is granted as specified in Section 4.3.010 and subject to compliance with other requirements:

1. Parks, playgrounds, and recreational uses including campgrounds and recreational vehicle parks.
2. Utility structures.
3. Public parking areas or parking lots.

#### D. Minimum Setbacks

All structures shall be set back a minimum of 20 feet from any street right-of-way.

#### E. Maximum Structure Height

The maximum height of any building shall be 50 feet.

#### F. Utility, Public Improvement, Construction, and Use Requirements

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

#### G. Parking

See Section 3.4.010 Parking and Loading.

**2.2.040 Rural Residential (R-R) Zone**

**A. Intent**

To allow limited residential development in areas of steep slopes where the development is appropriate for the site.

**B. Uses Permitted Outright**

The following uses are permitted in the Rural Residential Zone, subject to compliance with other requirements:

1. Single Family Dwellings, Manufactured Homes, and Multifamily Dwellings.
2. Residential Training and Residential Treatment Homes (five persons or less).

**C. Conditional Uses**

The following uses are permitted in the Rural Residential Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Public and semi-public uses, including government uses and utility structures.
2. Residential facilities to include: Residential Care Facility, Residential Training Facility and Residential Treatment Facility.
3. Bed and Breakfast Homestay.
4. Expanded Home Occupation, subject to the standards in Section 2.3.110.

**D. Accessory Uses Permitted Outright**

The following uses are permitted outright in the Rural Residential Zone in conjunction with any permitted or conditional use and subject to compliance with other requirements:

1. Home gardens and orchards.
2. Sheds or other appurtenant facilities for storage.
3. Home occupation subject to Section 2.3.100(B), Standard Condition for Home Occupations.

**E. Conditional Accessory Uses**

The following uses are permitted in the Rural Residential Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Home occupations in an accessory building subject to Section 2.3.100(B), Standard Conditions for Home Occupations.

**F. Minimum Zone Size**

Any area zoned Rural Residential must have a contiguous area of 10 acres.

## 2.2 – Zoning District and Allowed Uses

### G. Minimum Lot Size and Dimensions

Minimum lot size and Dimensions shall be:

No. or Type of Units (sq. feet)	Minimum Lot Size (sq. feet)	Minimum Lot Width* (feet)	Minimum Lot Length (feet)
Single Family Dwelling	25,000	100	100
Duplex	40,000	100	100
Three	60,000	100	100
Four	80,000	100	100

*Over four (4) at a ratio of 20,000 square feet per unit*

*\* Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.*

### H. Maximum Lot Coverage

Maximum lot coverage shall be twenty five percent (25%).

### I. Minimum Setback

Minimum setbacks shall be measured from the property lines, except setback adjacent to an arterial street shall be measured from a point forty (40) feet from the center line of the arterial street. The setbacks in feet shall be:

	Main Building	Required Off-Street Parking	Accessory Building
Front	25	25	25
Side	25	25	15; 25 *
Rear	25	25	25

*Minimum setback of an accessory building from a main building or another accessory building shall be five (5) feet.*

*\* Minimum setback, accessory building, "where property line abuts a street."*

### J. Maximum Structure Height

Maximum structure height in feet shall be:

Structure	Distance
Main Building	35
Energy apparatus on main building	5 above main building
Accessory building	20
Antennas, spires, etc.	75
Fences and hedges	4 in front and side setbacks if adjacent to a street; 6 elsewhere where the fence or hedge is of solid design and a maximum of 8 feet with an open design

### **K. Special Regulations for the Rural Residential Zone**

Due to the physical constraints of property in the Rural Residential Zone, design of any residences must take into account the terrain of the parcel. Steep areas should be undisturbed, and units should be clustered on more level portions of the site.

### **L. Utility, Public Improvement, Construction and Use Requirements**

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

### **M. Parking**

See Section 3.4.010 Parking and Loading.

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## 2.2 – Zoning District and Allowed Uses

### 2.2.050 Low Density Residential (R-1/A/B) Zone

#### A. Intent

To allow low density development, protected as to residential quality, values, identity, environmental privacy, light and air and outdoor space. The suffix A or B denotes minimum lot size.

#### B. Uses Permitted Outright

The following uses are allowed in the Low Density Residential Zone subject to compliance with other requirements:

1. One Single-Family dwelling or one Manufactured Home on a lot.
2. One Mobile Home on a lot in a Mobile Home subdivision.  
Such subdivision shall be of five (5) acres or more.
3. Residential Training and Residential Treatment Homes (five persons or less).

#### C. Conditional Uses

The following uses are allowed in the Low Density Residential Zone if a conditional use permit is granted as specifies in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Public and semi-public uses, including government uses and utility structures.
2. Residential facilities to include: Residential Care Facility, Residential Training Facility, and Residential Treatment Facility.
3. Bed and Breakfast Homestay.
4. Expanded Home Occupation, subject to the standards in Section 2.3.110.

#### D. Accessory Uses Permitted Outright

The following uses are permitted outright in the Low Density Residential Zone in conjunction with any permitted or conditional use and subject to compliance with other requirements:

1. Home gardens and orchards.
2. Sheds or other appurtenant facilities for storage.
3. Home occupation subject to Section 2.3.100(B), Standard Condition for Home Occupations.

#### E. Conditional Accessory Uses

The following use is permitted in the Rural Residential Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements.

1. Home occupation in an accessory building subject to Section 2.3.100(B), Standard Condition for Home Occupations.

#### F. Minimum Zone Size

Any area zoned Low Density Residential must have a contiguous area of at least five (5) acres.



**G. Minimum Lot Size and Dimensions**

Minimum lot size and dimensions in feet shall be:

No. or Type of Units (sq. feet)	Minimum Lot Size (sq. feet)	Minimum Lot Width* (feet)	Minimum Lot Length (feet)
R-1/A	7,500	70: 75 on corners	100
R-1/B	10,00	75	100

Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.

**H. Maximum Lot Coverage**

Maximum lot coverage shall be 40%.

**I. Minimum Setbacks**

Minimum setbacks shall be measured from the property lines, except setback adjacent to an arterial street shall be measured from a point forty (40) feet from the centerline of the arterial street.

The setbacks in feet shall be:

	Main Building	Required Off Street Parking	Accessory Building
Front	25	25	25
Side	5 ; 15 where abuts a street	5 ; 15 where abuts a street	5 ; 15 where abuts a street
Rear	10		

Minimum setback of an accessory building from a main building or another accessory building shall be five (5) feet.

**J. Maximum Structure Height**

Maximum structure height in feet shall be:

Structure	Distance
Main Building	35
Energy apparatus on main building	5 above main building
Accessory building	20
Antennas, spires, etc.	75
Fences and hedges	4 in front and side setbacks if adjacent to a street; 6 elsewhere where the fence or hedge is of solid design and a maximum of 8 feet with an open design

**K. Utility, Public Improvement, Construction and Use Requirements.**

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

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## 2.2 – Zoning District and Allowed Uses

### **L. Parking**

See Section 3.4.010 Parking and Loading.

**2.2.060 Medium Density Residential (R-2) Zone**

**A. Intent**

To allow medium density development and serve as a general residential zone for a variety of housing types.

**B. Uses Permitted Outright**

The following uses are allowed in the Medium Density Residential Zone, subject to compliance with other requirements:

1. One Single-Family Dwelling or one Manufactured Home on a lot.
2. One Duplex on a lot.
3. Multi-Family Dwellings.
4. Mobile Homes in a Mobile Home Park or Mobile Home subdivision of five (5) acres or more.
5. Residential Training and Residential Treatment Homes (five persons or less).

**C. Conditional Uses**

The following uses are allowed in the Medium Density Residential Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Public and semi-public uses, including government uses and utility structures.
2. Residential facilities to include: Residential Care Facility, Residential Training Facility, and Residential Treatment Facility.
3. Bed and Breakfast Homestay.
4. Expanded Home Occupation, subject to the standards in Section 2.3.110.

**D. Accessory Uses Permitted Outright**

The following uses are permitted outright in the Medium Density Residential zone in conjunction with any permitted or conditional use and subject to compliance with other requirements:

1. Home gardens and orchards
2. Sheds or other appurtenant facilities for storage.
3. Home occupation subject to Section 2.3.100(B), Standard Condition for Home Occupations.

**E. Conditional Accessory Uses**

The following uses are permitted in the Rural Residential Zone if a conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Home occupation in an accessory building subject to Section 2.3.100(B), Standard Condition for Home Occupations

## 2.2 – Zoning District and Allowed Uses

### F. Minimum Zone Size

Any area zoned Medium Density Residential must have a contiguous area of at least five (5) acres.

### G. Minimum Lot Size and Dimensions

Minimum lot size and dimensions shall be:

No. or Type of Unit	Minimum Lot Size (sq. feet)	Minimum Lot Width* (feet)	Minimum Lot Length (feet)
Single-family Dwelling	7,500	70; 75 on corners	100
Duplex	7,500	75	100
Three	10,000	75	100
Four	12,000	75	100
Five	14,000	75	100
Six	16,000	100	100
Seven	19,000	100	100
Eight	22,000	100	100
Nine	25,000	100	100
Ten	27,000	100	100
Eleven	30,000	100	100
Twelve	33,000	100	100
<i>Over twelve units at a ratio of 2,725 square feet per unit over 12, with a minimum length and width of 100 feet.</i>			

*\* Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.*

### H. Maximum Lot Coverage

Maximum lot coverage shall be 60%.

### I. Setbacks

Minimum setbacks shall be measured from the property line, except setbacks adjacent to an arterial street shall be measured from the point forty (40) feet from the centerline of the arterial street. The setbacks in feet shall be:

	Main Building	Required Off Street Parking	Accessory Building
Front	15	15	15
Side	5 for 1 story bldg. 15 for over 1 story bldg.; 15 where abuts street	5 ; 15 where abuts a street	5; 1 in rear half of yard except 15 where abuts a street
Rear	10 for 1 story bldg.; 15 for over 1 story bldg.	1	1

Minimum setback of an accessory building from a main building or another accessory building shall be five (5) feet.

**J. Maximum Structure Height**

Maximum structure height in feet shall be:

Structure	Distance
Main Building	35
Energy apparatus on main building	5 above main building
Accessory building	20
Antennas, spires, etc.	75
Fences and hedges	4 in front and side setbacks if adjacent to a street; 6 elsewhere where the fence or hedge is of solid design and a maximum of 8 feet with an open design

**K. Utility, Public Improvement, Construction and Use Requirements**

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

**L. Parking**

See Section 3.4.010 Parking and Loading.

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## 2.2 – Zoning District and Allowed Uses

### 2.2.070 General Commercial (C-1) Zone

#### A. Intent

To provide retail and service uses for residents and visitors, and to minimize adverse effects to nearby residential and historic areas.

#### B. Uses Permitted Outright

The following uses are permitted in the General Commercial Zone, subject to compliance with other requirements:

1. Retail uses within a building including but not limited to: apparel and accessory stores, bicycle stores, bookstores, cameras and photographic supplies, department stores, florists, furniture and home furnishing stores, general stores, gift, novelty and souvenir stores, jewelry stores, optical stores, radio and television repair stores, record stores, sporting goods stores, stationery stores, variety stores, bakeries, feed stores, drug stores, food stores, hardware stores, and restaurants.
2. Office uses: banks, business offices, professional offices, studios, utility offices.
3. Service uses within a building: barber shops, beauty parlor, electrical and appliance repair services, self-service laundries, laundry and dry cleaning outlets, photo finishing, printing shops, theaters, watch, clock and jewelry repair services, shoe repair.
4. Residential uses on the upper floors of a building used for commercial purposes.
5. Residential Training Homes and Residential Treatment Facilities (five persons or less).

#### C. Conditional Uses

The following uses are permitted in the General Commercial Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements.

1. Public and semi-public uses including churches, community buildings, governmental uses, rest homes, nursing homes, schools, day care centers and utility structures.
2. The following service uses inside or outside a building: auto repair, auto sales, boat sales, car wash, gasoline sales, nursery, outdoor market, plumbing and heating service, recreation facility, second hand sales, veterinary clinic, cabinet shop, and similar wood products manufacturing provided the principle operation is for retail sales on the premises. Uses not contained in a building shall comply with Section 2.3.070, Standard Conditions for Outside Storage.
3. Residential facilities to include: Residential Care Facility, Residential Training Facility, and Residential Treatment Facility.
4. Bed and Breakfast Homestay.

5. Overnight accommodations such as hotels and motels.
6. Single story residences in conjunction with a commercial activity and occupied exclusively by the property owner or business manager.

**D. Minimum Zone Size**

Any area zoned General Commercial must have a contiguous area of at least five-tenths (0.5) acres.

**E. Minimum Lot Size and Dimensions**

Minimum lot size and dimensions in feet shall be:

Minimum Lot Size (sq. feet)	Minimum Lot Width* (feet)	Minimum Lot Length (feet)
7,500; 10,00 on corners	75; 100 on corners	100
* Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.		

**F. Minimum Setbacks**

Minimum setbacks shall be measured from the property lines, except setbacks adjacent to an arterial street shall be measured from a point forty (40) feet from the centerline of the arterial street.

The setbacks in feet shall be:

	Main Building	Required Off Street Parking	Accessory Building
Front	0	0	0
Side	0; 15 if adjacent to a residential building or zone; for corner lots see also Section 3.3.140, Restricted Area for Visibility	0; 5 if adjacent to a residential building or zone	0; 5 if adjacent to a residential building or zone
Rear	0; 15 if adjacent to a to a residential building or zone	0; 5 if adjacent to a residential building or zone	0; 5 if adjacent to a residential building or zone

**G. Maximum Structure Height**

Maximum structure height in feet shall be:

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## 2.2 – Zoning District and Allowed Uses

Structure	Distance
Main Building	50; 35 when adjoining an R-I zone
Energy apparatus on main building	5 above main building
Accessory building	50; 35 when adjoining an R-I zone
Antennas, spires, etc.	75

### **H. Utility, Public Improvement, Construction and Use Requirements.**

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

### **I. Parking**

See Section 3.4.010 Parking and Loading.

### **J. Signs**

See Section 2.3.080, Signs.



**2.2.080 Light Industrial (M-I) Zone**

**A. Intent**

To provide a location for light industrial and heavy commercial uses that have little or no impact on the surroundings.

**B. Uses Permitted Outright**

The following uses are allowed in the Light Industrial Zone subject to compliance with other requirements:

1. Light manufacturing activities which have little or no impact from noise, odor, smoke, fumes or other discharges.
2. Retail sales of products manufactured on the premises.
3. Contractors or building materials yards, subject to Section 2.3.070, Standard Conditions for Outside Storage.
4. Welding shops and automotive repair shops, subject to Section 2.3.070, Standard Conditions for Outside Storage.
5. Storage within a building.

**C. Conditional Uses**

The following uses are allowed in the Light Industrial Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Research, experimental assembly, manufacturing, and compounding conducted inside a completely enclosed building and which creates no more impact at the property line than that of a use allowed outright in the Light Industrial Zone.
2. Public and semi-public uses, including government uses and utility structures.
3. Outside Storage Yards subject to Section 2.3.070, Standard Conditions for Outside Storage.

**D. Minimum Zone Size**

Any area zoned Light Industrial must have a contiguous area of at least five (5) acres.

## 2.2 – Zoning District and Allowed Uses

### E. Minimum Lot Size and Dimensions

Minimum lot size and dimensions in feet shall be:

Minimum Lot Size (sq. feet)	Minimum Lot Width* (feet)	Minimum Lot Length (feet)
20,00 on corners	100	100
* Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.		

### F. Minimum Setbacks

Minimum setbacks shall be measured from the property line, except setbacks adjacent to an arterial street shall be measured from a point forty (40) feet from the centerline of the arterial street. The setback in feet shall be:

	Main Building	Required Off Street Parking	Accessory Building
Front	20 feet	0	20 feet
Side	0; 15 if adjacent to a residential building or zone; for corner lots see also Section 3.3.140, Restricted Area for Visibility	0; 5 if adjacent to a residential building or zone	0; 5 if adjacent to a residential building or zone
Rear	0; 15 if adjacent to a to a residential building or zone	0; 5 if adjacent to a residential building or zone	0; 5 if adjacent to a residential building or zone

### G. Maximum Structure Height

Maximum structure height in feet shall be:

Structure	Distance
Main Building	50; 35 when adjoining an R-I zone
Energy apparatus on main building	5 above main building
Accessory building	50; 35 when adjoining an R-I zone
Antennas, spires, etc.	75

### H. Utility, Public Improvement, Construction and Use Requirements.

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

### I. Parking

See Section 3.4.010 Parking and Loading.

**2.2.090 General Industrial (M-2) Zone**

**A. Intent**

To provide a location for manufacturing and other industrial uses.

**B. Uses Permitted Outright**

The following uses are allowed in the General Industrial Zone subject to compliance with other requirements.

1. Research, experimental assembly, manufacturing, and compounding conducted within a completely enclosed building and which creates no more impact at the property line than that of a use allowed outright in the General Commercial Zone, subject to city and Department of Environmental Quality Standards.
2. Contractors or building materials yards.
3. Retail sales of products manufactured on the premises.
4. Certain tourist related industries and their associated facilities as specifically defined below shall be allowed in this district, subject to Section 2.3.130 Special Requirements for “Tourist-Related Industries” in the M-2 General Industrial Zone. Tourist related industries and their associated facilities permitted in this district shall be limited to the Old Mill Site south of Stearns Lane and shall include only the following:
  - a. Recreational vehicle parks and accessory facilities and utilities, subject to a strict occupancy time limit of sixty days;
  - b. Local or region-servicing recreation facilities such as pavilions, sports complexes, picnic grounds, and accessory facilities and utilities;
  - c. Historic or railroad theme parks and accessory facilities and utilities;
  - d. Other tourist attractions and tourist facilities which are not authorized in any other city of Oakland zoning district;
  - e. Administrative, storage and non-recreational service buildings or uses specifically associated with and accessory to the above uses, including not more than one manager’s or caretaker’s residence.

**C. Conditional Uses**

The following uses are allowed in the General Industrial Zone if a Conditional Use Permit is granted as specified in Section 4.3.010, Conditional Use Permits, and subject to compliance with other requirements:

1. Public and semi-public uses, including government uses and utility structures.

## 2.2 – Zoning District and Allowed Uses

2. Research, experimental assembly, manufacturing, and compounding conducted outside a building, or which create noise, odor, smoke, fumes, or other discharges which are noticeable at the property line, subject to any applicable City, County, State, and Federal Standards.
3. Outside storage and storage yards subject to Section 2.3.070, Standard Conditions for Outside Storage.

### D. Minimum Zone Size

Any area zoned General Industrial must have a contiguous area of at least five (5) acres.

### E. Minimum Lot Size and Dimensions

Minimum lot size and dimensions shall be:

Minimum Lot Size (sq. feet)	Minimum Lot Width* (feet)	Minimum Lot Length (feet)
20,00 on corners	100	100
* Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.		

### F. Minimum Setbacks

Minimum setbacks shall be measured from the property lines, except setbacks adjacent to an arterial street shall be measured from a point forty (40) feet from the center line of the arterial street. The setbacks in feet shall be:

	Main Building	Required Off Street Parking	Accessory Building
Front	20 feet	0	0
Side	0; 15 if adjacent to a residential building or zone; for corner lots see also Section 3.3.140, Restricted Area for Visibility	0; 5 if adjacent to a residential building or zone	0; 5 if adjacent to a residential building or zone
Rear	0; 15 if adjacent to a to a residential building or zone	0; 5 if adjacent to a residential building or zone	0; 5 if adjacent to a residential building or zone

**G. Maximum Structure Height**

Maximum structure height in feet shall be:

Structure	Distance
Main Building	50; 35 when adjoining an R-I zone
Energy apparatus on main building	5 above main building
Accessory building	50; 35 when adjoining an R-I zone
Antennas, spires, etc.	75

**H. Utility, Public Improvement, Construction and Use Requirements.**

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

**I. Parking**

See Section 3.4.010, Parking and Loading.

**J. Signs**

See Section 2.3.080, Signs.

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## 2.2 – Zoning District and Allowed Uses

### 2.2.100 Public Land Zone

#### A. Intent

The Public Land Zone is intended for all Public and Semi-Public uses on publicly owned land that are designed to implement the Oakland Comprehensive Plan by providing areas for government, public services, and education. The zone is intended to accommodate all outright and conditionally permitted uses listed below.

#### B. Siting Requirements

The subject site must be land owned solely by a public agency. In the event that public land is sold for private development, the property shall be rezoned according to the procedures for zone changes. A Comprehensive Plan Map amendment shall accompany the zone change when necessary to ensure the documents are consistent. Nothing in this section is intended to preclude a public agency from owning lands not zoned PL, Public Land.

#### C. Uses Permitted Outright

The following public uses shall be permitted outright on lands in the PL, Public Land Zone, subject to compliance with all other applicable standards:

1. Public pre-schools, elementary, middle and high schools;
2. Public service, community, or recreational facilities owned and operated by a public agency. Examples include, but are not limited to, parks, greenways, multi-use paths, arboretums, community/allotment gardens, museums, community centers, daycare facilities, recreation facilities, swimming pools, and libraries;
3. Governmental facilities such as City Hall, city offices, fire stations, police stations, post offices, maintenance facilities (including fleet services), and other government related administrative offices;
4. Low impact public utilities including wells and water storage tanks;
5. Public uses determined to be similar to the above by the Planning Commission.

#### D. Conditional Uses

The following public uses are permitted conditionally. In addition, all semi-public uses not operated by the public agency that owns the property are permitted conditionally in the PL, Public Land Zone when all or part of the property is declared by the owner to not be needed:

1. Administrative, General, and Professional Offices;
2. Artist Galleries/Studios;
3. Assisted Living;
4. Churches, Synagogues, and Temples, including associated residential structures for religious personnel;
5. Correction/Detention Facility (not associated with another use)
6. Hospitals, Clinics, or other Medical Health Facilities (including mental health and drug treatment centers) 10,000 square feet or less of floor area;
7. Parking Areas (not associated with a primary use);
8. recycling Facility;

9. Community colleges, state colleges and universities, and private colleges, universities, or vocational training facilities;
10. Ballet, Dance, Martial Arts, and Gymnastic Schools/Academies/Studios;
11. Public service, community, or recreational facilities NOT owned and operated by a public agency. Examples include, but are not limited to, parks greenways, arboretums, community/allotment gardens, museums, community centers, daycare facilities, recreation facilities, swimming pools and libraries;
12. Daycare facilities (not operated by a public agency);
13. Horticultural uses, including plant nurseries;
14. High impact public utilities such as water treatment plants, power substations, and sanitary sewer pump and treatment facilities;
15. Combinations of the above listed uses;
16. Uses determined to be similar to the above by the Planning Commission.

All uses are subject to the regulations and procedures in Chapter 1.5, Enforcement and Chapter 4.3 Conditional Uses, Variances and Temporary Uses.

### **E. Accessory Uses Permitted Outright**

The following accessory uses are permitted on lands zoned PL, Public Land that have an approved outright or conditionally permitted use:

1. Public Uses Accessory to the Primary Use operated by the public agency that owns the development site. Examples of accessory uses include caretaker dwellings; service stations for government vehicles; building maintenance services for government facilities; storage, utility, and printing for government services; and small-scale commercial services to primarily serve users of the public facility.
2. The following uses not operated by the public agency that owns the property when the accessory to a primary use:
  - a. Athletic Field, outdoor;
  - b. Community and Allotment Gardens;
  - c. Meal Services, non-profit;
  - d. Parks and Playgrounds;
  - e. Combinations of the above uses;
  - f. Uses determined to be similar to the above by the Planning Commission when the use is determined to be in the best interest of the public.

### **F. Minimum Zone Size**

Any area zoned Public Land shall have a minimum contiguous area of 7,500 square feet.

### **G. Minimum Lot Size and Dimensions**

The minimum lot size is the minimum necessary to accommodate the existing or proposed use, given the development standards contained in this ordinance. The Oakland Planning Commission shall determine minimum lot size on a case by case basis. A determination shall be made: (1) prior to approving the siting of any public or semi-public use on land zoned PL, Public Land, and (2) prior to adjusting the boundary of any

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## 2.2 – Zoning District and Allowed Uses

lot or parcel zoned PL, Public Land.

### H. Maximum Lot Coverage

Maximum lot coverage shall be 60%.

### I. Minimum Setbacks

Structures shall be set back twenty (20) feet from residentially zoned properties and ten (10) feet from all other property lines including the front lot line. The use shall be subject to all other applicable regulations, including public improvement construction specifications and Douglas County building codes requirements.

- a. Exceptions. Public well sites, sewer pump stations, and storm drain pump stations shall have zero (0) setback requirements provided that these structures do not intrude into the required vision clearance area at street, alley, or driveway intersections.

### J. Maximum Structure Height

Maximum structure height in feet shall be:

Structure	Distance
Main Building	50; 35 within 50 feet of an R-I zone
Energy apparatus on main building	5 above main building
Accessory building	50; 35 within 50 feet an R-I zone
Antennas, spires, etc.	75

### K. Utility, Public Improvement, Construction and Use Requirements.

See Chapters 3.3: Public Facilities and Chapter 3.5: Site and Environmental Standards.

### L. Parking

See Section 3.4.010, Parking and Loading.

### M. Signs

See Section 2.3.080, Signs. Government or public utility signs as required by law are exempt from the sign standards contained in this Zoning Ordinance.



**2.2.110 Overlay Zones**

Should an area be classified as an Overlay Zone, such zone shall overlay one or more regular zones. Overlay Zone requirements shall be applied in addition to the requirements of each regular zone. In the event of conflict of regulations, the more restrictive regulation shall govern.

**Overlay Zones**

<i>H</i>	–	<i>Historic</i>
<i>HE</i>	–	<i>Historic Enhancement</i>
<i>D</i>	–	<i>Duplex</i>
<i>F</i>	–	<i>Special Flood Hazard</i>
<i>S</i>	–	<i>Steep Slope</i>

**2.2.120 Historic (H) Overlay Zone**

For further detail related to the establishment and authority of the Historic Overlay Zone refer to Ordinance No. 456, the Historic Preservation Ordinance, and amendments thereto.

**A. Intent**

The purpose of the Historic Overlay Zone is to identify, retain, and preserve those resources within the Oakland urban growth boundary which are important elements of the city’s historic and architectural heritage. These purposes shall be accomplished by establishing procedures and criteria for the designation of landmarks and historic districts, and by establishing procedures and criteria for the review of any change to historic landmarks and districts, such as proposed alterations of properties, proposed new construction, and proposed demolitions and removals.

The Oakland Historic District includes two sub-districts: the Downtown Commercial Historic District and the Residential Historic District. Such districts are depicted by the Zoning Map for the City of Oakland, describing the boundaries of said districts, as adopted by the City Council of Oakland, Oregon. Such districts are established to define and protect the areas of the city with the greatest concentration of historically significant properties.

**B. Historic Design Review**

No person shall perform any alteration of any property in an historic district or on any historic site in such a manner to affect its exterior appearance, nor shall any new structure be constructed in an historic district or on an historic site without submitting an application to the Oregon Historic Preservation Commission for historic design review. Further, no building appurtenances such as walls, fences, signs (including interior signs meant to be viewed from the exterior), awnings or lights, or no major public improvement shall be made in the historic district or on any historic site unless approved by the Historic Commission. Historic Design Review application procedure is outlined in Section 4.2.20(C), and Historic Design Standards are outlined in Chapter 3.6.

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## 2.2 – Zoning District and Allowed Uses

### C. Proposed Demolitions or Removals.

No building permit shall be issued for the demolition or moving of a structure from the Oakland Historic District without submitting an application to the OHP Commission and the approval of the application by the OHP Commission. Such application is not necessary only if the building is designated intrusive or non-compatible within the historic district.

1. If the structure has been damaged in excess of 70% of its previous value by a fire, flood, wind, or other Act of God, or vandalism, the application for demolition must contain the following: the property owner's name and address; the property's address; the existing use for the property; the intended use of the property once the demolition or removal has occurred; and documentation of the extent of the damage.
2. Other applications for demolition of a building in the historic district: If the property is of primary or secondary historic significance, or compatible within the historic district, an application with the following information must be filed with the City Recorder at Oakland City hall:
  - a. The property owner's name and address, property's address, existing use of the property, a description of its historical significance, and reasons for proposed demolition or moving.
  - b. A cost estimate for preservation of the property.
  - c. Documentation that a visible for sale sign has been posted on the property for at least 90 days prior to submitting the application.
  - d. Documentation of efforts to advertise the availability of the property for sale in local and regional newspapers beginning 90 days prior to submitting the application.
  - e. Documentation of contacts with the State Historic Preservation Office, the Douglas County Historical Resource Review Committee, and the Douglas County Museum notifying them of the availability of the property and of the proposed demolition.
3. A public hearing shall be scheduled before the OHP Commission within 45 days of receiving the application for demolition. The public hearing shall be held according to the procedures listed in the Oakland Zoning Ordinance, and ORS 197.763.
4. To approve the demolition or moving, the OHP Commission shall find that the request meets the following criteria:
  - a. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area.
  - b. There is a demonstrated public need for the new use which outweighs any public benefit which might be gained by preserving the subject buildings on site.
  - c. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.
  - d. There are no other parties or agencies interested in acquisition of the property, and the likelihood of obtaining public funding to assist in the preservation of the building is minimal.
5. If the OHP Commission cannot approve the request for demolition, it may invoke a stay of up to 120 days. During that time OHP Commission members will inform the owner of possible alternative action to demolition.

6. All decisions to approve, approve with conditions, or stay shall specify the basis for the decision. Decisions of the OHP Commission can be appealed to the City Council.

### **D. Violation and Penalty**

1. The construction, erection, location, enlargement or use or change in use or uses of any structure or property in violation of this ordinance, or any amendments thereto, or in violation of any order, condition or limitation imposed pursuant to the provisions of or under authority of this ordinance, shall be deemed a nuisance and may be enjoined, abated or removed in the same manner as provided in Ordinance 191, as amended, relating to public nuisances, or as provided by other applicable law.
2. Any violation(s) mentioned above shall be offense(s) against the City, and any person(s) committing such violation(s) shall, upon conviction, be punished by a fine not to exceed \$250.00 for each offense, and each day any violation continues shall constitute a separate offense. Conviction of a violation shall not give rise to any disability or legal disadvantages based on conviction of a crime.

### **E. Properties Participating in the Oregon Special Tax Assessment Program**

This ordinance establishes a local program for historic preservation which is separate from the Oregon Special Tax Assessment Program, administered by the State Historic Preservation Office. Properties within Oakland which receive the special tax assessment must comply with the provisions of this ordinance as well as the provisions of the Oregon Special Tax Assessment program.

1. Any property owner receiving the special tax assessment, must obtain prior review and approval from the State Historic Preservation Office for the alteration of any significant interior or exterior space, room or feature or new construction that may affect the historic fabric or character of the specially-assessed property. A change to exterior paint color is included in this review requirement.
2. Participants in the special tax assessment program must comply with all requirements of said program, which are separate and apart from the provisions of this ordinance.
3. Compliance with the requirements of the state special tax assessment program must be in addition to and not instead of compliance with applicable provisions of this ordinance.

- F. The Council declares that should any subsection, paragraph, sentence, or word of this section be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this section independent of the elimination of any such portion as may be declared invalid.

**G. Designation of Historic Landmarks.** The process of city designation of an historic landmark is a formal recognition of a resource's historical or architectural significance to the city' and allows efforts to protect and preserve such resources under the provisions applicable to the Historic Overlay Zone. Designated historical landmarks may include districts, buildings, portions of buildings, sites, cemeteries, bridges, signs, or other objects of historical importance or architectural significance within the city's urban growth boundary. City designation of an historical landmark is a separate process from its listing on the National Register of Historic Places.

1. The process for designating a landmark or historic district may be initiated by the City Council, Historic Commission, or any interested person.

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## 2.2 – Zoning District and Allowed Uses

2. An application must be submitted to the Historic Commission containing the following information:
  - a. Applicant's name and address; property owner's name and address.
  - b. A description of the proposed landmark or the boundaries of the proposed district.
  - c. A map illustrating the location of the proposed landmark, or the boundaries of the proposed district.
  - d. A statement explaining the reasons why the, proposed landmark or district should be designated.
  - e. A statement of the potential impact, if any that designation of the proposed landmark or district would have on the owners, surrounding residents, or other property owners in the area.
3. The Historic Commission shall hold a public hearing to review the application and prepare a written recommendation approving or rejecting the proposed designation. The public hearing shall be held according to the Type II procedures listed at Section 4.1.030 and ORS 197.763.
4. The Historic Commission must find that one of the following criteria has been met in order to approve a proposed landmark or district:
  - a. The proposed landmark or district is at least 50 years old and has historical significance because of one of the following factors: it is associated with a person or group that has made a significant historic contribution; it is associated with an event of historical significance; it is associated with broad patterns of political, economic, or industrial history; or the resource contributes to the continuity or historic character of the street, neighborhood or community.
  - b. The proposed landmark or district has architectural significance because of one of the following factors: it is an example of a particular architectural style or building type; it has high quality composition, detailing, or craftsmanship; it is an example of a particular material or method of construction; the resource retains its original design features, materials, and/or character; it is the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction; or it is a visual landmark.
  - c. The proposed landmark or district is listed on the National Register of Historic Places.
5. The Historic Commission shall deliver a copy of its recommendation to the City Council within 10 days.
6. The City Council shall hold a public hearing which is legislative in nature if the designation affects a large number of persons or properties, or quasi-judicial if the designation is of a single landmark.
7. The City Council shall determine if there are uses that conflict with the designation of the property as an historic landmark. If such conflicts are identified, the city shall examine the economic, social, environmental, and energy impacts of designating the site as a protected historic resource. The city shall then decide to protect the resource, allow the conflicting use, or allow the conflicting use to a limited extent. Final action by the City Council shall be to either: refuse to designate the proposed landmark or district; designate the proposed landmark or district (with or without limitations if conflicting uses are identified) through a duly enacted ordinance; or remand the matter to the Historic Commission for additional consideration of a specific matter.
8. Amendment or rescission: The historic designation may be amended or rescinded after the Historic Commission and the City Council have utilized the same procedure required by this section for establishment of the designation.

**2.2.130 Historic Enhancement (HE) Overlay Zone**

**A. Intent**

The purpose of this overlay zone is to preserve the integrity while enhancing the character of the National Historic Landmark District, the Historical Overlay Zone and areas within the City which visually impact them.

**B. Designation Criteria**

Lands designated within this overlay are adjacent to lands within the Historical Overlay Zone and visually impact historical structures within the National Historic Landmark District. Included within this zone would be keyhole areas within the Historic Zone itself; Buffer areas; and Gateway areas along Hwy 99 both North and South and along Stearns Lane.

**C. Designation Requirements**

All new construction and exterior repair, remodeling or replacement construction in this overlay zone must comply with the following principles and standards.

1. Alterations to existing structures may be clearly differentiated from, but must be compatible with, historic structures in their design details.
2. To help assure compatibility, all new residential dwellings and commercial structures shall, at a minimum, meet the special use standards set out for this overlay zone in Section 2.2.130(E) of this ordinance, in addition to meeting all other applicable standards of the general zone.

**D. Design Review**

All new construction and exterior repair, remodeling or replacement construction governed by this section, shall require Site Plan Review as defined in Section 4.2.010.

**E. Historic Enhancement Overlay Zone Uses**

To help assure compatibility with historic landmark structures while enhancing and minimizing visual impact to the historical district,

1. All new residential dwellings shall utilize:
  - a. at least four (4) of the following design features:
    - 1) off-sets on building face or roof (minimum 12")
    - 2) recessed entries
    - 3) covered porch entry
    - 4) double hung or casement windows
    - 5) bay or bow windows
    - 6) detached garage

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## 2.2 – Zoning District and Allowed Uses

- 7) exterior brick treatment
  - 8) a roof with a pitch greater than nominal 3/12
  - 9) shutters
  - b. at least four (4) of the following design features:
    - 1) dormers
    - 2) cupolas
    - 3) divided light windows (4 or more)
    - 4) attached garage
    - 5) panel exterior doors (1 to 6 panels)
    - 6) brick chimney
    - 7) eaves (minimum of 6")
    - 8) gables
    - 9) pillars or posts
    - 10) balconies
  - c. none of the following siding materials:
    - 1) siding, giving the appearance of horizontal boards, or the appearance of boards and batten, but not made of vinyl or metal.
2. The ratio of height to width of new commercial structures shall be compatible with nearby buildings in the Historical Zone. The shape, size, open and enclosed areas and building elements shall, as a combined unit, produce a directional emphasis which is similar to the adjacent Historical District. Where a grid pattern exists, buildings should be aligned to parallel existing structures or the street to maintain the traditional pattern.

**2.2.140 Duplex (D) Overlay Zone**

**A. Intent**

To allow duplexes on corner lots in low-density residential areas where they will not conflict with the historic nature of the area and will be consistent with the comprehensive plan.

**B. Uses Permitted Outright**

The following uses are permitted only on corner lots in the R-1 /A and R-1/B zone where overlaid by the Duplex Overlay Zone, subject to compliance with the requirements of the R-1/A or R-1/B zone, and other requirements:

- I. One duplex on a corner lot.

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## 2.2 – Zoning District and Allowed Uses

### 2.2.150 Special Flood Hazard (F) Overlay Zone

#### A. Intent

The flood hazard areas of City of Oakland are subject to periodic inundation which results in loss of life and property, health and safety hazards disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of special flood hazards which increase flood. Heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### B. Authorization

The Legislature of the State of Oregon has in Oregon Revised Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health safety, and general welfare of its citizenry.

#### C. Applicability

The Special Flood Hazard Overlay Zone shall apply to all areas of special flood hazards within the jurisdiction of city of Oakland.

#### D. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for The Flood Insurance Study for Douglas County, Oregon and Incorporated Areas,” dated February 17, 2010, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at Oakland City Hall. The best available information for flood hazard area identification as outlined in Section 2.2.150(K)(2) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 2.2.150(K)(2).



### **E. Penalties for Non-Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Code and other applicable regulations. Any failure to comply with any of the requirements of the Special Flood Hazard Overlay Zone is subject to the enforcement provisions outlined in Chapter 1.5.

### **F. Abrogation and Greater Restrictions**

This provision is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another section, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **G. Interpretation**

In the interpretation and application of the Special Flood Hazard Overlay Zone, all provisions shall be:

1. Considered as minimum requirements
2. Liberally construed in favor of the governing body; and
3. Deemed to neither limit or repeal any other powers granted under State statutes and rules including the state building code.

### **H. Warning and Disclaimer of Liability**

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Oakland, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

### **I. Methods for Reducing Flood Losses**

In order to accomplish its purposes, this section includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
6. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances

### **J. Development Permit Required**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 2.2.150(D). The permit shall be for all structures including manufactured homes, as set forth in Article 5.0 Definitions and for all development including fill and other

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## 2.2 – Zoning District and Allowed Uses

activities, as set forth in the Article 5.0. The permit shall be processed as a Type I application.

### I. Application for Development Permit

Application for a development permit shall be made on forms furnished by the Oakland City Clerk and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level of floodproofing in any structure;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 3.5.040(B)(2); and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

### 2. Designation of the Local Administrator

The Oakland Zoning Administrator is hereby appointed to administer and implement the Special Flood Hazard Overlay Zone by granting or denying development permit applications in accordance with the provisions of and consistent with Type I decision procedures as outlined at Section 4.1.020.

## K. Duties and Responsibilities of the Local Administrator

Duties of the local administrator shall include, but not be limited to:

### I. Permit Review

- a. Review all development permits to determine that the permit requirements and conditions of Sections 2.2.150 and 3.5.040 have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 3.5.040(D)(1) are met.

### 2. Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (A and V Zones) in accordance with Section 2.2.150(D), Basis for Establishing the Areas of Special Flood Hazard, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 3.5.040(B), Specific Standards, and 3.5.040(D) Floodways.

### 3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 2.2.150(K)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 2.2.150(K)(2):
    - 1) Verify and record the actual elevation (in relation to mean seal level), and
    - 2) Maintain the floodproofing certifications required in Section 2.2.150(J)(1)(c).
  - c. Maintain for public inspection all records pertaining to the provisions of this section.
4. Alteration of Watercourses
- a. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 2.2.150(L).

### **L. Special Flood Hazard Variance and Appeal Procedure**

1. The Oakland City Council as established by Chapter 4.1 shall hear and decide appeals and requests for variances from the requirements of the Special Flood Hazard.
2. The Oakland City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Oakland in the enforcement or administration of the Special Flood Hazard.
3. In addition to standard variance procedure and criteria outlined at Section 4.3.020, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other provisions Sections 2.2.150 and 3.5.040, and the following factors specific to the Special Flood Hazard Area:
  - a. the danger that materials may be swept onto other lands to the injury of others;
  - b. the danger to life and property due to flooding erosion damage
  - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. the importance of the services provided by the proposed facility to the community;
  - e. the necessity to the facility of a waterfront location, where applicable;

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## 2.2 – Zoning District and Allowed Uses

- f. the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
  - g. the compatibility of the proposed use with existing and anticipated development;
  - h. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. the expected heights, "velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors of Section 2.2.150(L)(3) and the purposes of this Section, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of the Special Flood Hazard Overlay Zone.
  5. The Oakland Zoning Administrator shall maintain the records of all such appeal actions and report any variances to the Federal Insurance Administration upon request.
  6. Conditions for Variances to Special Flood Hazard Provisions include the following:
    - a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 2.2.150(L)(3) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
    - b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
    - c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
    - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    - e. Variances shall only be issued upon:
      - 1) A showing of good and sufficient cause;
      - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
      - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 2.2.150(L)(3), or conflict with existing local laws or ordinances.

7. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
8. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 2.2.150(L)(6), and otherwise complies with Sections 3.5.040(A)(1) through 3.5.040(A)(3) of the General Standards.
9. Any applicant to whom a variance from Special Flood Hazard standards is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

### **M. Standards and Provisions for Flood Hazard Reduction**

The standards and provisions for Flood Hazard Reduction, by which Special Flood Hazard development permits must adhere are outlined in Section 3.5.40, within the Code's Site and Environmental Standards.

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## 2.2 – Zoning District and Allowed Uses

### 2.2.160 Steep Slope (S) Overlay Zone

#### A. Intent

This zone is intended to ensure that development on lands of steep or hazardous slope is done without causing danger to life or property either on site or adjacent to such development.

#### B. Designation Criteria

Lands designated with this overlay include areas having twenty-five percent and greater slope, documented landslides or highly unstable conditions.

#### C. Designation Requirements

Any permit requested for a building or structure on land which is known, or suspected, to meet the Steep Slope Overlay Zone criteria shall be considered by the Planning Commission and shall, as the Commission deems necessary, be accompanied by a written report prepared by a licensed civil engineer in consultation with a geologist and shall attest to the adequacy of the soils in conjunction with the slope of the proposed building site to support the proposed buildings, structures and accompanying roads, driveways and excavations. The Planning Commission shall consider the report and other pertinent material when reviewing a permit request in the Steep Slope Overlay Zone.

## 2.2 – Zoning District and Allowed Uses

<b>Table 2.2.170 – Summary of Uses Allowed by Zoning District</b>									
Uses	Residential Zones			Commercial Zones and Employment Zones			Agriculture/ Public Use		Special Use Standards
	R-R	R-1	R-2	C-1	M-1	M-2	PL	A	
<b>A. Residential Uses<sup>1</sup></b>									
Single-Family Dwelling, Non-Attached	P	P	P	N	N	N	N	N	
Single-Family Dwelling, Attached (Townhome)	P	N	P	N	N	N	N	N	
Manufactured Homes	S	S	S	N	N	N	N	N	2.3.120
One Mobile Home on a lot in a Mobile Home subdivision (5 acres or more)	P	P	P	N	N	N	N	N	
One Duplex on a lot	P	N	P	N	N	N	N	N	
Multifamily Dwellings	S	N	S	N	N	N	N	N	2.3.040
Residential Training and Residential Treatment Homes (five persons or less)	P	P	P	P	N	N	N	N	
Residential facilities to include: Residential Care Facility, Residential Training Facility and Residential Treatment Facility	CU	CU	CU	CU	N	N	N	N	
Bed and Breakfast Homestay	CU/S	CU/S	CU/S	CU/S	N	N	N	N	2.3.060
Home Occupation subject to Section 2.3.100 Standard Condition for Home Occupations	S	S	S	S	N	N	N	N	2.3.100
Home Occupations in an accessory building subject to Section 2.3.100, Standard Conditions for Home Occupation.	CU/S	CU/S	CU/S	N	N	N	N	N	2.3.100
Expanded Home Occupation, subject to the standards in Section 2.3.110	CU/S	CU/S	CU/S	N	N	N	N	N	2.3.110
Home Gardens and Orchards	P	P	P	N	N	N	N	N	
Sheds or other appurtenant facilities for storage	P	P	P	N	N	N	N	N	
Single story residences in conjunction with a commercial activity and occupied exclusively by the property owner or business manager.	N	N	N	CU	N	N	N	N	
Residential uses on the upper floors of a building used for commercial purposes.	N	N	N	P	N	N	N	N	

**KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed. Empty entries indicate instances where the this Development Code does not contain sufficient specificity for summary (See Section 2.1.050) Table 2.2.170 represents a summary of Sections 2.2.030 through 2.2.100, which shall supersede where uncertainties may arise.**

<b>Table 2.2.170 – Summary of Uses Allowed by Zoning District</b>									
Uses	Residential Zones			Commercial Zones and Employment Zones			Agriculture/ Public Use		Special Use Standards
	R-R	R-1	R-2	C-1	M-1	M-2	PL	A	
<b>B. Public, Institutional and Agricultural Uses<sup>2</sup></b>									
Public pre-schools, elementary, middle and high schools;	CU	N	N	CU	CU	CU	P	P	
Public service, community, or recreational facilities owned and operated by a public agency. Examples include, but are not limited to, parks, greenways, arboretums, community/allotment gardens, museums, community centers, daycare facilities, recreation facilities, swimming pools, and libraries;	CU	CU	CU	CU	CU	CU	P	N	
Governmental facilities such as City Hall, city offices, fire stations, police stations, post offices, maintenance facilities (including fleet services), and other government related administrative offices;	CU	CU	CU	CU	CU	CU	P	N	
Public and Semi Public Uses, including government uses and utility structures.	CU	CU	CU	CU	CU	CU	P	N	
Low impact public utilities including wells and water storage tanks;	CU	CU	CU	CU	CU	CU	P	N	
Public uses determined, by the Planning Commission, to be similar to those listed at 2.2100(5)	CU	CU	CU	CU	CU	CU	P	N	
Administrative, General, and Professional Offices;	N	N	N	P	N	N	CU	N	
Artist Galleries/Studios;	N	N	N	P	N	N	CU	N	
Assisted Living;	N	N	N	P/CU	N	N	CU	N	
Churches, Synagogues, and Temples, including associated residential structures for religious personnel;	CU	CU	CU	CU		N	CU	N	
Correction/Detention Facility (not associated with another use)	CU	CU	CU	CU	CU	CU	CU	N	
Hospitals, Clinics, or other Medical Health Facilities (including mental health and drug treatment centers) 10,000 square feet or less of floor area;	CU	CU	CU	CU	CU	CU	CU	N	
Parking Areas (not associated with a primary use);	N	N	N				CU	N	
recycling Facility;	N	N	N	N	CU	CU	CU	N	

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2.2 – Zoning District and Allowed Uses

<b>Table 2.2.170 – Summary of Uses Allowed by Zoning District</b>									
Uses	Residential Zones			Commercial Zones and Employment Zones			Agriculture/ Public Use		Special Use Standards
	R-R	R-1	R-2	C-1	M-1	M-2	PL	A	
<b>B. Public, Institutional and Agricultural Uses (cont'd)<sup>3</sup></b>									
Community colleges, state colleges and universities, and private colleges, universities, or vocational training facilities;	CU	CU	CU	CU	N	N	CU	N	
Ballet, Dance, Martial Arts, and Gymnastic Schools/Academies/Studios;	CU/S	CU/S	CU/S	P	N	N	CU	N	2.3.100/110
Public service, community, or recreational facilities NOT owned and operated by a public agency. Examples include, but are not limited to, parks greenways, arboretums, community/allotment gardens, museums, community centers, daycare facilities, recreation facilities, swimming pools and libraries;	CU/S	CU/S	CU/S	CU	N	N	CU	N	2.3.100/110
Daycare facilities (not operated by a public agency);	CU/S	CU/S	CU/S	CU	N	N	CU	N	2.3.100
Horticultural uses, including plant nurseries;	CU/S	CU/S	CU/S	CU			CU	P	2.3.110
High impact public utilities such as water treatment plants, power substations, and sanitary sewer pump and treatment facilities;	N	N	N	CU	CU	CU	CU	N	
Public Uses Accessory to the Primary Use operated by the public agency that owns the development site. Examples of accessory uses include caretaker dwellings; service stations for government vehicles; building maintenance services for government facilities; storage, utility, and printing for government services; and small-scale commercial services to primarily serve users of the public facility.	CU	CU	CU	CU	CU	CU	P	N	
The following uses not operated by the public agency that owns the property when accessory to a primary use: Athletic Field, outdoor; Community and Allotment Gardens; Meal Services, non-profit; Parks and Playgrounds; Combinations of the above uses; Uses determined to be similar to the above by the Planning Commission when the use is determined to be in the best interest of the public.	CU	CU	CU	CU	N	N	P	N	

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<b>Table 2.2.170 – Summary of Uses Allowed by Zoning District</b>									
<b>Uses</b>	<b>Residential Zones</b>			<b>Commercial Zones and Employment Zones</b>			<b>Agriculture/ Public Use</b>		<b>Special Use Standards</b>
	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>M-1</b>	<b>M-2</b>	<b>PL</b>	<b>A</b>	
<b>B. Public, Institutional and Agricultural Uses (cont'd)<sup>4</sup></b>									
Agricultural Uses	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	
Buildings related to agricultural use	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	
Parks, playgrounds, and recreational uses including campgrounds and recreational vehicle parks.	<b>N</b>	<b>N</b>	<b>N</b>	<b>CU</b>	<b>N</b>	<b>N</b>	<b>N/CU</b>	<b>CU</b>	
Utility Structures	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>N</b>	<b>P</b>	<b>CU</b>	

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## 2.2 – Zoning District and Allowed Uses

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	R-R	R-1	R-2	C-1	M-1	M-2	PL	A	
<b>C. Commercial and Industrial Uses<sup>5</sup></b>									
Retail uses within a building including but not limited to: apparel and accessory stores, bicycle stores, bookstores, cameras and photographic supplies, department stores, florists, furniture and home furnishing stores, general stores, gift, novelty and souvenir stores, jewelry stores, optical stores, radio and television repair stores, record stores, sporting goods stores, stationery stores, variety stores, bakeries, feed stores, drug stores, food stores, hardware stores, and restaurants.				P					
Office uses: banks, business offices, professional offices, studios, utility offices.	S	S	S	P		P	CU	N	2.3.100
Service uses within a building: barber shops, beauty parlor, electrical and appliance repair services, self-service laundries, laundry and dry cleaning outlets, photo finishing, printing shops, theaters, watch, clock and jewelry repair services, shoe repair.	S	S	CU	P		P	CU	N	2.3.100
Residential uses on the upper floors of a building used for commercial purposes.	S	S	S	P			N	N	2.3.100
Public and semi-public uses including churches, community buildings, rest homes, nursing homes, schools and day care centers.				CU			P/CU /N	N	
The following service uses inside or outside a building: auto repair, auto sales, boat sales, car wash, gasoline sales, nursery, outdoor market, plumbing and heating service, recreation facility, second hand sales, veterinary clinic, cabinet shop, and similar wood products manufacturing provided the principle operation is for retail sales on the premises. Uses not contained in a building shall comply with Section 2.3.070, for Outside Storage.				CU					

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	<b>R-R</b>	<b>R-I</b>	<b>R-2</b>	<b>C-I</b>	<b>M-I</b>	<b>M-2</b>	<b>PL</b>	<b>A</b>	
<b>C. Commercial and Industrial Uses<sup>6</sup>(cont'd)</b>									
Overnight accommodations such as hotels and motels.	<b>N</b>	<b>N</b>	<b>N</b>	<b>CU</b>					
Single story residences in conjunction with a commercial activity and occupied exclusively by the property owner or business manager.	<b>S</b>	<b>S</b>	<b>S</b>	<b>CU</b>			<b>N</b>		2.3.100/110
Light manufacturing activities which have little or no impact from noise, odor, smoke, fumes or other discharges.	<b>S</b>	<b>S</b>	<b>S</b>	<b>CU</b>	<b>P</b>	<b>P</b>	<b>N</b>		2.3.100/110
Retail sales of products manufactured on the premises.	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>		2.3.100/110
Contractors or building materials yards.	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>			2.3.100/070
Welding shops and automotive repair shops.	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>			2.3.100/070
Storage within a building.	<b>N</b>	<b>N</b>	<b>N</b>		<b>P</b>	<b>P</b>	<b>CU</b>		
Research, experimental assembly, manufacturing, and compounding conducted within a completely enclosed building and which creates no more impact at the property line than that of a use allowed outright in the General Commercial Zone, subject to city and Department of Environmental Quality Standards.	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>		<b>P</b>	<b>N</b>	<b>N</b>	
Research, experimental assembly, manufacturing, and compounding conducted within a completely enclosed building and which creates no more impact at the property line than that of a use allowed outright in the Light Industrial Zone.	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>CU</b>		<b>N</b>	<b>N</b>	
Research, experimental assembly, manufacturing, and compounding conducted outside a building, or which create noise, odor, smoke, fumes, or other discharges which are noticeable at the property line, subject to any applicable City, County, State, and Federal Standards.	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>CU</b>	<b>N</b>	<b>N</b>	

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<b>Table 2.2.170 – Summary of Uses Allowed by Zoning District</b>									
<b>Uses</b>	<b>Residential Zones</b>			<b>Commercial Zones and Employment Zones</b>			<b>Agriculture/ Public Use</b>		<b>Special Use Standards</b>
	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>M-1</b>	<b>M-2</b>	<b>PL</b>	<b>A</b>	
Public and semi-public uses, including government uses and utility structures.	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>P/CU /N</b>		
Certain tourist related industries and their associated facilities as specifically defined at Section 2.3.130						<b>S</b>			2.3.130



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## 2.2 –Zoning District Regulations | Lot and Development Standards

### 2.2.180 Lot and Development Standards Summary

- A. Development Standards.** Section 2.2.180 provides a summary of the general lot and development standards for each of the City’s base zoning districts. The summary is organized into a table: Table 2.2.180.A
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code.
- D. Lot and Development Standards for Oakland’s Zoning Districts.** The development standards summarized in Table 2.2.180.A apply to all new development. Additional lot standards are contained at Section 3.5.020 Building Sites.
- E. Yards.**
1. No part of the yard or other open space which is required for off-street parking or loading space in connection with any building, for the purpose of complying with this Code Ordinance, shall be included as a part of the yard, open space or off-street parking or loading space similarly required for any other building except as may be allowed herein.
  2. No lot area, yard, or other open space or off-street parking or loading area which is required by this Code Ordinance for one use shall be used as a required lot area, yard or other open space or off-street parking or loading area for another use.
  3. No yard or lot existing at the time of passage of this Code Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code Ordinance shall meet at least the minimum requirements established by this Code Ordinance.





2.2 –Zoning District Regulations | Lot and Development Standards

Table 2.2.180.A. Lot and Development Standards

Base Zone	A	R-R	R-1/ (A)/(B)	R-2	C-1	M-1/M-2	PL
<b>Minimum Setbacks (ft)*</b> Front Rear Side	20	25 25 15; 25 where side yard abuts street	25 10 (main), 1 (accessory) 5; 15 where side yard abuts a street	15 See 2.2.060(I) See 2.2.060(I)	0 See 2.2.070(F) See 2.2.070(F)	See 2.2.080(F)/ 2.2.090(F)	20 (Res); 10 20 (Res); 10 20 (Res); 10
<b>Max. Structure Height (ft.)</b> Main Building Energy apparatus on main bldg. Accessory building Antennas, spires, etc. Fences and hedges	50	35 5 above main building 20 75 4- front/side when side yard abuts street 6- elsewhere/ solid design 8- elsewhere/ open design			50; 35 (when adjacent to R-1 zone) 5 above main building 50; 35 (when adjacent to R-1 zone) 75		
<b>Minimum Lot Size (sq.ft.)</b> Single Family Duplex Three Units Four Units Over Four Units R-1/A R-1/B	-	25,000 40,000 60,000 80,000 20,000 per unit	7,500 10,000	7,500 7,500 10,000 12,000 See 2.2.070(G)	7,500; 10,000 corners	20,000	2.2.100(G)
<b>Minimum Lot Width (ft)**</b> Single Family Duplex Three Units Over Three Units R-1/A R-1/B	-	100	70; 75 on corners 75	70; 75 on corners 75 75 See 2.2.070(G)	75; 100 corners	100	2.2.100(G)
<b>Minimum Lot Length (ft.)</b>	-	100	100	100	100	100	2.2.100(G)
<b>Maximum Lot Coverage</b>	-	25%	40%	60%	-	-	60%
* Minimum Setback of an accessory building from a main building or another accessory building shall be five (5) feet.							
**Lots fronting on the bulb of a cul-de-sac street or exterior corner lots shall have a minimum width at the front property line of thirty (30) feet and a minimum width at the building line of sixty (60) feet.							



## Chapter 2.3 – Special Use Standards

### Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Review Process
- 2.3.040 Multi-Family Uses
- 2.3.050 Commercial Uses
- 2.3.060 Bed and Breakfast Homestays
- 2.3.070 Outside Storage
- 2.3.080 Signs
- 2.3.090 Swimming Pools
- 2.3.100 Home Occupations
- 2.3.110 Expanded Home Occupations
- 2.3.120 Placement of Manufactured Homes
- 2.3.130 Tourist Related Industries in the M-2 General Industrial Zone

### **2.3.010 Purpose**

Special uses included in Chapter 2.3 are uses, which, due to their effect on surrounding properties, must be developed in accordance with predetermined special conditions and standards. These standards are “special” because they may differ from the development standards established for other uses in the same zoning district.

### **2.3.020 Applicability**

All uses designated as Special (“S”) Uses in Table 2.2.170.A, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

### **2.3.030 Review Process**

The City uses the procedures for Site Plan Review, under Chapter 4.2, in reviewing proposed uses for compliance with the requirements of Chapter 2.3.

### **2.3.040 Multi Family Uses**

The following standards shall apply to every new multi-family use:

1. All garbage containers shall be screened or enclosed.
2. All heating and cooling units shall be screened or enclosed.

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## 2.3 – Special Use Standards

3. All setbacks shall be landscaped and the landscaping shall be maintained.
4. Separate building units of like design shall be staggered.
5. If more than four (4) units are in one building, no wall shall be unbroken for the length or width of five (5) units.
6. Lighting shall not be excessively bright and shall not shine on adjoining properties.
7. Sidewalks shall be provided between parking areas and buildings, and any facility for use by tenants.

### 2.3.050 Commercial Uses

The following standards shall apply to every new commercial use:

1. All garbage containers shall be screened or enclosed.
2. All heating and cooling units shall be screened or enclosed.
3. Lighting shall not be excessively bright nor shine on adjoining properties, so as to constitute a nuisance.

### 2.3.060 Bed and Breakfast Homestays

1. Where authorized by this Code, requests for a Conditional Use Permit in order to operate a Bed and Breakfast Homestay shall be processed under the requirements of the applicable provisions of Section 4.3.010 Conditional Use Permits:
2. To be included with the applications for a Conditional Use Permit is the following.
  - a. All residences used as a Bed and Breakfast facility shall be inspected by the Environmental Health Division of the Douglas County Health and Social Services Department. Written documentation from the Environmental Health Division stating that the premises comply with the requirements of the State shall accompany the CUP permit application. The cost of any inspections by the Environmental Health Division shall be borne by the property owner or the applicant.
  - b. All residences used as a Bed and Breakfast Home shall be inspected and approved by the Chief of the Fire District and the State Fire Marshall. Proof of the Fire Chief's and State Fire Marshall's approvals shall accompany the Conditional Use Permit application. Only rooms designated as sleeping rooms shall be used for guest rooms. Each guest room shall be protected by a smoke detector as required by State code. Any costs associated with this inspection shall be borne by the property owner or applicant.
  - c. Proof of ownership shall be submitted with the application for the Bed & Breakfast Homestay Permit.
3. A Bed & Breakfast Homestay shall maintain an up-to-date guest registration.
4. Length of stay for any guest shall be a maximum of fourteen (14) consecutive days.

5. Signing shall be limited to one sign not exceeding two square feet in area. No signs shall have internal lighting.
6. Bed and Breakfast Homestays shall be kept clean, in good repair and maintained so as to protect the health, safety, and well-being of persons using those facilities.
7. For a structure within the Historic Zone, any external modifications shall be fully compatible with the original design and the Historic Commission's approval shall accompany the CUP request.
8. In terms of eligibility and acceptability, preference will be given by the Planning Commission to residences applying for Bed and Breakfast accommodations which display significant architectural and historic character and quality.
9. Bed and Breakfast Homestays shall be required to pay commercial rates for water and sewer service to their operations. Those rates for Bed and Breakfast facilities shall be set out in the sewer rate ordinance, as amended.
10. Section 2.3.100 Standard Conditions for Home Occupations does not apply to Bed and Breakfast Homestays.
11. If an approved facility does not exercise its permitted use within one year of the approval date or if the use lapses for over a one year period, the permit will automatically expire and a new application will be required.
12. Bed and Breakfast Homestays shall, during the life of the permit, comply with all state regulations and rules applicable to their operation and use.
13. If a Bed and Breakfast Homestay fails to comply with the standards of this Code and/or conditions of the Conditional Use Permit, upon review by the Zoning Administrator the permit shall be revoked. No revocation will be issued by the Zoning Administrator, without giving the Bed and Breakfast operator violating the Code at least twenty (20) days to give evidence of full compliance's, prior to the revocation becoming effective. Appeal to the Planning Commission will stay the revocation of the Conditional Use Permit.

### **2.3.070 Outside Storage**

All outside storage and storage yards, where authorized by this Code, shall meet the following conditions:

1. The storage of all parts, equipment and materials shall be enclosed by a six (6) foot high fence around the perimeter of the storage area. This is not meant to require fencing of sales lots for operable automobiles, trucks, tractors, boats, or trailers. Fences for storage areas shall be set back from the front property line a minimum of twenty (20) feet and be subject to Section 3.3.130, Restricted Area for Visibility. The fence shall be constructed of attractive visibility restricting materials such as: solid boards, masonry, or chain link with slats.
2. No garbage, used materials, or junk shall be stored higher than six (6) feet.
3. No toxic or hazardous material may be stored, unless appropriate permits have been obtained, all

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## 2.3 – Special Use Standards

appropriate safety precautions are followed, and such storage is in connection with approved industrial, commercial or residential use.

4. Any automotive repair facility shall keep all parts and non-operative vehicles behind the fence specified in subsection 1 above. No vehicle shall be kept on the premises for more than fourteen (14) days, unless awaiting parts. Any vehicle awaiting parts or repair shall be kept behind said fence.

### 2.3.080 Signs

The following regulations apply to all signs erected, placed and displayed including painted wall signs, except in the Historic Zone, where Section 2.2.120 and Chapter 3.6 govern. These regulations are intended to improve the commercial environment, atmosphere, and visual quality of the community.

Nothing in this Section shall restrict the placement and maintenance of public service and directional signs, traffic control signs and devices, legally required signs, state and national flags, flags and banners for special occasions, or residential signs.

**A. Signs for Residential use.** A residential use is allowed residential identification signs to identify the residents, street name and number, name of building, or building complex name, etc. For home occupations, a sign of no more than two (2) square feet is allowed.

**B. Signs for Authorized commercial uses and authorized industrial uses in an industrial zone.** A commercial use located in any zone where it is authorized, or an industrial use located in the industrial zone is allowed the following signs:

1. **Business signs:** Maximum sign area for any business or site is three hundred (300) square feet of sign area, or one and one half (1 1/2) square feet of sign area per linear foot of building front, whichever is smaller. Building front in this case shall mean the wall of the building that contains the main entrance. Any business is allowed thirty-five (35) square feet of sign area, regardless of building frontage. The maximum allowable sign area can be composed of the following combination and types of signs:
2. **Wall or window signs:** Subject to the limitations specified above, a wall sign shall not exceed forty percent (40%) of the area of the wall minus the area of doors and windows. A wall or window sign shall not face the same direction as a roof sign.
3. **Pole or ground signs:** Subject to the limitations specified above, one pole or ground sign is allowed per business if the business has one hundred (100) feet of frontage on a public street. The pole or ground sign area shall not exceed one-half the total area of all sign faces allowed for the business. The maximum sign height is twenty-five (25) feet.
4. **Projecting signs:** Projecting signs which are attached perpendicular to a building are allowed up to maximum are of fifteen (15) square feet. Projecting signs are not allowed in combination with a pole or ground sign unless the signs are separated by fifty (50) feet or more.

**C. Prohibited signs.** The following signs are prohibited: Signs which interfere with traffic visibility or resemble traffic control signs, signs which have not been kept in good repair, signs which flash, rotate, or have the appearance of movement (except time and temperature signs and traditional barber poles), signs

which are excessively bright (determined by considering the size of the sign, the percentage brightness of the white or light colored portions of the sign, the distance to the public right-of-way, and the nature of the surrounding areas), signs mounted on the roof of a building, off-premise signs, signs on a public right-of-way, signs overhanging a public sidewalk at a height of less than eight (8) feet or to within two (2) feet of the edge of the pavement of a public street, signs overhanging a public street at a height of less than sixteen (16) feet above, neon and bulb signs, banners, flags, and pennants, except as allowed herein, signs which unnecessarily block or interfere with existing signs.

**D. Existing signs.** All legal signs existing at the time of adoption of this Code may be maintained. Signs pertaining to a business which has not been in operation for at least ninety (90) days, shall be removed.

1. Existing signs which do not conform to Section 2.3.080 due to characteristics of the sign and the site, or due to the zoning designation of the site, may be altered if the alteration does not exceed 50% of the assessed value of the sign. The value of the alteration and the value of the sign shall be determined by the Zoning Administrator.
2. A new sign which is to replace an existing sign which does not conform to Section 2.3.080 due to characteristics of the sign or the site shall conform to Section 2.3.080. A new sign which is to replace an existing sign which does not conform to Section 2.3.080 due to zoning designation of the site, is allowed providing the new sign is more conforming with Section 2.3.080, that is, it is smaller, shorter, less bright, etc.
3. Signs of historic value as designated by the Historic Commission are not subject to the provisions of Section 2.3.080.

### **2.3.090 Swimming Pools**

Swimming pools shall be entirely enclosed with a fence a minimum of four (4) feet tall and with self-closing mechanisms on all gates.

### **2.3.100 Home Occupations**

#### **A. Purpose Statement**

The purpose of the Standard Conditions for Home Occupation is to allow an activity that is incidental to a dwelling's residential use and which involves the profit or non-profit exchange of goods or services, in addition to the applicable sections of the provisions of this code, the standards in Section 2.3.100(B) shall be applicable to any overlay zone, unless otherwise provided in those sections.

#### **B. Standard Conditions for Home Occupations:**

Where authorized by this Code, home occupations shall be permitted subject to the following restrictions:

1. Businesses may occupy not over twenty-five (25%) of the total floor area of the main floor of the dwelling which is used for the home occupation.
2. Businesses may alternatively occupy no more than 500 square feet of an accessory structure;

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## 2.3 – Special Use Standards

3. The home occupation shall be secondary to the main use of the dwelling as a residence.
4. No structural alterations shall be made, other than normally required for residential purposes;
5. Only inhabitants of the dwelling shall be engaged in the home occupation;
6. No window display or outside display shall be allowed, except as provided herein;
7. No material or equipment shall be used which will be detrimental to the dwelling, or to surrounding dwellings due to vibration, noise, dust, smoke, odor or interference with radio or television reception or other factors;
8. Deliveries to or from the residence shall average no more than two trips to and from per week;
9. No parking of customers' vehicles shall be allowed in a manner or frequency so as to cause disturbances or inconveniences to nearby residents or so as to necessitate the creation of off-street parking for other than residential purposes.
10. A sign no more than two (2) square feet is allowed as specified in Section 2.3.080.

### 2.3.110 Expanded Home Occupations

#### A. Purpose Statement

The purpose of the Standard Conditions for Expanded Home Occupation is to provide the Planning Commission with greater discretion when reviewing applications for home occupation businesses to allow for a wider range of opportunity for the public to establish home occupation businesses. These home occupation businesses must be incidental to a dwelling's residential use and must not result in a change to the established residential character of the neighborhood in which the dwelling is located. In addition to the applicable sections of the provisions of this code, the standards in Section 2.3.110 shall be applicable to any overlay zone, unless otherwise provided in those sections.

#### B. Standard Conditions for Expanded Home Occupations

Where authorized by this Code, home occupations may occur in residential zones as conditional uses subject the following restrictions:

1. Restrictions 3 and 4, 6 through 10 of Section 2.3.100(B);
2. The owner of residence shall acquire a conditional use permit for the home occupation;
3. Limits on space occupied by home occupations in the residence, and accessory structure, or screened storage area shall be determined by the Planning Commission as a condition of approval;
4. The owner of the residence shall submit a written statement that includes:
  - a. A description of the type of home occupation proposed;
  - b. An explanation of how the home occupation will be operated;



- c. A description of how the application is consistent with Section 2.3.110;
5. The home occupation shall be operated by a resident of the property on which the home occupation is located;
6. The home occupation shall be “operated substantially within” the residence or other buildings normally associated with uses permitted in the zone in which the property is located. “Operated substantially within” shall mean indoors except for accessory home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas otherwise permitted, or otherwise consistent with Section 2.3.070;
7. In addition to the residents, a home occupation shall employ or contract with no more than four (4) non-resident full time or part time persons;
8. Customers or clients, not including business or vehicle deliveries, shall not come to conduct business on the property where the home occupation is located;
9. Not more than one business vehicle associated with the home occupation shall be permitted to park on the subject property on which the home occupation occurs;
10. Not more than 1 commute vehicle per 2 on resident workers shall be permitted to park on the property;
11. Other than those permitted in the residential zone, no parking of non-motorized vehicles (e.g., trailers, flatbeds, etc.) used in conjunction with the home occupation shall be permitted on the subject property on which the home occupation occurs;
12. All business related parking shall occur on the subject property on which the home occupation occurs;
13. Use of buildings or structures for the home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by the most current Uniform Building Code;
14. The Planning Commission as part of the Conditional Use Permit Review shall determine the hours of operation of any home occupation approved as a conditional use permit;
15. No retail sales to customers on site permitted;
16. The use of the home occupation shall not be used as justification for a zone change;

### **2.3.120 Placement of Manufactured Homes**

The following standards shall apply to the permanent placement of manufactured homes.

1. The portion of the lot on which the manufactured home is to be located shall not exceed a slope of 10% prior to excavation or fill on the parcel.

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## 2.3 – Special Use Standards

2. The manufactured home shall be multi-sectional, and have a minimum enclosed floor area of 1,000 sq. ft.
3. The manufactured home shall have a roof pitch of a minimum of 14 degrees (3 feet in height for each 12 feet in width).
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local approval authority.
5. The manufactured home may have a carport or garage which shall be constructed of similar materials to those used on the exterior of the manufactured home.
6. The manufactured home shall be certified by the manufacturer to meet thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code.
7. The manufactured home shall be placed on firm undisturbed soil; or controlled fill (Administrative Rules, 918-500-005, Definitions, #2); the use of continuous ribbon footings is preferred; the base of the exterior wall of the unit shall not be more than 18 inches above finished grade; set-up shall comply with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918, as amended.
8. The understory of the manufactured home shall be enclosed at the perimeter with a continuous skirt made from materials that in design and color give the appearance that the skirt is an integral part of the exterior of the manufactured home.
9. Drains shall be provided around all concrete or masonry footings enclosing habitable or usable spaces located below grade. Drainage materials and systems shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system per applicable building standards.
10. Manufactured housing will be disallowed within the Historic Zone and on any lot immediately adjacent to the Historic Zone.

The manufactured home shall conform in all respects to any applicable city, county, state and/or federal regulations in force at the time of installation.

### **2.3.130 Tourist Related Industries in the M-2 General Industrial Zone**

The following standards shall apply to Recreational Vehicle Parks and other “tourist related industries” in the General Industrial Zone:

- I. Any such development on General Industrial land shall be consistent with the following:
  - a. On the General Industrial land known as the Old Mill Site south of Stearns Lane, any such development shall include a Class A Recreational Vehicle Park, as defined in Oregon Administrative Rules Chapter 918, Division 650, including the following elements:

- 1) Up to 290 spaces in the first phase.
  - 2) Paved streets and electric, water, and sewer service to each space.
  - 3) A level IV sewage treatment facility with a capacity of at least 45,000 gallons per day, with a City-approved engineering solution designed to facilitate the efficient and cost-effective connection of any developments in the Old Mill Site area to the City sewer system if necessary in the future. The approved engineering solution shall be designed as an integral part of the on-site sewage treatment facility. If construction has begun on the City’s anticipated new wastewater treatment facility prior to construction of any on-site sewage treatment facility at the Old Mill Site, no Level IV sewage treatment facility shall be permitted in the General Industrial lands south of Stearns Lane, and all such development shall instead be connected to the City sewer system according to City ordinances.
  - 4) A domestic water treatment, storage, and distribution system with a design and capacity adequate to supply safe drinking water and adequate fire flow to the RV park and other “tourist related industries” on the site at full build-out, with a City-approved engineering solution designed to facilitate the efficient and cost-effective connection of any developments in the Old Mill Site area to the City water system if necessary in the future. The approved engineering solution shall be designed as an integral part of the on-site domestic water system.
  - 5) An enclosed pavilion for RV park and community use, to be constructed on the existing concrete mill slab as part of any additional phase increasing the total number of RV spaces to 350 or more spaces.
  - 6) A picnic and recreational/athletic area totaling at least two acres adjacent to the pavilion site, including at least one acre to be available for use by public and nonprofit recreational agencies subject to reasonable regulations, fees, and insurance requirements.
  - 7) Prior to issuance of building permits for construction of the first phase, the applicant shall execute a memorandum of agreement providing for reasonable City access to the RV park’s private water storage and treatment facilities for emergency fire-flow and treatment at times and in manners consistent with normal operation of the park.
2. Occupancy of any recreational vehicle or similar temporary housing facility shall be strictly limited to 60 days, except as extended for up to 120 additional days by Temporary Use Permit or Temporary Housing Permit for construction worker housing.
  3. Any RV Park or other “tourist related industries” and facilities proposed for development on lands designated General Industrial inside the City of Oakland’s Urban Growth Boundary shall be subject to the following site plan review procedures, and compliance shall be required with the following landscaping and design standards. The City of Oakland hereby finds that compliance with the following site plan review procedures, and landscaping and design standards, is necessary to ensure that the development of General Industrial lands for “tourist industries and facilities” inside the Oakland Urban Growth Boundary is commensurate with the character and physical limitations of the land; that it promotes and protects the public health, safety and welfare of the community; that it enhances aesthetic values; that it assures development which is suitably related to its environment; that it prevents both

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extremes of monotonous uniformity and substantial dissimilarities; and, that it conforms with the adopted goals, objectives and policies of the Oakland Comprehensive Plan.

### **2.3.140 Site Plan Review Procedures for RV Park or Other “Tourist Related Industries” and Facilities Proposed for Development on Lands Designated General Industrial Inside the City of Oakland’s Urban Growth Boundary Procedures**

**A. Application.** A developer proposing to construct “tourist related industries and facilities” in the General Industrial Zone shall submit to the City Recorder a completed Application for Site Plan Review together with two sets of plans consisting of maps, drawings, written descriptions or other materials as necessary and appropriate for the City-designated Planner to determine that the proposed development will conform to the requirements of Oakland’s development ordinances and Comprehensive Plan. Decisions of the City-designated Planner may be appealed to the Planning Commission. If the Planning Commission is acting as the City-designated Planner, then its decisions may be appealed to the City Council. Where additional legal instruments for creating and documenting easements or dedications to the public are necessary, such instruments shall be submitted along with the site plan. The following information shall be shown on, or attached to, the site plan:

1. The name and address of the property owner, the name and address of the engineer or surveyor who prepared the plans, the scale to which the plan is drawn, a north arrow, and the date prepared;
2. The property boundary lines and individual lot lines indicating total acreage and square footage of individual lots;
3. A vicinity map showing adjacent land and, where appropriate, how proposed streets and utilities may be extended to connect to existing streets and utilities;
4. The location, width, and name of all existing streets, utility rights-of-way, or easements;
5. Where appropriate, the location of existing sewers, water mains, fire hydrants, culverts and other underground facilities within the tract, indicating pipe sizes, grades, manholes, and locations;
6. The location and use of existing and proposed buildings or structures and exterior dimensions where appropriate;
7. The location of landscaping, fences (indicating height and material), buffer areas, common property or required open spaces;
8. The location, size, type, and illumination of existing and proposed signs;
9. The location, size, and surface treatment of all existing and proposed driveways and pedestrian entrances and exits; the location, total number and dimensions of off-street parking spaces and loading areas; and the drainage plan for all paved surfaces;
10. The locations of areas subject to flooding as defined in Section 2.2.150 Special Flood Hazard Overlay Zone, the location of any outstanding natural features; and where appropriate, the topography of the

property, existing and proposed, showing the grades, elevations and character of the site as they relate to the improvements and to the adjacent area;

11. Where site topographic surveys are required, they shall be prepared with 2 foot contour intervals for average slopes of less than 5%, with 5 foot contour intervals for average slopes 5% to 15%, and with 10 foot contour intervals for average slopes of 15% and above;
12. When necessary to evaluate an application, architectural perspective, layout and elevation drawings of proposed structures shall be drawn without exaggeration, except where noted, including locations, area and design of signs and landscaping. The location and description of mechanical roof facilities shall also be shown if subject property is so oriented as to become part of the view from adjacent properties; and
13. If the application relates to property scheduled for phased development, the proposed layout of the total projected development shall be indicated and each phase's projected scope and time period indicated to the extent possible.

**B. Criteria and Standards for Site Plan Review.** The City-designated Planner shall evaluate all site plans for compliance with the following standards and criteria.

1. **Access, Parking, and Loading Generally.** With respect to vehicular and pedestrian ingress, egress and circulation, including walkways, interior drives and parking and loading areas, the location and number of access points for normal and emergency uses, general interior circulation, separation of pedestrian, bicycle and vehicular traffic and arrangement of parking, loading and service areas and driveways shall be reviewed for safety, convenience and mitigation of potential adverse impacts on neighboring properties, on the operation of public facilities, and on the traffic flows of adjacent and nearby streets, and shall also be reviewed for conformance other applicable standards.
2. **Associated Street Improvements.** It is recognized that some streets inside the Oakland Urban Growth Boundary do not conform to minimum City design standards as established by the Comprehensive Plan and implementing ordinances, or to the minimum standards of Douglas County (in cases where Douglas County has jurisdiction). It is further recognized that significant increases in traffic volume on such substandard streets could result in the inefficient and unsafe movement of traffic within and throughout the Oakland urban area, and could otherwise adversely affect the general health, safety, and welfare of the community. Furthermore, it is recognized that the improvement of such substandard streets to City or, where applicable, County standards is essential for the ultimate development of the Oakland urban area in a safe, orderly and efficient manner. Therefore, in cases where a City or County right-of-way abutting a development on General Industrial land does not meet minimum standards for that location, such as on Stearns Lane, a dedication of land shall be made to the City of Oakland, or Douglas County (as applicable) in the manner specified by the agency having jurisdiction over the right-of-way, and such required dedication shall be appropriately depicted on the site plan.
3. **Associated Sidewalk, Gutter, and Storm Sewer Improvements.** In cases where the City of Oakland deems it necessary for the efficient and safe movement of pedestrian or bicycle traffic, developers proposing to construct RV parks or "tourist related industries and facilities" on designated General Industrial lands shall enter into a proper agreement with the City Council of the City of Oakland, or shall provide a performance bond, for the construction of a curbs, gutters, and sidewalks built to City specifications along the abutting side of Stearns Avenue within the County right-of-way for

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## 2.3 – Special Use Standards

the entire length of the development, or for such distance as deemed appropriate by the City-designated Planner.

4. **Surface Water Drainage and Flood Damage Prevention.** Adequate provisions shall be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawl space and roof drainage, such that they are discharged off-site at a location and in such a manner that they do not damage off-site properties, do not violate other applicable laws and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owner(s).

If a development is or will be periodically subject to accumulation of surface water or is traversed by a water course, drainage way, channel, stream, or creek, the applicant may be required to dedicate to the public storm drain easements approved as adequate by the City of Oakland to provide for present and future drainage needs of the area, including access for maintenance. Storm drainage facilities shall conform to the standards established by the City of Oakland.

Sites which are partially or wholly within a designated Area of Special Flood Hazard (as indicated in official Flood Insurance Rate Maps for the Oakland Area), or are subject to the City's Flood Area/Open Space Zone, shall also comply with Special Flood Hazard Overlay Zone, Including standards outlined at Sections 2.2.150 and 3.5.040(B)(4).

5. **Underground Utilities.** All new RV parks and “tourist related industries and facilities” permitted into the General Industrial zone shall be served by underground utilities, including, but not limited to, electrical, telephone, cable television and street lighting lines. Under special circumstances and conditions, the City may vary the strict application of the requirements of this subsection upon finding that such strict application is impractical due to the location of existing overhead utilities unusual and special utility requirements of the development, or other conditions beyond the control of the developer. Whenever overhead utilities are utilized in a development, the City shall review the proposed location of such overhead utilities, and may require their arrangement and location in such a manner to better carry out the purposes of this Code.
6. **Lighting.** Adequate exterior lighting shall be provided to promote public safety, and shall be designed to avoid unnecessary glare upon other properties.
7. **Screening.** Exposed storage areas, utility buildings, machinery, garbage and refuse storage areas, service and truck loading areas, and other accessory uses and structures shall be adequately set back and screened. Screening may consist of fences, walls, berms and landscaping, or any combination thereof, which otherwise conform with the standards established by this Code. Screening or buffering of parking areas shall conform to the standards established in this Code.
8. **Compatibility.** Compatibility shall be ensured with the surroundings and the Comprehensive Plan's designation for uses on surrounding properties, particularly when the surrounding property is residential in character, as follows:
  - a. Odor, dust, smoke, fumes, noise, glare, heat and vibration from uses which might create a nuisance or be offensive to other uses in the area or be incompatible with such other uses, shall be adequately eliminated or controlled.

- b. Due consideration shall be given to the preservation of attractive and distinctive historical and natural features.
- c. Existing non-conforming uses shall not take precedence over a proposed development which enhances the aesthetics or value of the surrounding property.
- d. Signs shall be of a type and scale that are in harmony with the site and surrounding development.

**9. Riparian Habitat Protection.** Mature ground cover and trees, wildlife habitats, and the natural contours of identified significant stream banks shall be preserved as noted herein.

For a distance of 25 feet, measured from the top of the stream bank, there shall be a setback of structural and any other physical development such as parking lots, retaining walls, channel alterations, etc. from the bank of any perennial stream unless, after consultation with the Oregon Department of Fish and Wildlife, findings are made by the City that a proposed reduction in setback:

- a. Will not have a significant adverse impact on stream bank erosion, water temperature and quality, or wildlife; or
- b. Is required for flood control, and actions are taken to mitigate such impacts as much as possible; or
- c. Is not required for flood control and will include all actions as are necessary to prevent or sufficiently mitigate any significant stream bank erosion, adverse impact on water temperature and quality, or wildlife, and such mitigation measures are specified; and
- d. Is not in conflict with any adopted drainage ordinance or plans.

For the purposes of this Section, the top of the steam bank shall be as determined by the City Council acting with the advice of the Department of Fish and Wildlife.

**10. Water and Sewer Facilities.** All necessary permits and design approvals from DEQ, the Health Division, and any other applicable state or federal agencies shall be obtained by the applicant and copies provided to the Oakland City Recorder. The sizing and location of all infrastructure including water, sewer, streets, and storm drainage shall be reviewed and approved by the City Engineer or Public Works Director prior to construction, and a complete set of as-built drawings shall be provided to the City prior to occupancy. If construction has begun on the City’s anticipated new wastewater treatment facility prior to construction of any on-site sewage treatment facility at the Old Mill Site, no Level IV sewage treatment facility shall be permitted in the General Industrial lands south of Stearns Lane, and all such development shall instead be connected to the City sewer system according to City ordinances.

**11. Landscaping and Design Standards.** Site plan review shall also include an evaluation of the proposal’s compliance with applicable landscaping and design standards for RV parks and other “tourist related industries and facilities”. To facilitate this evaluation, a detailed landscape plan shall be provided for review by the City-designated Planner, either separately or as incorporated into the site plan. The landscape plan shall specify the type and planting size of all vegetation to be used in the development. Planted vegetation, which dies within the first year after completion of an RV park or other “tourist related industries and facilities” development, shall be replaced in accordance with the landscape plan.

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## 2.3 – Special Use Standards

**12. Additional Standards.** Additional specific standards shall be evaluated if specified as supplemental site review standards as necessary to fulfill concerns raised at the time the property was zoned or rezoned.

- C. Documentation of Approved Plans.** Approval of a site plan becomes effective on the date of action by the City. The City shall indicate approval of a site plan by signing and dating a signature block provided or stamped on the site plan. The signatures of both the reviewing City-designated Planner and the City Recorder are required. If the Planning Commission acts as City-designated Planner, then the signature of the Planning Commission Chairman shall be required. Any required conditions or modifications to the site plan shall be clearly drawn or otherwise indicated on the site plan or on referenced attachments. A new site plan may be required if the act of documenting the necessary modifications on the plan would render parts of the plan difficult to read or interpret. The City Recorder shall keep one copy of approved site plans for monitoring, verification, and archival purposes. The other copy shall be returned to the applicant.
- D. Limits of Approval.** If a building permit for a development for which site plan approval has been granted is not obtained within eighteen (18) months of said approval, unless an extension has been requested and granted by the City within that time period, said approval is deemed automatically revoked, and a new site plan and application must be submitted and approved prior to issuance of a building permit.
- E. Modifications After Site Plan Approval.** Except for interior structural modifications, changes in use that are in character with those associated with original approval and changes deemed minor by the City Council, all modifications subsequent to site plan approval must be reviewed and approved according to the requirements for original submittals.
- F. Compliance.** Once approved, the development of the site must conform to approved site plans and all conditions attached thereto. Any departure constitutes a violation of this Code.

### 2.3.150 Design and Landscaping Standards for RV Parks and other “Tourist Related Industries” on General Industrial lands

- A. Historical Design Features.** To promote the rural historic nature of Oakland, the construction of new buildings associated with RV parks or other “tourist related industries” developed in lands designated General Industrial in the Oakland Comprehensive Plan shall include design features which promote and complement the historic qualities of downtown Oakland. The use of rustic wood siding and aged-brick facades instead of stucco, vinyl, or metal (subject to building and fire code requirements) is an example of a complementary design feature, and one, which the City especially desires.
- B. Design Standards for RV parks.**
- 1. Minimum size.** Each parcel of land to be used for a recreational vehicle park shall be a minimum of five acres in size.
  - 2. Density.** There shall be a maximum average density of 15 recreational vehicle sites per gross acre of the entire proposed RV park development, including roads, driveways, parking areas, paths, open spaces, recreational areas, buffers, water features, and associated utilities, facilities, and services.
  - 3. Streets and parking.** Access to the RV Park shall be provided according to the following criteria:



- a. If the recreational vehicle park is not platted, the streets shall be developed to the following standards as a minimum:
  - 1) Width of streets. Streets in an un-platted recreational vehicle park shall be private and shall be at least of the following widths: A one-way streets shall be at least 12 feet in width, and a two-way streets shall be at least 24 feet in width.
  - 2) Street surfacing. Access roads entering a recreational vehicle park shall match the surface of the public road providing access to the park. The access road of a recreational vehicle park shall be paved for a distance of 100 feet into the park from all entrances and exits, and shall be at least 24 feet in width.
  - 3) Parking. Each recreational vehicle site or lot shall have off-street parking pads of gravel, paving, or other stabilized material. The remainder of each recreational vehicle site shall be well drained, grassed and landscaped so as to provide an attractive and well-screened private “yard” area for each site.

#### **4. Buffer strips/setbacks.**

- a. There shall be a suitably landscaped perimeter buffer strip/setback not less than 12 feet in depth between recreational vehicle sites and all public street rights-of-way abutting the recreational vehicle park, and a landscaped buffer/setback strip of not less than 12 feet in depth between recreational vehicle sites and all other boundaries of the park. Such buffers may include playfields, footpaths, sidewalks, or ponds.
- b. Within all buffer strips/setbacks, except along a waterfront, there shall be a plant or structural screen, which shall be semi-opaque and at least six feet high and shall extend the length of the buffer strip/setback, except for street openings. Newly planted screens shall meet the height and opaqueness requirements within 12 months of planting. The landscaped buffer strip/setback shall be separate from, streets, travel trailer sites and utility sites, but may be used for drainage purposes.
- c. Where a recreational vehicle park abuts a single-family zoning classification, the required vegetative buffer shall be 25 feet in depth. Such buffers may include playfields, footpaths, sidewalks, or ponds.
- d. A detailed landscape plan shall be provided which specifies the types and planting size of all vegetation to be used in the development. Planted vegetation, which dies within the first year after completion of an RV park or other “tourist related industries and facilities” development shall be replaced in accordance with the landscape plan.

#### **5. Recreational areas.**

- a. A minimum of ten percent of the total land area of a recreational vehicle park shall be devoted to one or more common use areas for recreational activity.
- b. Such recreational areas shall be exclusive of recreational vehicle sites, street right-of-way and storage areas; however, the periphery of such recreational areas may contain utility sites and other non-recreational service buildings, the area of which will be subtracted from the computed recreational area. Recreational areas shall be easily accessible to all RV park users and management.

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## 2.3 – Special Use Standards

Although the required space for recreational usage may be met through more than one recreational site, the minimum size of any such area shall be 20,000 square feet.

- c. Provisions for all common open space and the construction of recreational facilities, which are shown on the site plan, shall proceed at equivalent or greater rate as the construction of individual recreational vehicle sites.

### 6. Design requirements for recreational vehicle sites within the RV Park.

- a. Minimum site size. Each recreational vehicle site shall be no less than 110% of state standards for depth, width, and total area for the applicable type of RV site.
- b. Access. Each recreational vehicle site shall abut on at least one street within the boundaries of the recreational vehicle park, and access to the site shall be only from such an internal street.
- c. Setbacks.
  - 1) The front setback of the recreational vehicle, from the lot line in a platted park or from the street in an un-platted park, shall not be less than three feet.
  - 2) The side setback shall be ten feet from the adjacent RV space.
  - 3) The rear setback of the recreational vehicle shall not be less than three feet.
  - 4) Appurtenances and accessory structures. Temporary appurtenances, such as cabanas and awnings, may be erected on recreational vehicle site as long as such appurtenances do not violate the following setback requirements: Any appurtenance or accessory structure shall be located at least five feet from any side or rear site line and ten feet from any front site line.

### 7. Provision of services.

- a. Service building. All service buildings shall comply with the building code and regulations as adopted by the City of Oakland and the statutes and regulations of the State concerning buildings, electrical installations, and plumbing and sanitation systems.
- b. Water supply. An adequate supply of water shall be provided in accordance with all applicable State rules and the requirements of the county health department. A minimum of one potable water supply outlet shall be provided for each two recreational vehicle sites. Each recreational vehicle area and bathhouse/restroom facility shall have at least one approved drinking fountain in close proximity.
- c. Lighting.
  - 1) All entrances, exits, streets and service buildings shall be well lighted during the hours of darkness. Street lighting may be overhead or low-level, but must be shaded and reflected into the street and should be of low intensity.
  - 2) All recreational facilities, which are to be utilized during the hours of darkness, shall be adequately lighted to ensure the safety of all users of such facilities.
- d. Electricity. Electricity service shall be provided as follows, or as prescribed by State law or applicable building codes. Each recreational vehicle site shall be equipped with at least a 120-volt, 30-

ampere, three-wired grounded weatherproofed receptacle mounted on a three-foot-high post. Separate PVC type A conduit for each circuit shall be run to each site from a central circuit breaker panel. The conduit shall be buried at least 18 inches deep. The individual breakers in the panel shall be 30-ampere. The conductors and ground shall be type TW and sized so the load imposed on each conductor is 30 amperes or less. Maximum run shall be 100 feet for #10 wire, 200 feet for #8 wire and 300 feet for #6 wire. Rigid metal conduit shall be used where any service wire comes out of the ground to the receptacle (EMT not permitted).

- e. Insect and rodent control.
  - 1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.
  - 2) Extermination methods and other measures to control insects and rodents shall conform to the requirements and regulations of the county health department and applicable State rules.
  - 3) Adequate drainage systems shall be provided and maintained in such a manner as to prevent the breeding of mosquitoes and other objectionable insects in the park.
- f. Fire protection. The recreational vehicle park shall be subject to the rules and regulations of the Oakland Rural Fire District. Fires shall be made only in stoves, fireplaces and other equipment as permitted by the Fire District.
- g. Fuel supply and storage. All installations and tanks furnishing or storing any type of gaseous fuels to be used by the occupants of the recreational vehicle park shall comply with all applicable laws and ordinances.
- h. Storage. Outdoor storage of recreational vehicles is permitted, provided that such storage takes place within a well-screened area especially set aside for such use.
- i. Signs. Compliance with applicable sign restrictions and standards at Section 2.3.080 is required.
- j. Animal control. It shall be the responsibility of the park manager to ensure that no owner or person in charge of an animal shall permit the animal to run at large or to commit any nuisance within the limits of any recreational park.

### **8. Park operation.**

- a. Responsibilities of park management. The owner of a recreational vehicle park or the park management shall at all times maintain the park and its facilities in a clean, orderly and sanitary condition. The park management shall inform all park occupants of the provisions of this section and other related ordinances and statutes, and of their responsibilities hereunder.
- b. Length of occupancy. No established or new recreational vehicle unit as defined within these regulations shall be considered to be a permanent residence, and occupancy shall be limited to no more than 60 consecutive days.



## Article 3 - Community Design Standards

### Chapters:

- 3.1 Design Standards Administration
- 3.2 General Design Standards
- 3.3 Public Improvement
- 3.4 Parking and Loading
- 3.5 Site and Environmental Standards
- 3.6 Historic District Design Standards
- 3.7 Improvement Guarantee

### Chapter 3.1 - Design Standards Administration

#### Sections:

- 3.1.010 Purpose
- 3.1.020 Applicability
- 3.1.030 Principles of Acceptability

#### **3.1.010 Purpose**

The purpose of the standards contained in this Article are intended to protect the public health, safety and welfare and to preserve and enhance the historic character of the City as a whole, including its harmony of design, materials, pattern and pedestrian scale.

#### **3.1.020 Applicability**

The provisions Article 3 apply to permits and approvals granted under this Code, and other City actions, as summarized in Table 3.1.020.A.

#### **3.1.030 Principles of Acceptability**

A land division, whether by a subdivision or partitioning, shall conform to any site plans; shall take into consideration any preliminary plans, including the build-out concept plan, made in anticipation thereof; and shall conform to the design standards established by this Code.

### 3.1 – Design Standards Administration | Applicability

Table 3.1.020.A Applicability of Design Standards to Approvals and Permits							
Approvals*	3.2 General Design Standards	3.4 Public Facilities	3.5 Parking/ Loading	3.6 Site Development/ Building Sites	3.6 Neighborhood/ Natural	3.6 Flood	3.6 Historic District
Certificate of Plan Check	Review and determine whether proposal is consistent with land use regulations.						
Annexation	N	Y	N	N	N	N	N
Building/Placement Permit	The City reviews building plan proposals through a Type I Certificate of Plan Check						
Code Interpretation	Standards are subject to City interpretation under Chapter 1.4.						
Code Text Amendment	Chapters apply where amendment affects design standards.						
Comprehensive Plan Map Amendment	N	Y	N	N	N	Y	N
Conditional Use Permit	Y	Y	Y	Y	Y	Y	If applicable
Grading Permit	N	N	N	Y	Y	N	N
Home Occupation	N	N	Y	N	Y	N	N
Historic Design Review	N	N	N	N	N	N	Y
Modification to Approval or Condition of Approval	Individual chapters may apply, depending on the modification request.						
Non-Conforming Use or Structure/ Expansion of	Y	Y	Y	Y	Y	Y	If applicable
Partition or Re-plat ≤3 lots Preliminary Plat Final Plat	Y (if bldg exists)	Y	N	Y (Site Development)	Y	Y	N
Property Line Adjustments, including Lot Consolidations (See also, Chapter 4.3)	Y (if bldg exists)	Y	N	Y (Site Development)	Y	Y	N
Site Plan Review (See also, Chapter 4.2)	Y	Y	Y	Y	Y	Y	If applicable
Special Flood Hazard Development Permit	N	N	N	N	N	Y	N
Subdivision or Replat >3 lots Preliminary Plat Final Plat	Y (if bldg exists)	Y	Y	Y (Site Development)	Y	Y	N
Variance	Chapters apply where variance involves design standards						
Zoning District Map Change	N	N	N	N	N	N	N

\* The applicant may be required to comply with the design standards of other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

## Chapter 3.2 – General Design Standards

### A. Siting

1. All structures should generally face the street.
2. Preservation of open space is encouraged.
3. The visually predominant entrance should be pedestrian oriented and face the street where feasible.
4. The original topography and grade of building sites should be maintained where feasible.

### B. Structures

1. Multiple storied structures are encouraged to preserve open space and discourage sprawl.
2. Roof form, size shape and type should blend with nearby structures. Roofing material should have a class A or B fire rating.
3. Exterior materials should be compatible with adjacent structures and convey durability and permanence.
4. Building facades should in proportion, materials and volume be similar to nearby structures. Where possible and compatible, facades should be varied, articulated and vertical.
5. All exterior lighting should be appropriate in its location, intensity, manner of shielding, and its function.

### C. All single family dwellings, including manufactured homes, shall utilize at least three of the following design features:

1. dormers
2. recessed entries
3. cupolas
4. bay or bow windows
5. attached garage
6. window shutters
7. a roof with a pitch greater than nominal 3 1/2
8. off-sets on building face or roof (minimum 12")
9. gables
10. covered porch entry
11. pillars or posts
12. eaves (minimum 6")
13. tile, composition or shake roof
14. horizontal lap siding

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## 3.3 – Public Facilities

### Chapter 3.3 –Public Facilities

#### Sections:

- 3.3.010 Applicability
- 3.3.020 Improvement Procedures
- 3.3.030 Sewage Disposal
- 3.3.040 Water Supply
- 3.3.050 Surface Drainage and Storm Sewer System
- 3.3.060 Curbs and Gutters
- 3.3.070 Sidewalks and Street Lights
- 3.3.080 Streets
- 3.3.090 Blocks
- 3.3.100 Easements
- 3.3.110 Driveways and Vehicular Access
- 3.3.120 Pedestrian and Bicycle Access and Circulation
- 3.3.130 Restricted Area for Visibility
- 3.3.140 Other
- 3.3.150 Exceptions in Case of Large Scale Development

#### **3.3.010 Applicability**

The following requirements apply to all new construction or as specified otherwise. All improvements must conform to city ordinances and policies, specifications, or standards.

#### **3.3.020 Improvement Procedures.**

In addition to other requirements, improvements made by an applicant, either as a requirement of these regulations or at his or her own option, shall conform to the requirements of this Code and improvement standards and specifications adopted by the City, and shall be made in accordance with the following procedure.

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.
2. Improvement work shall not commence until after the City is notified. If work is discontinued for any reason, it shall not be resumed until after the City is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
4. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be located so street improvements will not be disturbed when service connections are made.
5. A map showing public improvements as built shall be filed with the City upon completion of the improvements.



6. Specifications for Improvements. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this Code based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

### **3.3.030 Sewage Disposal**

Sanitary sewers shall be installed to serve and connect the development to the existing City sewer system. Any new connections to the sewer or extensions of the sewer system shall conform to the design standards outlined in Chapter 3.3 and/or the specifications of the public works department.

1. Where possible, sewer lines shall be extended the full length of the parcel. In the event it is impractical to connect the subdivision to the City trunk system, the Planning Commission, after the Department of Environmental Quality has approved the proposed method of sewage disposal, may authorize the use of septic tanks, if lot areas are adequate, considering the physical characteristics of the area and whether sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. If required sewer facilities will directly serve property outside the development without further sewer construction, the following arrangements shall be made to equitably distribute the cost:
2. If the area outside the development to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project, with such arrangement with the applicant as is desirable to assure financing his or her share of the construction.
3. If the installation is not made as an assessment project, the City will reimburse the applicant an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development for a period of 10 years from the time of installation of the sewers. The actual amount shall be as determined by the Planning Commission at the time of approval of the plat, considering current construction costs.
4. All buildings within the city limits must connect to the city sewer system or have an approved sewage disposal system as specified in Ordinance No. 208 and any amendments thereto.
5. Any property within the urban growth area wishing to connect to the city sewer system must enter into a binding, transferable agreement to annex to the city upon completion of the development. If the property is inside the urban growth boundary but not contiguous to the city limits, such agreement shall state that the property shall be annexed when it is contiguous to the city,

### **3.3.040 Water Supply**

1. Water lines with valves and fire hydrants to serve subdivision and partitions and connect to existing City mains shall be designed and installed according to requirements of the water utility serving the area, applicable sections of this Code, including those in Chapter 3.3 Public Facilities, other specifications of the Oakland Public Works Department, the Oakland Rural Fire District, and the Uniform Fire Code. Where possible, water lines

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### 3.3 – Public Facilities

shall be extended the full length of the parcel, and shall be looped together to provide adequate flow and pressure.

2. Every building within the city limits and within 100 yards of an adequate public waterline that requires water for domestic or industrial purposes, or for fire protection shall be required to connect to such waterline. Buildings which require such a water supply and are over 100 yards from an adequate waterline may have an individual water system with the approval of the Planning Commission and the Oregon Health Division.
3. Any property within the urban growth area wishing to connect to the city water system must enter into a binding, transferable agreement to annex to the city upon completion of the development. If the property is inside the urban growth boundary but not contiguous to the city limits, such agreement shall state that the property shall be annexed when it is contiguous to the city.

#### **3.3.050 Surface Drainage and Storm Sewer System.**

All new construction or lot modifications affecting runoff shall be approved by the Public Works Department. Drainage facilities shall be provided within any new subdivision and connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of the drainage system within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Where underground storm sewers exist adjacent to the property, they shall be utilized and extended the full length of the development.

#### **3.3.060 Curbs and Gutters**

Except on minor local streets, curbs and gutters are required to be installed by the developer if any other lot on the same side of the street in the same block has curbs and gutters.

#### **3.3.070 Sidewalks and Street Trees**

1. Sidewalks and street trees shall be installed to City specification on one, both or neither sides of an improved public street within or connecting to a subdivision, and in any pedestrian way within the subdivision in accordance with the street standards set forth in Table 3.3.080.A., and Ordinance No. 267.
2. Sidewalks are required to be installed to city specification in the city right-of-way by the developer of any lot, In accordance with the standards set forth in Table 3.3.080.A this code.

#### **3.3.080 Streets**

Construction of new streets and improvement of existing streets shall conform to the design standards as defined in this Code, specified by the Public Works Department, and in accordance with the conditions specified in the following subsections.

**A. General.**

1. Construction of new public streets, including alleys, within the subdivision, public streets adjacent to but only partially within the subdivision, and existing streets shall be improved in conformance with the design standards set forth in Section 3.3.080 and Table 3.3.080.A
2. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines.
3. The location, width, and grade of new streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where a proposed street location is not shown in a tentative subdivision or partition plan, the streets shall either:
  - a. Be interconnected and provide for the continuation or appropriate extension to surrounding properties. Dead-end streets shall be allowed only when the applicant documents that one or more of the following conditions exist:
    - 1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, and wetlands or other bodies of water where a connection could not reasonably be provided;
    - 2) Legally constructed buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment; or
    - 3) Streets would violate provisions of legally enforceable, recorded leases, easements, covenants, restrictions, or other agreements that preclude a required street connection. Where dead-end streets are permitted, multi-use paths connecting the end of the dead-end street to other streets or neighborhood destinations shall be provided, if feasible.
  - b. Conform to a master street plan for the City or neighborhood approved or adopted by the Planning Commission to address topographical or other conditions that make continuance or conformance to existing streets impractical.

**B. Minimum right-of-way and roadway width.** Street right-of-way and roadway widths shall not be less than the minimum width in feet shown in Table 3.3.080.A. Sidewalks, planting strips, street trees, and bike paths, when required as set forth in this Code, shall not be less than the minimum width in feet shown in Table 3.3.080.A.

**C.** Any development which will front on or gain access from a dedicated unimproved street shall improve the street to city standards from the nearest improved street up to and through the frontage of the lot.

**D.** Any development which will front on or gain access from a dedicated gravel or other unimproved street which is used for residential access or as an automobile route shall require the owner to sign an agreement which must be transferred with ownership of the property, specifying that the owner will not remonstrate against any improvements proposed under any improvement act or proceeding of the State of Oregon,

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### 3.3 – Public Facilities

Douglas County, or the City of Oakland, but does not waive the right to protest the amount or manner of apportioning the assessment thereof. This agreement shall be recorded with the Douglas County Clerk.

- E. Reserve strips.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare, including preserving the objectives of street extensions or half streets, and in these cases they may be required. The ownership of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
- F. Alignment.** As far as is practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet.
- G. Future extensions of streets.** Where identified in adopted transportation plans, or where necessary to give access to or permit a future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

**Table 3.3.080.A. Street Design Standards**

Type of Street	Pavement Width	Travel Lane	On-Street Parking <sup>1</sup>	Minimum R.O.W <sup>2</sup>	Sidewalk Width	Bike Lane <sup>4</sup>
Arterial	40-44'	2 10-12' Wide	1 Side	60'	5' min. both sides <sup>3</sup>	2 Sides
Major Collector	40-44'	2 10-12' Wide	1 Side	60'	5' min. both sides <sup>3</sup>	2 Sides
Minor Collector	36-40'	2 10-12' Wide	2 sides	56-60'	5' min. both sides <sup>3</sup>	Sharrow as needed
Major Local Street	36'	2- 10' Wide	2 sides	56-60'	5' min. both sides <sup>3</sup>	Sharrow as needed
Turn-Arounds for Dead-End Streets in Residential Zones Only	47' Radius	40' Radius				
Turn-Arounds for Dead-End Streets in Commercial Zones Only	50' Radius	42' Radius				
*Infill Local Street <sup>6</sup> – Up to 25 Dwellings*	22'	1-15' Wide (Queuing)	1 side	35'	5' min. both sides <sup>4,5</sup>	
Minor Local Street	28'	2-10' Wide	1 side	43'	5' planter strip 1 side, 10+' gravel area side	
Access Lane <sup>6</sup> – Up to 12 Dwellings	20'	1-13' Wide (Queuing)	1 side	35' (w/landscaping & Pub. access easement)	5' min. on one side <sup>4,5</sup>	
Private Drive <sup>6</sup> – Up to 6 Dwellings	13'	1-13' Wide (Queuing) <sup>7</sup>	No	21' (w/public access easement)	None	
Alleys	12-16'	12' Wide residential, 16' Wide commercial. Both w/2' unpaved strip on sides	No	16-20'	None	

1 – On-street parking width is currently 7 feet, proposed to be 8 feet.

2 – When sidewalks and planting strips are not required, minimum R.O.W. can be reduced by those dimensions.

3 – In areas zoned commercial or mixed use, wider sidewalks with tree wells (4 ft. by 4ft.) and street trees may be required at the Planning Commission's discretion if deemed compatible with existing development. Additionally, planting strips and street trees may not be required if deemed incompatible with existing development.

4 – Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 25 mph) streets.

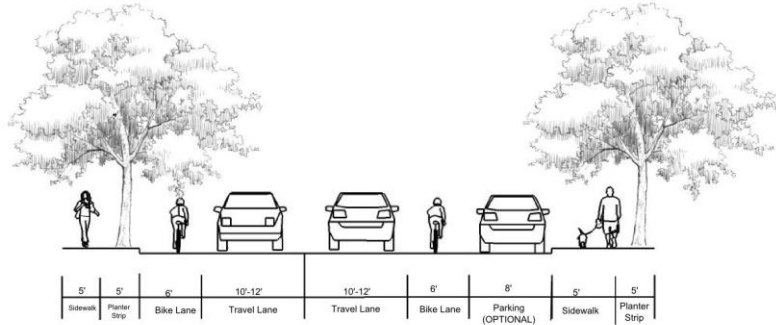
5 - ADT – Average Daily Traffic.

6 – Two outlets required, 7 – Shared with pedestrians.

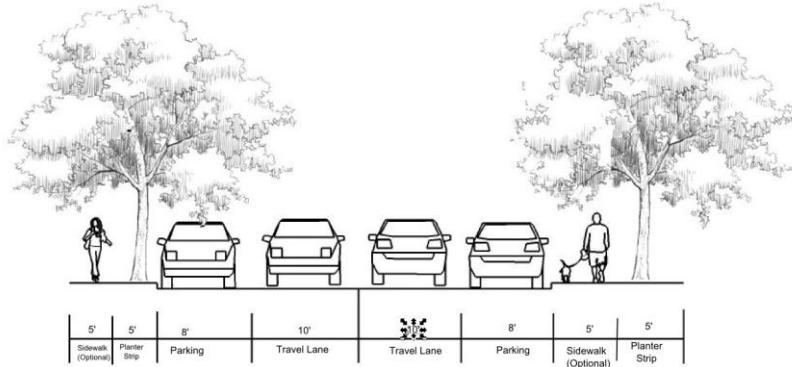
### 3.3 – Public Facilities

Figure 1 of Table 3.3.080.A: Street Functional Class Street Section Diagrams

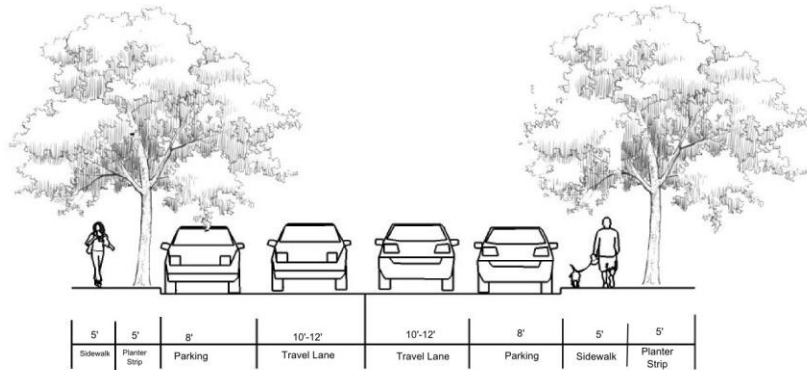
#### Arterial / Major Collector



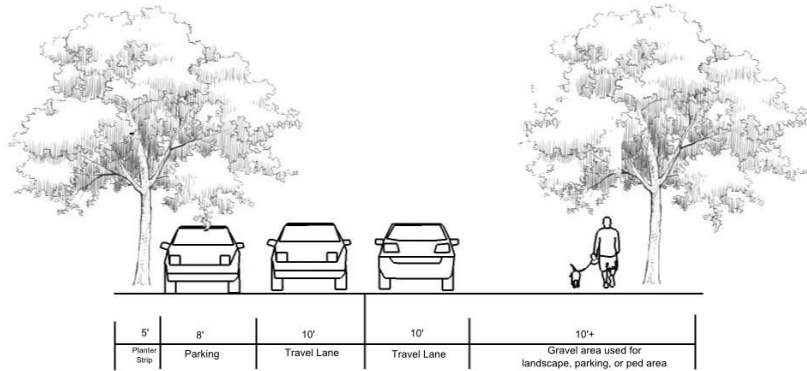
#### Minor Collector



#### Major Local



#### Minor Local



- H. Intersection angles.** Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle; but in no case shall the acute angle be less than 80 degrees, unless there is a special intersection design. An arterial or major collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection, unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, unless topography requires a lesser distance. Intersections that contain an acute angle of less than 80 degrees or include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.
- I. Existing streets.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division, in accordance with the street standards set forth in Table 3.3.080.A of this code.
- J. Half street.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- K. Dead-end street.** A dead-end street shall have a maximum length of 400 feet, not including the turnaround, and serve building sites for not more than 18 dwelling units. A dead-end street shall terminate with a turnaround. Use of turn-around configurations other than circular shall be approved by the City Engineer.
- L. Street names.** Except for extensions of existing streets, no street name shall be used that will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- M. Grades and curves.** Grades shall not exceed 6 percent on arterials, 10 percent on major collector streets, and 12 percent on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, and 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 percent.
- N. Streets adjacent to railroad right-of-way.** Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- O. Marginal access streets.** Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with the suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary to afford separation of through and local traffic from residential properties.

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## 3.3 – Public Facilities

- P. Alleys.** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission, and shall be developed in conformance with the design standards set forth in Section 3.3.080 and Table 3.3.080.A. The corners of alley intersections shall have a radius of not less than 12 feet. Alleys developed in conformance with the design standards set forth in Section 3.3.080 and Table 3.3.080.A shall be allowed in residential zones.
- Q. Street name signs.** Street name signs shall be installed at all street intersections.
- R. Street lights.** Street lights shall be installed and shall be served from an underground source.

### 3.3.090 Blocks

- A. General.** The length, width, and shape of blocks shall take into account the need for adequate building site size and street width, shall consider needs for safe and convenient pedestrian and vehicular access and circulation, and shall recognize the limitations and opportunities of the topography.
- B. Size.** No block, except on arterial or major collector streets, shall be more than 400 feet in length between street corner lines, and no block perimeter formed by the intersection of pedestrian ways and local, collector, and arterial streets shall be more than 1,600 feet in length, with the following exceptions:
1. Where topography and/or other natural conditions, such as wetlands or stream corridors, preclude a local street connection consistent with the stated block length standards. Where such conditions exist, a pedestrian way shall be required in lieu of a public street connection if the pedestrian way is necessary to provide safe, direct, and convenient circulation and access to nearby destinations, such as schools, parks, and stores, etc.
  2. The recommended minimum block length along an arterial street is 1,400 feet. A block shall have sufficient width to provide building frontages and appropriate development on each side, unless topography or the location of adjoining streets justifies an exception.

### 3.3.100 Easements.

- A. Utility lines.** Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to 6 feet in width.
- B. Watercourses.** If a tract is traversed by a watercourse, such as a drainage way, channel, or stream, a storm water easement or drainage right-of-way conforming substantially to the lines of the watercourse, and such further width as will be adequate for the purpose, shall be provided. Streets or parkways parallel to the major watercourses may be required.



**3.3.110 Driveways and Vehicular Access**

Every building hereafter erected or moved shall be located on a lot having frontage on a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. In the case of existing lots, frontage may be substituted by a private street or easement of record at least 21 feet in width, and approved in accordance with the provisions of this Code.

- A. Access.** Except as set forth above, each lot and parcel shall have access to a public street for a width of at least 21 feet. Access may be provided by directly abutting a public street or by way of a private street or easement of record approved in accordance with the provisions of this Code.
- B. Through lots and parcels.** Through lots and parcels are not permitted, except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of lots or parcels abutting such a traffic artery or other incompatible use.
- C. For new driveways:** Generally, driveway access shall minimize interruption of traffic flow and conflicting turning movement on streets. Driveways may not be provided from arterial streets unless alternative access is found to be impractical. Alternative access includes use of local streets, and joint use of driveways where use of existing driveways is reserved by deeded easement.

  - 1. In determining the number, width and location of driveways, the following shall be examined:

    - a. Whether the street is arterial, collector or local.
    - b. Amount and type of traffic generated by the use to which a driveway is providing access.
    - c. Existence of alternative access.
    - d. Whether the driveway will be for one-way or two-way traffic.
    - e. Any impediments to smooth traffic flow or the potential to create conflicting traffic flows.
  - 2. Minimum distance between flares of adjacent driveways shall be ten (10) feet, except where existing conditions dictate otherwise.
  - 3. Minimum driveway width, not including flare, for uses other than single family dwellings and duplexes shall be:

    - a. One-way traffic - 12 feet.
    - b. Two-way traffic - 24 feet.
  - 4. Maximum driveway width shall be forty (40) feet.
  - 5. If more than one driveway is desired for a single lot frontage on a local street, two such driveways may be permitted, provided not less than twenty two (22) feet separates the adjacent driveway flares.
  - 6. Where practical, driveways under separate ownership should be separated by at least 22 feet between adjacent driveway flares.
  - 7. All driveways shall be designed and constructed in accordance with city specifications.

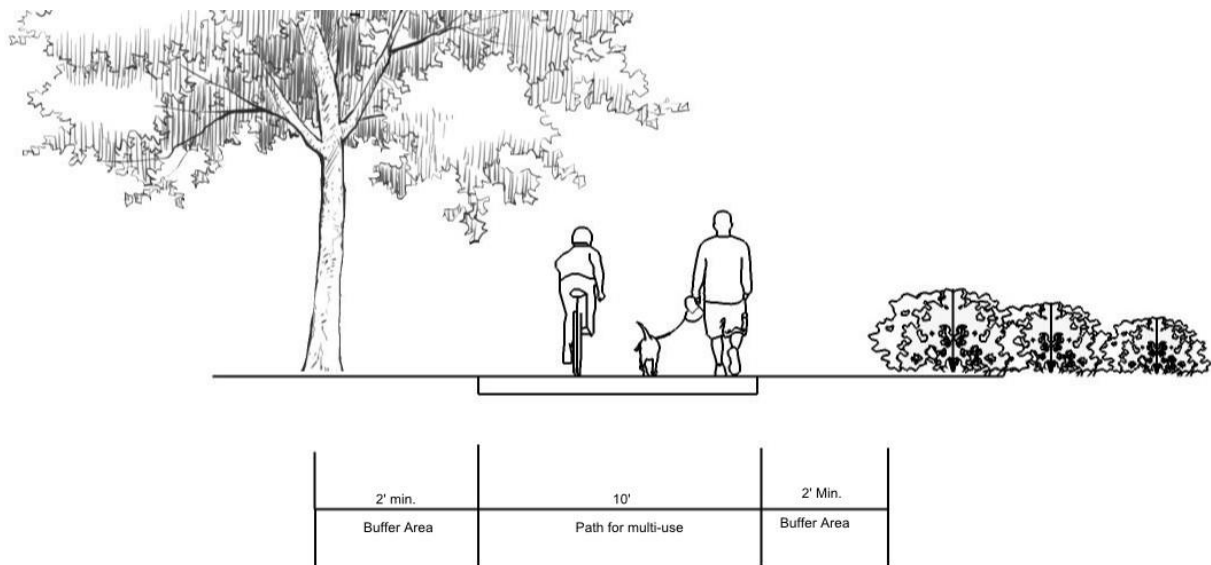
## 3.3 – Public Facilities

### 3.3.120 Pedestrian and Bicycle Access and Circulation

All developments, except single family detached housing (on individual lots) shall conform to all of the following standards for pedestrian access and circulation:

- A. Pedestrian and bicycle ways.** When desirable for safe, direct, and convenient circulation and access, a pedestrian or bicycle way shall be required to connect to a dead-end street or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation. Pedestrian ways, which accommodate both pedestrians and bicyclists, shall have a pavement width of 6 to 10 feet, with a 2- to 4-foot graveled or planted strip on each side.
- B. Bicycle routes, lanes and sharrows.** Separate bicycle lanes and sharrows within streets and separate pedestrian/bicycle ways. Shall be installed and improved in conformance with the street standards set forth in Section 3.3.080 and Table 3.3.080.A
- C. Multi-Use Pathways.** Multi-use pathways, where approved, shall be 8-10 feet wide and constructed consistent with Figure 3.3.120.A. The diagram below establishes the extent and nature of the improvements that shall be provided for a bicycle and pedestrian (multi-use) pathway not associated with a street. The Planning Commission may approve exceptions to the standards outlined at Figure 3.3.120.A, only in instances where application of the standard, given physical constraints, would prohibit necessary connectivity within a Multi-Use Pathway system.

**Figure 3.3.120.A: Bicycle/Pedestrian Pathway Design Standard**



- D. Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
- E. Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and

convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on all of the following criteria:

1. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel;
2. The walkway network connects to all primary building entrances and, where required, Americans with Disabilities Act requirements.

**F. Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection D below, where a walkway abuts a driveway or street it shall be raised and curbed along the edge of the driveway/street. Alternatively, the Planning Commission may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

**G. Crosswalks.** Where a walkway crosses a parking area or drive aisle, it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

**H. Walkway Width and Surface.** Walkways, including access ways required for subdivisions pursuant with Chapter 4.5, shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, and not less than 4-6 feet wide.

**I. Walkway Construction.** Walkway surfaces may be concrete, asphalt, brick/masonry pavers, or other city-approved durable surface meeting Americans with Disabilities Act requirements. Walkways shall be not less than 4 feet in width. The Planning Commission or City Council may also require 6-foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than 4 feet.

### 3.3.130 Restricted Area for Visibility

Except in the historic zone, all corner lots shall have a restricted area for visibility preservation - the triangular area defined by connecting the points at the intersection of two street rights-of-way with the points twenty five (25) feet from that intersection along the street rights-of way of both streets. In such area, nothing shall be erected, placed, planted, or allowed to grow between four (4) feet and ten (10) feet above grade at the property lines so as to significantly restrict motorists' vision.

### 3.3.140 Other

The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground.

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## 3.3 – Public Facilities

### **3.3.150 Exceptions in Case of Large-Scale Development.**

The Planning Commission may modify the standards and requirements of this Chapter if a subdivision plat includes a planned unit development, a large-scale shopping center, or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety, and welfare, and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

## Chapter 3.4 - Parking and Loading

**3.4.010 Parking and Loading**

- I. Except as otherwise required for American with Disabilities Act compliance under Section 3.4.010(8), the off-street parking standards outlined in Table 3.4.10.A shall apply to all new buildings, or existing buildings modified where the value of the modification exceeds 50% of the value of the structure in any one year period. The value of the modification shall be determined by the building official based upon the Uniform Building Code. The value of the existing structure shall be the most recent assessed value for the building as set by the Douglas County Tax Assessor. All parking must conform to city parking design standards as to size, aisle width, materials and landscaping. The amount of parking required for any use not specified shall be determined by the Planning Commission based on comparable uses. The requirements do not apply to modification of commercial or public buildings in the historic district.

**Table 3.4.10.A: Off-Street Parking Requirements by Use**

Use	No. of Parking Spaces Required
Single Family Dwelling	2 spaces
Mobile Home	2 spaces per unit.
Duplex	2 spaces per unit.
Multiple Family Dwelling	1 1/2 spaces per unit for studio or 1 bedroom; 2 spaces per unit for 2 or more bedrooms.
Residential Facility	1 space per employee, including owner(s), on the largest shift plus resident and visitor parking as determined by the Planning Commission based on anticipated demand. (ORD. 405)
Retail, General Office, and Service Establishment	1 space per 125 sq. ft. of patron service area.
Food Stores	1 space per 100 sq. ft. of patron service area plus 1 space per employee.
Restaurants including Take Outs, Bars	1 space per 100 sq. ft. of gross floor
Furniture, Large Appliance Sales	1 space per 500 sq. ft. of building area.
Automotive Repair	4 spaces per employee on the largest shift
Outside Sales, Wholesale and Retail Storage	1 space per employee on the largest shift, plus one space for every company owned vehicle, plus one space for every 2,000 sq. ft. of storage or sales area up to 10,000 sq. ft. and 1 space for every 5,000 sq. ft. thereafter for customer use, but in no case shall there be less than 5 spaces total.
Medical and dental offices and clinics	One (1) space per 150 square feet of gross floor area.
Bed and Breakfast Homestay	1 off-street parking space per room and 2 for the owner. The front yard shall not be used for required parking.(ORD. 438)
Hotels and motels	1 1/4 spaces per unit, with a minimum of 5 spaces total.
Community centers	One (1) space per 250 square feet of gross floor area or one (1) space per four (4) patrons for the maximum capacity, whichever is greater.

### 3.4 – Parking and Loading

Indoor arenas and theaters	One (1) space per four seats or eight feet of bench length for spectators, whichever is greater.
Bowling alley	Five (5) spaces per lane plus one (1) space per employee on the largest shift.
Dance halls and skating rinks	One (1) space per 300 square feet of gross floor area.
Golf driving range	One (1) space per tee plus one (1) space per employee on the largest shift.
Amusement park	One (1) space per 1000 square feet of patron area.
Library	One (1) space per 400 square feet of reading room plus one (1) space for each two employees.
Church	One (1) space per four seats or eight feet of bench length in the main auditorium or sanctuary, whichever is greater.
Day care facility or nursery school	One (1) space per teacher/employee on the largest shift plus one (1) off street loading space per six students.

All parking areas shall conform to the off-street parking standards which follow.

2. Artificial lighting which may be provided shall be deflected so as to not shine into adjacent dwellings and so as not to create a hazard to the traveling public on any road.
3. Bed and Breakfast, commercial, or industrial parking areas shall be screened from adjacent residential uses, and from adjacent residential zones by means of sight obscuring screens or fences.
  - a. Sight obscuring screening shall be not less than five feet nor more than seven feet in height except that screening within 10 feet of a street shall be not more than 4 feet in height.
  - b. Required screening shall be at least eighty percent opaque when viewed from between 2 and 10 feet above average grade.
4. Exemption From Parking Space Requirements. For the purpose of this Code, the City of Oakland shall have a “Downtown Core Area” defined on the official zoning map in which all commercial uses, except those with above-ground residential units, shall be exempt from the off-street parking requirements of Section 3.4.010. The “Downtown Core Area” shall be bounded on the west by Railroad right-of-way, on the north by Ash Creek, on the east by 3rd Street, and on the south by Walnut Street.
5. Off Street Parking Design Standards.
  - a. All parking spaces and appurtenant aisles, drives, aprons, etc., shall be all weather surfaced, and provided with adequate drainage. All parking for new commercial construction shall be paved. When four or more parking spaces are required, such spaces shall be striped, shall be connected to aisles, drives or aprons, etc., in such a manner as to permit and encourage automobiles to enter and exit the site driving in a forward direction and spaces requiring backing into the roadway will not be permitted. Parking spaces shall not be permitted in any required street setback area.
  - b. Parking spaces shall be no less than 9 feet wide and shall be 10 feet wide if adjacent to a fence, wall or property line.
  - c. All parking areas, except residential parking for four spaces or less, shall provide for the turning and

maneuvering of the required number of vehicles on the lot.

- d. When four or more parking spaces are required, regardless of other landscaping requirements, the parking area shall include not less than 5% of its area in associated landscaping.
    - 1) The landscaping shall include at least one five gallon tree for every 10 parking spaces. The remainder of the landscaping may be composed of other plant and landscaping materials, provided rock or other non-planted landscaping material is only used in conjunction with adequate planted materials.
    - 2) All landscaped areas are to be maintained and kept free of trash and debris.
    - 3) Screen plantings shall be of such size as to provide the required degree of screening within 12 months after installation.
    - 4) Required landscaping, screening and fences shall be continuously maintained.
    - 5) All areas used for parking, loading and maneuvering of vehicles shall be physically separated from public streets or adjoining property by landscaped yards, bumper rails or other effective and suitable barriers against un-channeled motor vehicle access or egress.
  - e. Sufficient off-street loading facilities shall be provided at the time of construction or structural alteration of any business, so as to avoid use of any public right-of-way for loading or unloading purposes.
6. Parking, Storage or Use of Recreational Equipment. For purposes of these regulations, recreational equipment is defined as including boats and boat trailers, travel trailers, tent trailers, motor homes, and specialty trailers for recreational equipment.
- a. No recreational vehicle may be used as a place of habitation on public or private property except for temporary purposes only, not to exceed five days, unless a Temporary Use Permit has been issued in accordance with this Code or when the recreational vehicle is located within a park legally established for such purposes.
  - b. No recreational equipment shall be parked on any city street for a period exceeding 24 hours including loading or unloading.
  - c. Automotive vehicles or trailers requiring a license plate but without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
7. Bicycle Parking. Bicycle parking spaces shall be provided with new development and where a change of use occurs, at a minimum, based on the standards in Table 3.4.010.B. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, the Planning Commission may require bicycle parking spaces in addition to those in Table 3.4.010.B.

### 3.4 – Parking and Loading

<b>Table 3.4.010.B Minimum Required Bicycle Parking Spaces</b>	
<b>Use</b>	<b>Minimum Number of Spaces</b>
<b>Multifamily Residential</b> (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
<b>Commercial</b>	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater
<b>Industrial</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
<b>Community Service</b>	2 bike spaces
<b>Parks</b> (active recreation areas only)	4 bike spaces
<b>Schools</b> (all types)	2 bike spaces per classroom
<b>Institutional Uses and Places of Worship</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
<b>Other Uses</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

- a. Design. Bicycle parking shall consist of staple-design steel racks, or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. Bicycle parking required within the Historic District is subject to Historic Design Review under 4.2.020 and Chapter 3.6.
  - b. Exemptions. This Section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The Planning Commission may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.
  - c. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the visibility standards of Section 3.3.140.
8. Americans with Disabilities Act: Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.



## Chapter 3.5 – Site and Environmental Standards

### Sections

- 3.5.010 Site Development
- 3.5.020 Building Sites
- 3.5.030 Neighborhood and Natural Features Protection
- 3.5.040 Flood Hazard Reduction

### **3.5.010 Site Development**

1. A Grading Permit shall be issued by the Zoning Administrator upon approval of the Planning Commission if:
  - a. More than 100 cubic yards of material is to be moved, added, or removed.
  - b. Material is to be excavated more than 3 feet in depth below existing grade.
  - c. Material is to be filled more than 3 feet in height above existing grade.
2. Any permit for grading involving areas of steep slope, special flood hazard or fill, must be approved by the Planning Commission, and a permit issued by the Zoning Administrator. Such approval by the Planning Commission may require at the discretion of the Planning Commission a site plan, grading, and/or drainage plan prepared and certified by an appropriate, licensed professional.
3. Grading of all land shall conform to the following standards, unless physical conditions require the use of other standards.
  - a. Cut slopes shall not exceed one and one half feet horizontally to one foot vertically.
  - b. Fill slopes shall not exceed two feet horizontally to one foot vertically.
  - c. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
4. Development on slopes in excess of twenty five percent (25%) shall be subject to the requirements of the steep slope overlay permitted, only after a licensed civil or engineer, qualified in geotechnical engineering or an engineering geologist certifies that the activity will not create a hazardous condition.
5. In order to preserve the natural amenities of the city, land clearing and grading should, as much as feasible, retain existing trees. Existing trees over six (6) inches in diameter measured four (4) feet above ground level may only be removed when: (a) inside or within four (4) feet of any proposed exterior wall; (b) in an area needed for parking or access and such parking or access cannot be easily located elsewhere; (c) diseased or weakened in such a manner as to cause imminent danger to persons or property; (d) adjacent to other trees which will benefit from its removal; or, (e) a threat to existing or proposed facilities. Where existing trees are allowed to be removed, revegetation may be required as a condition of approval.
6. Vegetation on stream banks within 25 feet of the center line of perennial streams, or within 50 feet of Calapooya Creek, shall not be removed unless the Planning Commission finds that such removal will not have a significant adverse effect on stream bank erosion, water quality standards or wildlife habitat. If

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## 3.5 – Site and Environmental Standards

approved by the Planning Commission, such removal shall comply with all standards for activity in riparian zones established by other applicable permitting agencies.

7. Plans for development in natural drainage channels as shown on map 3 of the comprehensive plan inventory maps, shall not be allowed unless approved and signed by a licensed civil engineer, qualified in geotechnical engineering, or an engineering geologist, who shall certify that the structure is stable and that it will not adversely affect drainage on downstream or upstream properties.
8. Plans for development in areas with unstable soil as noted in the comprehensive plan shall be approved and signed by a licensed civil engineer, qualified in geotechnical engineering, or an engineering geologist to ensure the soil is adequate to support the proposed use.
9. Any development within the city right of way would require approval by the public works department.
10. Any construction activity which disturbs one acre or more must be covered by a National Pollutant Discharge Elimination System (NPDES) 1200C Construction Stormwater Permit. 1200C Permits must be obtained through Oregon Department of Environmental Quality.

### 3.5.020 Building Sites

- A. Size and shape.** The size, width, shape, and orientation of building sites on individual lots and parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions and yard setbacks of the zoning district, with the following exceptions:
1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
  2. Where property is zoned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- B. Lot and parcel side lines.** The side property lines of lots and parcels, so far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
- C. Building Lines.** If special building setback lines are to be established in a subdivision, they shall be submitted as supplemental information with the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions.
- D. Large Building Sites.** In dividing tracts into large lots or parcels that at some future time could be re-divided, the Planning Commission shall require that the blocks be of such size and shape, be so divided into building sites, and contain such site restrictions as will provide for extension and opening of streets at intervals that will permit a subsequent division of any tract into lots or parcels of smaller size.

**E. Land for Public Purposes.** If the City has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

### 3.5.030 Neighborhood and Natural Features Protection

1. Any use with potential air quality impacts shall be referred to the State of Oregon Department of Environmental Quality for a determination as to compliance with state and federal air quality standards.
2. Any use with potential water quality impacts shall be referred to the State of Oregon Department of Environmental Quality for a determination as to compliance with state and federal water quality standards.
3. Any use with potential impacts to water supply shall be referred to the State of Oregon Department of Environmental Quality and to the State of Oregon Water Resources Department for a determination as to compliance with state and federal standards.
4. Any use with potential noise impacts shall be referred to the State of Oregon department of Environmental Quality for a determination as to compliance with state and federal noise standards.
5. No use may create a nuisance due to noise, light or glare.
6. All uses should be reviewed for fire and health hazards.
7. No fence, wall, or hedge shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous material or devices except where livestock is to be contained or wild life to be excluded by barbed or electrically charge wire, in which case the fence shall be located no closer than five (5) feet to the property line. Where an adjacent existing fence, wall, or hedge on a property line dividing properties under separate ownership establishes a barrier, then barbed wire fences may be placed on the property line with the mutual written consent of the property owners. Fences enclosing storage areas in industrial zones may use barbed or other security wire so long as such wire is located not less than six (6) feet above grade.
8. Oregon's Removal-Fill Law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a permit from the Department of State Lands. "Waters of the State" include wetlands, artificial ponds and ditches, artificial wetlands and perennial and intermittent streams. Removal means taking rock, gravel, sand, silt and other inorganic substances from the bed or banks of a waterway, or their movement by artificial means within the bed or banks, including channel relocation. Fill means the deposit by artificial means of any material (organic or inorganic) at any one location in the bed or banks. For most waters, a permit is required if a project will involve 50 cubic yards of fill and/or removal (cumulative) within the jurisdictional boundary. For activities in Essential Salmon Habitat streams a permit is required for any amount of removal or fill. Removal is calculated on an annual basis. Fill is calculated on a cumulative basis.

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## 3.5 – Site and Environmental Standards

### 3.5.040 Flood Hazard Reduction

All construction in the Special Flood Hazard Overlay Zone must comply with standards outlined in this section and the provisions of the Special Flood Hazards Overlay Zone at Section 2.2.150, any amendments thereto, and any ordinance adopted pursuant to the National Flood Insurance Program.

#### A. General Standards

In all areas of special flood hazards, the following standards are required:

1. Anchoring
  - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
2. Construction Materials and Methods
  - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities
  - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
4. Subdivision Proposals
  - a. All subdivision proposals shall be consistent with the need to minimize flood damage;

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

### 5. Review of Building Permits (connect to building site)

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 2.2.150 (K)(2), local sign-off on applications for building permits shall assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

### 6. AH Zone Drainage

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

## **B. Specific Standards**

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 2.2.150(D), Basis for Establishing the Areas of Special Flood Hazard or Section 2.2.150(K)(2), Use of Other Base Flood Data (In A and V Zones), the following provisions are required:

### I. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - 1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - 2) The bottom of all openings shall be no higher than one foot above grade.
  - 3) Openings may be equipped with screens, louvers, or other coverings or devices provided that

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## 3.5 – Site and Environmental Standards

they permit the automatic entry and exit of floodwaters.

### 2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 2.2.150(K)(3)(b);
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 3.5.040(B)(1)(b);
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

### 3. Manufactured Homes

- a. All manufactured homes to be placed or substantially improved on sites:
  - 1) Outside of a manufactured home park or subdivision,
  - 2) In a new manufactured home park or subdivision,
  - 3) In an expansion to an existing manufactured home park or subdivision, or
  - 4) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 cm) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones AI-30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions be elevated so that either:

- 1) The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation, or
- 2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

#### 4. Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than 180 consecutive days
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of Section 3.5.040(B)(3) above and the elevation and anchoring requirements for manufactured homes.

#### 5. Below-grade crawl spaces

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlpace Construction for Buildings Located in Special Flood Hazard Areas:

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlpace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- b. The crawlpace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlpace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- d. Any building utility systems within the crawlpace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

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## 3.5 – Site and Environmental Standards

Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

- e. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- h. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

### **C. Before Regulatory Floodway**

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

### **D. Floodways**

Located within areas of special flood hazard established in Section 2.2.150(D) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Except as provided in paragraph (3), prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 3.5.040(D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 3.5.040, Provisions for Flood Hazard Reduction.



3. Projects for stream habitat restoration may be permitted in the floodway provided:
  - a. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and,
  - b. A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,
  - c. No structures would be impacted by a potential rise in flood elevation; and,
  - d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.
  
4. New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:
  - a. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
  - b. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria
    - 1) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
    - 2) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;
    - 3) The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;
    - 4) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;

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## 3.5 – Site and Environmental Standards

- 5) The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and
- 6) Any other requirements deemed necessary by the authority having jurisdiction.

### **E. Standards for Shallow Flooding Areas (AO Zones)**

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 3.5.040(B)(2)(c).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
  - a. Be on the site for fewer than 180 consecutive days, and
  - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Meet the requirements of Section 3.5.040(E) above and the elevation and anchoring requirements for manufactured homes.

### **F. Critical Facility**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

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## 3.6 – Historic District Design Standards

### Chapter 3.6 – Historic District Design Standards

#### 3.6.010 Applicability and Criteria

The following standards apply to development within the Historical Overlay Zone.

##### **A. Criteria for Historic Design Review of Proposed Alterations to Existing Buildings.**

The Historic Commission shall approve an application for exterior alteration of a property in an historic district, or of an historic landmark if the proposed change is determined to be compatible with the appearance and character of the structure, and shall deny an application if the proposed alteration would adversely affect the architectural significance or the historic integrity of the building. The Historic Commission shall apply the following criteria in making this determination:

1. Distinctive stylistic features and examples of skilled craftsmanship have been retained to the greatest extent possible. Removal or alteration of any historic material or distinctive architectural feature has been avoided to the greatest extent feasible.
2. The alteration is compatible in design, size, arrangement, proportion, detail, scale, color, texture, material, and character with the rest of the historic property and the nearby area.
3. The alteration will not impair or change the essential historic form and integrity of the property unless:
  - a. There is an immediate hazard to public safety and no alternative approach exists which would retain the features or minimize the impact of the proposed alteration;
  - b. There are mandatory building or handicap codes or requirements, and it is not reasonably possible to retain the historic features or minimize the impact of the proposed alteration and also to comply with those codes or requirements; or
  - c. The only alternative to the alteration would be demolition of the historic property.
4. Treatment of architectural features: deteriorated architectural features should be repaired rather than replaced whenever possible. Deteriorated features that cannot be repaired should be replaced with material which matches the original material in design, texture, and other visual qualities. Whenever possible, repair or replacement of architectural features should be based on accurate duplications of features and composition of materials, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of architectural elements from other buildings or structures. Whenever surface cleaning of buildings or structures takes place, it should be undertaken with the gentlest effective means possible. Sandblasting and other abrasive cleaning methods that may damage the historic property should not be employed.
5. Plans for the alteration or addition of signs, exterior lighting, and other appurtenances, such as walls, fences, and awnings shall be reviewed for their visual compatibility with the traditional architectural character of the historic property and/or historic district.
6. The Secretary of the Interior's Standards and Guidelines for Rehabilitation are recommended as a primary resource to be consulted in planning the alteration of properties in the historic district and historic sites.

7. Additional design guidelines for the alteration of historic properties may also be developed and adopted by the Historic Commission to assist in historic design review.
8. In approving an alteration request, the Historic Commission may attach conditions which are appropriate for the preservation of the historic integrity of the district, building, or site. All conditions must relate to a review criterion.

### **B. Criteria for Historic Design Review of Proposed New Construction.**

The Historic Commission must find that the proposed new construction meets the following criteria in order to approve the proposal. Design guidelines may be adopted by the Historic Commission to further define these criteria. In approving a new construction request, the Historic Commission may attach conditions which are appropriate for the preservation of the integrity of the historic district or site. All conditions must relate to a review criterion.

#### **1. Review Criteria: Historic Residential District**

- a. The development maintains any unifying development patterns such as lot sizes, open space, setbacks, building coverage, orientation to the street, use of fencing, and landscaping features.
- b. The structure is of similar size and scale of surrounding buildings, and as much as possible reflects the craftsmanship of those buildings.
- c. Building materials are reflective of and complementary to existing buildings within the residential area of the historic district.

#### **2. Review Criteria: Historic Downtown Commercial District**

- a. The development draws from the major architectural themes of the downtown commercial area, including: horizontal continuity provided by window placement; symmetrical placement of doors and windows; alignment between buildings of various features such as facades, projecting elements between stories, and roof lines; uniformity of building sizes; and the pattern of recessed entryways along the street.
- b. Building materials are reflective of and complementary to existing historic buildings within the district.
- c. Lot coverage, setbacks, sidewalk placement and building orientation to the street are consistent with the surrounding development patterns.
- d. The development maintains the pedestrian scale and orientation of the downtown district.

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## 3.7 – Improvement Guarantee

### Chapter 3.7 – Improvement Guarantee

#### Sections:

- 3.7.010 Agreement for Improvements
- 3.7.020 Bond

#### **3.7.010 Agreement for Improvements**

Before Planning Commission approval of a subdivision plat or partition plat, the applicant shall either make improvements required as conditions of tentative plan approval and repair existing streets and other public facilities damaged in the development of the property or execute and file with the Zoning Administrator an agreement between himself or herself and the City, specifying the period within which required improvements and repairs shall be completed. The agreement will provide that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the applicant. The agreement shall also provide for reimbursement to the City for the cost of inspection by the City, which shall not exceed 10 percent of the cost of the improvements to be made.

#### **3.7.020 Bond**

- A.** The applicant shall file one of the following with the Agreement for Improvements to assure his or her full and faithful performance:
  - 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
  - 2. A personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
  - 3. Cash.
- B.** The assurance of full and faithful performance shall be for a sum approved by the Zoning Administrator as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection. A post-monumentation bond for interior lot marking shall be posted as stated in ORS Chapter 92.
- C.** If the applicant fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder to the depositor. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the applicant shall be liable to the City for the difference.
- D.** If the guarantee of completion required is not sufficient to compensate the City for expenses necessary to fulfill the obligation, and the applicant cannot comply with (3) above, the amount due to the City for the obligation shall become a lien in favor of the City upon the real property subject to the obligation.

- E.** Any lien shall attach to the property upon entry in the County records of the claim notice, and upon fulfillment of all statutory procedures for such action. The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.





## Article 4 – Application Review Procedures and Approval Criteria

### Chapters:

- 4.1 General Review Procedures
- 4.2 Site Plan and Design Review and Building and Placement Permits
- 4.3 Conditional Uses, Variances and Temporary Uses
- 4.4 Amendments and Rezones
- 4.5 Land Divisions and Property Line Adjustments
- 4.6 Fees and Costs

### Chapter 4.1 – General Review Procedures

#### Sections:

- 4.1.010 Purpose and Applicability
- 4.1.020 Type I Procedure (Ministerial/Staff Review and Zoning Checklist)
- 4.1.030 Type II Procedure (Administrative Review)
- 4.1.040 Type III Procedure (Quasi-Judicial Review - Public Hearing)
- 4.1.050 Type IV Procedure (Legislative Review)
- 4.1.060 Time Limit, Consolidated Review
- 4.1.070 Neighborhood Contact

#### **4.1.010 Purpose and Applicability**

**A. Purpose, Scope and Compliance** The purpose of this Article is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications, and participate in the local decision-making process in a timely and effective way. The powers and duties of City Officials and boards are specified herein insofar as administration of this Code is concerned. Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Oakland and with applicable State and Federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

1. No development, including accessory and temporary uses, may be established or changed; no structure shall be erected, constructed, reconstructed, or altered; and no building used, occupied, or altered with respect to its use after the effective date of this Code except as this Code permits.
2. Site alterations such as, grading, filling, or clearing of land, prior to submission of the plans for development shall be a violation of this Code.
3. The requirements of this Code apply to the person undertaking a development or the owner of such development and to those persons' successors in interest. Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Code.

Table 4.1.010.A provides a key for determining the review procedure and the decision-making body for particular approvals.

- B. Applicability of Review Procedures.** All land use and development permit applications and approvals, unless otherwise noted, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010.A lists the City’s land use and development approvals and corresponding review procedure(s).
- 1. Type I Procedure (Staff Review).** Type I decisions are made by the City’s Zoning Administrator, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);
  - 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are generally made by the Zoning Administrator, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the Zoning Administrator may refer a Type II application to the Planning Commission for its review and decision in a public meeting;
  - 3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission]. Quasi-Judicial decisions involve discretion but implement established policy.
  - 4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

## 4.1 – General Review Procedures

<b>Table 4.1.010.A – Summary of Approvals by Type of Review Procedure</b>		
<b>Approvals*</b>	<b>Review Procedures</b>	<b>Applicable Regulations</b>
Annexation	Type IV	See Oregon Revised Statute 222
Placement Permit	Type I	Section 4.2.030
Code Interpretation	Type II or III	Chapter 1.4. Routine interpretations that do not involve discretion do not require a permit.
Certificate of Plan Check	Type I	Sections 1.2.050, 4.2.030
Code Text Amendment	Type IV	Chapter 4.4
Comprehensive Plan Amendment	Type IV	Chapter 4.4
Conditional Use Permit	Type III	Section 4.3.010
Grading Permit	Type II	Chapter 3.4
Historic Design Review	Type II (Limited Land Use)	Section 4.2.020
Home Occupation	Type II	Section 2.3.100/ 2.3.110
Modification to Approval or Condition of Approval	Type I, II or III	Original applicable Chapter
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.3
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type I	Sections 4.5.050, 4.5.060
Lot Line Adjustments, including Lot Consolidations	Type II	Section 4.3.070
Site Plan Review	Type II or III	Section 4.2.010
Special Flood Hazard Development Permit	Type I	Sections 3.4.040 and 2.2.160
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type II	Sections 4.5.030, 4.5.040
Temporary Use Permit	Type II	Section 4.3.030
Variance	Type III	Section 4.3.020
Zoning District Map Change	Type III or IV	Chapter 4.4
<b>Decision Making Bodies for Each Type:</b>		
Type I: Zoning Administrator, Type II: Zoning Administrator, Planning or Historic Commission in special cases.		
Type III: Planning or Historic Commission in special cases, Type IV: City Council		

\* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

**4.1.020 Type I Procedure**

**A. Type I Procedure (Staff Review).** The Zoning Administrator, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., clear and objective standards).

**B. Application Requirements.**

**1. Application Forms.** Approvals requiring Type I review, shall be made on forms provided by the City.

**2. Application Requirements.** Applications shall:

- a. Include the information requested on the application form;
- b. Address the criteria in sufficient detail for review and action; and
- c. Be filed with the required fee.

**C. Appeal of Type I Ministerial Decision**

**1.** A Type I Ministerial Decision by the Zoning Administrator pursuant to this Code may be appealed by an aggrieved party to the Planning Commission or Historic Preservation Commission, as follows:

- a. A person intending to file an appeal on an administrative decision shall promptly request written notice of said decision from the Zoning Administrator;

The appellant shall, within 10 days from the date the decision was mailed, file written notice of the appeal with the City Recorder, accompanied by the established appeal fee, set by City Council resolution. The notice of appeal shall set forth the specific grounds for the appeal.

- b. The City Recorder shall forward the appeal to the appropriate Commission at their next regular meeting. The Commission shall receive and review the appeal.
- c. Upon review, the Commission may by order affirm, reverse, modify, or remand in whole or part a determination or requirement of the decision that is under review. When the Commission modifies or renders a decision that reverses a decision under appeal, it shall set forth its findings of fact in writing and state its reasons for taking the action encompassed in the order. When the Commission remands the matter for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.

**2.** A ruling of the Planning Commission or Historic Preservation Commission pursuant to a Type I Ministerial Decision may be appealed by an aggrieved party to the City Council within 20 days from the date the written decision of the Commission was signed.

- a. Written notice of an appeal shall be filed with the City Recorder accompanied by the established appeal fee, set by City Council resolution. The notice of appeal shall set forth the specific grounds

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## 4.1 – General Review Procedures | Type II Procedure

for the appeal. The City Recorder shall forward the appeal to the City Council at their next regular meeting. The Council shall receive a report and recommendation thereon from the Zoning Administrator and shall hold a public hearing on the appeal. Notice and conduct of hearing shall be in accordance with Section 4.1.040 (B) (2&3).

- b. If an appeal is not filed within the 20-day period, the decision of the Planning Commission or Historic Preservation Commission shall be final and binding on all parties concerned. If an appeal is filed, the City Recorder shall transmit to the City Council the notice of appeal, the decision and findings of the Commission, and the record of the Planning Commission proceedings.
  - c. Upon review at a public hearing, the City Council may by order affirm, reverse, modify, or remand in whole or part a determination or requirement of the decision that is under review. When the City Council modifies or renders a decision that reverses a decision under appeal, it shall set forth its findings of fact in writing and state its reasons for taking the action encompassed in the order. When the Planning Commission remands the matter for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.
4. A City Council ruling pursuant to this Ordinance may be appealed. Any appeal brought before the Land Conservation and Development Commission, the Land Use Board of Appeals, or Circuit Court, shall be in accordance with State regulations regarding land use decisions. It shall be the responsibility of the appellant to contact the appropriate State agency regarding the proper appeal procedure. (See ORS Chapter 197)
  5. Appeal Hearing Procedure. Hearings on appeals of Type I decisions shall follow the same procedure used for public hearings on Type II and III reviews under Section 4.1.040(B)(2). Section 4.1.040(B)(2) contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.
    - a. The following people have legal standing to appeal a Type I Ministerial Decision:
      - 1) The applicant or owner of the subject property;

#### 4.I.030 Type II Procedure (Administrative Review With Notice)

The Zoning Administrator, or his or her designee performs Administrative Staff Reviews through the Type II procedure. Type II decisions are made by the Zoning Administrator or, in the case of Historic Design Review, by the Oakland Historic Preservation Commission, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the Zoning Administrator may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

##### A. Application Requirements.

1. **Forms of Petitions, Applications and Appeals.** Petitions, applications and appeals provided for in this Code shall be made on forms prescribed by the City. Applications shall contain the information described in Section 4.I.030(A)(2) below and shall be accompanied by plans and specifications, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and locations on the lot of existing and proposed structures, the intended use of each structure, the number of families, if any, to be accommodated therein, the relationship of the property to the surrounding area and such other information as is needed to determine conformance with this Code.

Any land use applications, plan reviews, development permits, public hearings or other proceedings required by this Code may be consolidated to allow review of all such required development permits at one time.

2. **Information to be Submitted with Application** An application for development shall consist of the following information, as applicable, plus any other materials that may be required by additional provisions of this Code because of the unique type of development proposed or the area involved.
  - a. A completed application form and the appropriate filing fee.
  - b. Proof that the property affected by the application is in the exclusive ownership of the applicant(s) or that the applicant has the consent of all parties in ownership of the affected property.
  - c. Legal description and (if applicable) street address of the property affected by the application.
  - d. A site plan, sketches and any other explanatory information that may have a bearing on determining the action to be taken or that may be necessary to establish compliance to Code requirements and all relevant laws. Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed. The following information shall be shown on, or attached to, a site plan:
    - 1) The first sheet of each set of plans shall give the name and address of the property owner, the name and address of the person, engineer, or surveyor who prepared the plans, the scale to which the plan is drawn, and the date prepared;
    - 2) The property boundary lines and individual lot lines indicating total acreage and square footage of individual lots;
    - 3) A vicinity map showing adjacent land, the north point and, where appropriate, how proposed

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streets and utilities may be extended to connect to existing streets and utilities;

- 4) The location, width, and name of all existing streets, railroads, and utility rights-of-way or easements;
- 5) Where appropriate, the location of existing sewers, water mains, fire hydrants, culverts and other underground facilities within the tract, indicating pipe sizes, grades, manholes;
- 6) The location and use of existing and proposed buildings or structures and their exterior dimensions where appropriate;
- 7) The location of landscaping, fences (indicating height and material), buffer areas, common property or required open spaces;
- 8) The location, size, type, and illumination of existing and proposed signs;
- 9) The location, size, and surface treatment of all existing and proposed driveways and pedestrian entrances and exits; the location, total number and dimensions of off-street parking spaces and loading areas; and the drainage plan for all paved surfaces;
- 10) The location of areas subject to flooding as defined by the Special Flood Hazard Overlay Zone (2.2.150) addressing Flood Damage Prevention;
- 11) The location of any outstanding natural features; and where appropriate, the topography of the property, existing and proposed, showing the grades, elevations and character of the site as they relate to the improvements and to the adjacent area;
- 12) Where site topographic surveys are required, they shall be prepared with 2 foot contour intervals for average slopes of less than 5%, with 5 foot contour intervals for average slopes of 5% to 15%, and with 10 foot contour intervals for average slopes of 15% and above;
- 13) When necessary to evaluate an application, architectural perspective, layout and elevation drawings of proposed structures shall be drawn without exaggeration, except where noted, and shall include locations, areas and designs of any signs and/or landscaping. The location and description of mechanical roof facilities shall also be shown if subject property is so oriented as to become part of the view from adjacent properties; and
- 14) If the application relates to property scheduled for phased development, the proposed layout of the total projected development shall be indicated and each phase's projected scope and time period indicated to the extent possible.

### **B. Procedure**

#### **I. Notice of Application**

- a. Notice of the Type II application shall be given by mailing of written notice, not less than 20 days prior to the decision, to all owners of record of real property, any portion of which is located within 200 feet of the boundaries of the property that is the subject of the matter to be heard. For this purpose, the names and addresses of the owners as they are shown in the records of the Douglas County Assessor shall be used.

- b. Notice shall be given to the applicant or permittee and any other person who makes a written request for notice, by mailing to such persons written notice not later than 20 days in advance of the decision.
- c. If a proposed Zoning Map Amendment (Rezoning) (a) has been initiated by the Planning Commission or City Council, (b) is declared by the City Council to be a major re-classification, or (c) a legislative amendment which limits or prohibits land uses previously allowed in the subject zone, individual written notices shall be mailed to all affected property owners consistent with requirements of Measure 56.
- d. The notice of application shall contain the following information:
  - 1) The name and mailing address of the applicant(s);
  - 2) The nature of the application and the proposed use or uses which could be authorized;
  - 3) The applicable criteria from the Comprehensive Plan and implementing ordinance which will be applied to the decision;
  - 4) The address or sufficient description of the subject property to establish its location;
  - 5) A statement that failure to raise an issue, either in person or by letter, or failure to provide sufficient specificity of an issue, may preclude the filing of an appeal to the Land Use Board of Appeals on that issue;
  - 6) A statement that a copy of the application, together with all documents and evidence submitted by the applicant, are available for inspection at the Oakland City Hall;
  - 7) A statement that a copy of the official staff report will be available for inspection at City Hall once completed;
  - 8) A general explanation of the requirements for submission of testimony;
  - 9) The name and telephone number of the City representative to contact for further information;
  - 10) The requirements and limitations for appeal, including appeal to the Land Use Board of Appeals (LUBA).
2. At the conclusion of the comment period, the Zoning Administrator shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the Zoning Administrator may transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.
3. Where the Zoning Administrator refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided



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the Commission must make a final decision within the 120-day period prescribed under State law (ORS 227.178) and as described in Section 4.1.060 of this Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant with Section 4.1.040; in which case a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

4. Within seven (7) days of a Type II (Administrative) decision, the Zoning Administrator shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The Zoning Administrator shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
5. The Administrative Notice of Decision shall contain all of the following information:
  - a. A description of the applicant's proposal and the City's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
  - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);
  - c. A statement of where the City's decision can be obtained;
  - d. The date the decision shall become final, unless appealed; and
  - e. A statement that all persons entitled to notice may appeal the decision to City Council pursuant with subsection 4.1.030.D.

**C. Effective Date of Decision.** Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective twenty (20) days after the City mails the decision notice unless the decision is appealed pursuant with subsection 4.1.030.D.

### **D. Appeal of Type II (Administrative) Decision.**

- I. A Type II Administrative Decision by the Zoning Administrator pursuant to this Code may be appealed by an aggrieved party to the Planning Commission, as follows:
  - a. A person intending to file an appeal on an administrative decision shall promptly request written notice of said decision from the Zoning Administrator;  
  
The appellant shall, within 10 days from the date the decision was mailed, file written notice of the appeal with the City Recorder, accompanied by the established appeal fee, set by City Council resolution. The notice of appeal shall set forth the specific grounds for the appeal.
  - b. The City Recorder shall forward the appeal to the Planning Commission at their next regular meeting. The Commission shall receive a report and recommendation thereon from the Zoning Administrator and shall hold a public hearing on the appeal. Notice and conduct of hearing shall be in accordance with Section 4.1.040 (B) (2&3).

- c. Upon review at a public hearing, the Planning Commission may by order affirm, reverse, modify, or remand in whole or part a determination or requirement of the decision that is under review. When the Planning Commission modifies or renders a decision that reverses a decision under appeal, it shall set forth its findings of fact in writing and state its reasons for taking the action encompassed in the order. When the Planning Commission remands the matter for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.
2. A ruling of the Planning Commission pursuant to a Type II Administrative Decision may be appealed by an aggrieved party to the City Council within 20 days from the date the written decision of the Planning Commission was signed.
  - a. Written notice of an appeal shall be filed with the City Recorder accompanied by the established appeal fee, set by City Council resolution. The notice of appeal shall set forth the specific grounds for the appeal.
  - b. If an appeal is not filed within the 20-day period, the decision of the Planning Commission shall be final and binding on all parties concerned. If an appeal is filed, the City Recorder shall transmit to the City Council the notice of appeal, the decision and findings of the Planning Commission, and the record of the Planning Commission proceedings.
  - c. The City Council shall conduct a *de novo* review of the Planning Commission record. Such review shall be limited to specific issues raised by the notice of appeal. New or additional evidence can only be considered on a showing that a consideration of the new evidence is required by the public interest or that the evidence could not have been offered to the Planning Commission in the exercise of due diligence. The City Council may affirm, reverse, or modify the decision of the Planning Commission and/or may remand the matter to the Planning Commission for further action consistent with the decision of the City Council. The City Council shall adopt findings of fact to support its decision.
3. A ruling of the Oakland Historic Preservation Commission pursuant to a Type II Administrative Decision may be appealed by an aggrieved party to the City Council within 20 days from the date the written decision of the Commission was signed. The City Recorder shall forward the notice of any appeal to an Oakland Historic Preservation Commission Type II Decision to the City Council at their next regular meeting. Written notice of the appeal must be filed with the City within 10 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal. Upon receipt of the notice, the Council shall:
  - a. Hold a hearing on the appeal within 30 days from the time the appeal is filed. The council may continue the hearing for good cause. Following the hearing, the council may overrule or modify the decision or requirement made by the OHP Commission if the decision of the council complies with the spirit and intent of this Code ordinance. The disposition of appeal shall be final.
  - b. Exhaust local appeal avenues prior to appeal to the Land Use Board of Appeals.

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4. A City Council ruling pursuant to this Ordinance may be appealed. Any appeal brought before the Land Conservation and Development Commission, the Land Use Board of Appeals, or Circuit Court, shall be in accordance with State regulations regarding land use decisions. It shall be the responsibility of the appellant to contact the appropriate State agency regarding the proper appeal procedure. (See ORS Chapter 197)
5. **Appeal Hearing Procedure.** Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 4.1.040(B)(2). Section 4.1.040(B)(2) contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.
  - a. The following people have legal standing to appeal a Type II Administrative Decision:
    - 1) The applicant or owner of the subject property;
    - 2) Any person who was entitled to written notice of the Type II decision;
    - 3) Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

**4.1.040 Type III Procedure (Quasi-Judicial Review – Public Hearing)**

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

**A. Application Requirements.**

- 1. Forms of Petitions, Applications and Appeals.** Petitions, applications and appeals provided for in this Code shall be made on forms prescribed by the City. Applications shall contain the information described in Section 4.1.040(2) below and shall be accompanied by plans and specifications, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and locations on the lot of existing and proposed structures, the intended use of each structure, the number of families, if any, to be accommodated therein, the relationship of the property to the surrounding area and such other information as is needed to determine conformance with this Code.

Any land use applications, plan reviews, development permits, public hearings or other proceedings required by this Code may be consolidated to allow review of all such required development permits at one time.

- 2. Information to be Submitted with Application** An application for development shall consist of the following information, as applicable, plus any other materials that may be required by additional provisions of this Code because of the unique type of development proposed or the area involved.
  - a. A completed application form and the appropriate filing fee.
  - b. Proof that the property affected by the application is in the exclusive ownership of the applicant(s) or that the applicant has the consent of all parties in ownership of the affected property.
  - c. Legal description and (if applicable) street address of the property affected by the application.
  - d. A site plan, sketches and any other explanatory information that may have a bearing on determining the action to be taken or that may be necessary to establish compliance to Code requirements and all relevant laws. Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed. The following information shall be shown on, or attached to, a site plan:
    - 1) The first sheet of each set of plans shall give the name and address of the property owner, the name and address of the person, engineer, or surveyor who prepared the plans, the scale to which the plan is drawn, and the date prepared;
    - 2) The property boundary lines and individual lot lines indicating total acreage and square footage of individual lots;
    - 3) A vicinity map showing adjacent land, the north point and, where appropriate, how proposed streets and utilities may be extended to connect to existing streets and utilities;
    - 4) The location, width, and name of all existing streets, railroads, and utility rights-of-way or easements;

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## 4.1 – General Review Procedures | Type III Procedure

- 5) Where appropriate, the location of existing sewers, water mains, fire hydrants, culverts and other underground facilities within the tract, indicating pipe sizes, grades, manholes;
- 6) The location and use of existing and proposed buildings or structures and their exterior dimensions where appropriate;
- 7) The location of landscaping, fences (indicating height and material), buffer areas, common property or required open spaces;
- 8) The location, size, type, and illumination of existing and proposed signs;
- 9) The location, size, and surface treatment of all existing and proposed driveways and pedestrian entrances and exits; the location, total number and dimensions of off-street parking spaces and loading areas; and the drainage plan for all paved surfaces;
- 10) The location of areas subject to flooding as defined by the Special Flood Hazard Overlay Zone, Section 2.2.150, addressing Flood Damage Prevention;
- 11) The location of any outstanding natural features; and where appropriate, the topography of the property, existing and proposed, showing the grades, elevations and character of the site as they relate to the improvements and to the adjacent area;
- 12) Where site topographic surveys are required, they shall be prepared with 2 foot contour intervals for average slopes of less than 5%, with 5 foot contour intervals for average slopes of 5% to 15%, and with 10 foot contour intervals for average slopes of 15% and above;
- 13) When necessary to evaluate an application, architectural perspective, layout and elevation drawings of proposed structures shall be drawn without exaggeration, except where noted, and shall include locations, areas and designs of any signs and/or landscaping. The location and description of mechanical roof facilities shall also be shown if subject property is so oriented as to become part of the view from adjacent properties; and
- 14) If the application relates to property scheduled for phased development, the proposed layout of the total projected development shall be indicated and each phase's projected scope and time period indicated to the extent possible.

### **B. Procedures**

#### **I. Quasi-Judicial Public Hearing**

Public hearings for applications which relate to a single piece of property or to properties in a single ownership shall be conducted as “quasi-judicial” land use proceedings as specified in Oregon Revised Statutes Chapter 197. Examples of such applications include requests for Variances, Conditional Use Permits, Temporary Use Permits, and Rezoning. Appeals of decisions of the Zoning Administrator and of the Planning Commission shall also be treated as quasi-judicial land use proceedings.

Any Public Hearing required by this Code shall be conducted in accordance with the laws of the State of Oregon and the following paragraphs:

- a. The initial hearing on an application shall be held no sooner than 30 days of the date that the application is deemed complete.

- b. All hearings shall be open to the public and other persons interested in the outcome of the matter being heard. Opportunity shall be given to present evidence and arguments, and to ask questions or object to evidence in the record.
- c. All of the documents or evidence relied upon by an applicant must be submitted to the City and made available to the public for review at least 10 days in advance of the hearing date. The staff report to be used at the hearing must be available to the public at least 7 days in advance of the hearing. The City may charge a reasonable fee for photocopies of the staff report, documents, and other evidence.

### 2. Notice of Hearing

- a. Notice shall be published in a newspaper of general circulation in the County at least 10 days prior to the date of the hearing.
- b. Notice shall be given by mailing of written notice not less than 20 days prior to the date of hearing to all owners of record of real property, any portion of which is located within 200 feet of the boundaries of the property that is the subject of the matter to be heard. For this purpose, the names and addresses of the owners as they are shown in the records of the Douglas County Assessor shall be used.
- c. Notice shall be given to the applicant, permittee or appellant and any other person who makes a written request for notice, by mailing to such persons written notice not later than 20 days in advance of the hearing.
- d. The notice of hearing shall contain the following information:
  - 1) The name and mailing address of the applicant(s);
  - 2) The nature of the application and the proposed use or uses which could be authorized;
  - 3) The applicable criteria from the Comprehensive Plan and implementing ordinance which will be applied to the decision;
  - 4) The address or sufficient description of the subject property to establish its location;
  - 5) The time, date and location of the hearing;
  - 6) A statement that failure to raise an issue at the hearing, either in person or by letter, or failure to provide sufficient specificity of an issue, may preclude the filing of an appeal to the Land Use Board of Appeals on that issue;
  - 7) A statement that a copy of the application, together with all documents and evidence submitted by the applicant, are available for inspection at the Oakland City Hall;
  - 8) A statement that a copy of the official staff report will be available for inspection at City Hall not less than seven days prior to the hearing;
  - 9) A general explanation of the requirements for submission of testimony and the procedure for conducting the hearing;
  - 10) The name and telephone number of the City representative to contact for further information;

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## 4.1 – General Review Procedures | Type III Procedure

- 11) The requirements and limitations for appeal, including appeal to the Land Use Board of Appeals (LUBA).

### 3. Conduct of Hearing

Except as may otherwise be required by State Law, hearings shall be conducted as follows:

- a. Prior to opening of the hearing, the Chairperson shall determine that the requirements for open meetings are met. The Chairman shall also explain the hearing procedures to the audience, including the order that testimony will be taken.
- b. The Chairperson shall then open the public hearing. The Chairperson shall ask the decision-makers to declare any ex-parte contacts or conflicts of interest if any may exist. At the beginning of the hearing, the chairperson shall identify the applicable criteria that will be used in the decision making process and explain that the testimony and evidence presented in the hearing must be directed to the applicable criteria. It shall also be explained that failure to raise an issue with sufficient specificity to afford the decision-making body and the party an opportunity to respond to the issue will preclude raising the issue on appeal to the Land Use Board of Appeals (LUBA).
- c. During the hearing, the decision-making body may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay. Testimony on appeals may be limited to those persons having "standing" or otherwise having participated in the hearings held prior to the initial decision.
- d. The hearing may be continued until a subsequent meeting and the decision-making body may keep the hearing open to take additional information up to the point that a final decision is made. Upon recessing, the time and date the hearing is to be resumed shall be announced. No further notice of a recessed or continued hearing need be published unless otherwise required.

### 4. Modification of Application at Hearing

- a. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning Commission or City Council, the applicant may agree to modify his application, including the plans and specifications submitted. The agreed upon modifications shall be set down in writing at the time of the hearing.
- b. When modifications are so substantial or extensive that the decision-making body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans, they shall be submitted to the decision making body prior to a final decision before it. The Commission or City Council may conditionally approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Administrator.

### 5. Record of Hearing and Decision

- a. A tape recording shall be made of all hearing proceedings and, in accordance with State regulations for records retention, such recordings shall be kept for a minimum of one year. Accurate minutes

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## 4.1 – General Review Procedures | Type III Procedure

shall also be kept of all such proceedings, however, the record need not set forth the evidence verbatim. A permanent record of each set of minutes shall be maintained in a safe place by the City Recorder.

- b. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a permanent part of the record of the proceedings.
- c. Any participant in a hearing may request a continuance of the Planning Commission decision process prior to the conclusion of the initial hearing. The request must be granted, either by continuing the hearing or by holding the record open. The continuance shall be handled in accordance with the requirements of ORS 197.763.
- d. All decisions made by the Planning Commission or City Council regarding an application or appeal or revocation of a permit shall be written, signed by the Chair, and mailed to the applicant or appellant and all other persons who make a written request for a copy. A registry of all land use decisions shall be kept on file, regardless of whether or not the holding of a public hearing is required.
- e. In addition to the written decision described in paragraph d) above, a statement of the findings and conclusions utilized in the decision making process, as well as supporting reasons or facts, shall be prepared whenever a land use decision involves discretionary action by the Planning Commission or City Council. These "Findings of Fact" shall be made available to the public, however, a reasonable fee may be charged for photocopies of these documents.

**C. Effective Date of Decision.** Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective twenty (20) days after the City mails the decision notice unless the decision is appealed pursuant with subsection 4.1.040(D).

### **D. Appeals**

- I. A ruling of the Planning Commission pursuant to this Code may be appealed by an aggrieved party to the City Council within 20 days from the date the written decision of the Planning Commission was signed.
  - a. Written notice of an appeal shall be filed with the City Recorder accompanied by the established appeal fee, set by City Council resolution. The notice of appeal shall set forth the specific grounds for the appeal.
  - b. If an appeal is not filed within the 20 day period, the decision of the Planning Commission shall be final and binding on all parties concerned. If an appeal is filed, the City Recorder shall transmit to the City Council the notice of appeal, the decision and findings of the Planning Commission, and the record of the Planning Commission proceedings.
  - c. The City Council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The City Council may continue the hearing for good cause. Following the hearing, the City Council may affirm, reverse, or modify the decision of the Planning Commission.



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## 4.1 – General Review Procedures | Type III Procedure

- d. The City Council shall conduct a *de novo* review of the Planning Commission record. Such review shall be limited to specific issues raised by the notice of appeal. New or additional evidence can only be considered on a showing that a consideration of the new evidence is required by the public interest or that the evidence could not have been offered at the Planning Commission hearing in the exercise of due diligence. The City Council may affirm, reverse, or modify the decision of the Planning Commission and/or may remand the matter to the Planning Commission for further action consistent with the decision of the City Council. The City Council shall adopt findings of fact to support its decision.
    - e. Upon review at a public hearing, the City Council may by order affirm, reverse, modify, or remand in whole or part a determination or requirement of the decision that is under review. When the hearing body modifies or renders a decision that reverses a decision under appeal, the hearing body shall set forth its findings of fact in writing and state its reasons for taking the action encompassed in the order. When the hearing body remands the matter for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.
  2. A ruling of the Oakland Historic Preservation Commission pursuant to a Type III Decision may be appealed by an aggrieved party to the City Council within 20 days from the date the written decision of the Commission was signed. The City Recorder shall forward the notice of any appeal to an Oakland Historic Preservation Commission Type III Decision to the City Council at their next regular meeting. Written notice of the appeal must be filed with the city within 10 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal. Upon receipt of the notice, the Council shall:
    - a. Hold a hearing on the appeal within 30 days from the time the appeal is filed. The council may continue the hearing for good cause. Following the hearing, the council may overrule or modify the decision or requirement made by the OHP Commission if the decision of the council complies with the spirit and intent of this Code ordinance. The disposition of appeal shall be final.
    - b. Exhaust local appeal avenues prior to appeal to the Land Use Board of Appeals.
  3. A City Council ruling pursuant to this Code may be appealed. Any appeal brought before the Land Conservation and Development Commission, the Land Use Board of Appeals, or Circuit Court, shall be in accordance with State regulations regarding land use decisions. It shall be the responsibility of the appellant to contact the appropriate State agency regarding the proper appeal procedure. (See ORS Chapter 197)
- E. Effective Date and Appeals to State Land Use Board of Appeals.** A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this Chapter shall be filed with the State Land Use Board of Appeals pursuant with ORS 197.805 - 197.860.

### 4.1.050 Type IV (Legislative Decisions)

**A. Timing of Requests.** The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

**B. Application Requirements.**

1. **Application forms.** Legislative applications shall be made on forms provided by the Zoning Administrator. Public hearings for requests to amend the text of this Code and rezoning or map changes affecting multiple properties in different ownership may be conducted as legislative proceedings.

2. **Submittal Information.** The application shall contain all of the following information:

- a. The information requested on the application form;
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee, except when City of Oakland initiates request;
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; *and*
- e. Evidence of neighborhood contact, pursuant with Section 4.1.070.

**C. Procedure.** Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to State land use laws (ORS 227.175), as follows:

1. The Zoning Administrator shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least thirty-five (35) days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.
2. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
  - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another). See also, ORS 227.186 for instructions;
  - b. Any affected governmental agency;
  - c. Any person who requests notice in writing; and
  - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

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## 4.1 – General Review Procedures | Type IV Procedures

3. At least ten (10) days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the City.
4. For each mailing and publication of notice, the Zoning Administrator shall keep an affidavit of mailing/publication in the record.

**D. Final Decision and Effective Date.** A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within twenty (20) business days after the City Council decision is filed with the Zoning Administrator. The City shall also provide notice to all persons as required by other applicable laws.

**E.** A City Council ruling pursuant to this Code may be appealed. Any appeal brought before the Land Conservation and Development Commission, the Land Use Board of Appeals, or Circuit Court, shall be in accordance with State regulations regarding land use decisions. It shall be the responsibility of the appellant to contact the appropriate State agency regarding the proper appeal procedure. (See ORS Chapter 197)

### 4.1.060 Time Limit, Consolidated Review

#### A. Timeline for Processing

Except as provided for in subsections a) and b) below, final action on administrative and quasi-judicial applications or legislative amendments processed pursuant to this Section shall occur not later than 120 days following receipt of a Complete Application, or as otherwise provided by statute, ordinance, or rule.

The City shall have 30 days from the date the application was submitted to review the applications for completeness and determine it to be either complete or incomplete in accordance with ORS 227.178(2). Any application which has not been declared complete, either by the applicant (through “forced” completion) or by the Zoning Administrator, within 180 days of the date of its submission shall be deemed withdrawn by the applicant and will not be subject to the other conditions of this Section, in accordance with ORS 227.178(2).

1. The time periods set forth in this Sub-section may be extended for a reasonable period of time at the request of the applicant.
2. The 120-day time period set forth in this Sub-section does not apply to amendments of the Comprehensive Plan or Development Code which have been forwarded to the Department of Land Conservation and Development pursuant to ORS 197.610.
3. If the City does not take final action on an application which is subject to the requirements of this Sub-section within the 120 day time period, set forth in this Sub-section, after the application was deemed complete, the applicant may apply in the Douglas County circuit court for a writ of mandamus to compel the City to either approve the application or show good cause why the City has not taken final action.

**B. Time Periods.** In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

**C. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

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## 4.1 – General Review Procedures | Time Limit, Consolidated Review

### 4.1.070 Neighborhood Contact

- A. Purpose and Applicability.** Applicants for subdivision or conditional uses located adjacent to any residential zone, and property owner-applicants for zone changes, are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.
- B. Notice.** Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners whose property is located within 200 feet of the site, at their addresses of record at the Douglas County Assessor's office, at least 14 days before the meeting. The notice must state the time, place and purpose of the meeting, including a description of the proposed development.
- C. Meeting place, date and time.** The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.
- D. Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, must make a sound, video or digital recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.
- E. Filing requirements.** Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service as to those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

### Chapter 4.2 - Site Plan and Design Review, and Building and Placement Permits

#### Sections:

- 4.2.010 Site Plan Review
- 4.2.020 Historic Design Review
- 4.2.030 Building and Placement Permits

#### **4.2.010 Site Plan Review**

It is the purpose of Site Plan Review to ensure that the development of property within the Oakland Urban Growth Boundary is commensurate with the character and physical limitations of the land; to promote and protect the public health, safety and welfare of the community; to enhance aesthetic values; to assure development which is suitably related to its environment; to prevent both extremes of monotonous uniformity and substantial dissimilarity; and, to conform with the adopted goals, objectives and policies of the Oakland Comprehensive Plan.

##### **A. Site Plan Review Required**

As established in this Section, no lot or parcel shall be developed or physically altered and no building or structure shall be sited, constructed, enlarged or structurally altered thereon, until a site development plan (site plan) has been approved by the Zoning Administrator or Planning Commission, in accordance with the provisions of this section. A site plan and site plan review shall be required prior to any and all of the following:

1. Installation of 3,000 square feet or more of asphalt or other impervious surfaces.
2. Any development or construction within an area of steep slope or special flood hazard.
3. Development or alteration of any lot or parcel which involves fill, removal, or movement of greater than 100 yards of material.
4. Siting or construction of a building or structure over 100 square feet in floor area.
5. Expansion of a building exceeding 100 square feet.
6. Development or alteration of any non-conforming lot or parcel of record.
7. For the Special Uses outlined under Chapter 2.3
8. Where Design Standards are applicable as per Section Table 3.1.20.A

To the extent possible, site plan review shall be coordinated with any plan or development application reviews required by this Code or other City Ordinance. Where other provisions of this Code, or other City Ordinance require plan review, such other review shall serve to meet the requirements of this Section; provided, however, that when the standards of this Section are more restrictive than comparable standards imposed by other provisions of this Code, or other City Ordinance, the standards of this Section shall govern.

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## 4.2 – Site Plan and Design Review and Building and Placement Permits

### **B. Authority**

The Zoning Administrator shall review all site plans required by this Section. The Zoning Administrator's authority shall be limited to that necessary to accomplish the provisions of this Section and the provisions of this Code. The Zoning Administrator may take any of the following actions after reviewing a site plan:

1. Approve the site plan, if consistent with all applicable zoning requirements and development standards;
2. Deny approval of the site plan for documented reasons; or
3. Forward the site plan on to the Planning Commission for consideration.

### **C. Application**

An applicant for site plan review shall submit to the Zoning Administrator a completed Application for Site Plan Review together with two sets of plans consisting of maps, drawings, written descriptions or other materials necessary and appropriate for the Zoning Administrator to determine that the proposed development will conform to the requirements of this Code. Where additional legal instruments for creating and documenting easements or dedications to the public are necessary, such instruments shall be submitted along with the site plan.

### **D. Appeal**

Any administrative action by the Zoning Administrator with respect to approval, or denial of a site plan may be appealed by the applicant or an aggrieved party, as provided for in Chapter 4.1 of this Code.

### **E. Criteria and Standards for Site Plan Review**

In addition to the other specific requirements of this Code and other applicable ordinances, site plans submitted to the City shall comply with the following standards and criteria. The Zoning Administrator shall evaluate all site plans for compliance with these standards and criteria:

1. Identify areas of potential natural hazards where area protection requirements shall be imposed and which shall include, but are not limited to, the following:
  - a. Areas of mass movement and areas of greater than 25% slope shall require a written report by licensed civil engineer, qualified in geotechnical engineering or an engineering geologist prior to any excavation or change in topography.
  - b. Areas of potential flooding hazards where the requirements of the Special Flood Hazard Overlay Zone shall apply.
  - c. Areas of lesser hazard where the imposition of supplemental conditions may be appropriate.
2. Establish compliance with the use and dimensional standards of the zones and special overlays, including accessory use provisions and the provisions for off-street parking and loading.
3. Establish compliance with specifications adopted by the City Council for public improvements including but not limited to water, sewer, streets, and sidewalks.
4. Establish adequacy of water and sewer pipeline sizing to meet the anticipated growth demands and fire protection requirements.
5. Establish driveway and street grade limitations and traffic visibility on adjoining streets.

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## 4.2 – Site Plan and Design Review and Building and Placement Permits

6. Establish compliance with the applicable design standards and improvement requirements for a special overlay zone or use.
7. Establish the adequacy of the grading and drainage plan for the collection and transmission of storm and ground water in order that drainage from the proposed development will not adversely affect adjoining properties or public rights-of-way.
8. Consider the effects of slope alteration (cut and fill) on erosion and run-off for surrounding properties and impose restrictions when appropriate.
9. Establish where the retention of existing vegetation and natural topographic features will be beneficial as a soil stabilizer or is of scenic significance and impose restrictions where appropriate.
10. Consider the visual impact of the proposed development on the Historical Enhancement Overlay Zone and the compatibility of the architectural features of the proposed structure(s) and impose restrictions, where appropriate, in order for the development to be harmonious with the character of the surrounding neighborhood or with the community as a whole.
11. Identify any areas of historic significance where the imposition of protection requirements may be appropriate.

### **F. Dedication and Improvements Petitions for Streets, Public Utilities, Access to Utilities or Sidewalks**

Where the Planning Commission determines that the public need would be better served by dedication of rights-of-way rather than easement, the site plan shall so indicate, and the land shall be conveyed to public ownership by proper instrument. Where the Planning Commission determines that it is in the public interest to delay construction of any local improvement in streets, public utilities, access to utilities or sidewalks required by this Code, the Planning Commission may require the property owner to file with the City and record with the County Clerk a suitable instrument of commitment for the subject property in perpetuity to the formation of a local Improvement District, present or future, which may be created for the purpose of constructing and financing the local improvement by special benefit assessment.

### **G. Documentation of Approved Plans**

Approval of a site plan becomes effective on the date of action by the Zoning Administrator or, if forwarded by the Zoning Administrator pursuant to Section 4.2.010(B), on the date of action by the Planning Commission. The Zoning Administrator or Planning Commission shall indicate approval of a site plan by signing and dating a signature block provided or stamped on the site plan. Any required conditions or modifications to the site plan shall be clearly drawn or otherwise indicated on the site plan or on referenced attachments. A new site plan may be required if the act of documenting the necessary modifications on the plan would render parts of the plan difficult to read or interpret. The Zoning Administrator shall keep one copy of approved site plans for monitoring, verification, and archival purposes. The other copy shall be returned to the applicant.

### **H. Limits of Approval**

If a building permit for a development for which site plan approval has been granted is not obtained within eighteen (18) months of said approval, unless an extension has been requested and granted by the City within that time period, said approval is deemed automatically revoked, and a new site plan and application must be submitted and approved prior to issuance of a building permit.



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## 4.2 – Site Plan and Design Review and Building and Placement Permits

### **I. Modifications**

Except for interior structural modifications, changes in use that remain in character with those associated with original approval and changes deemed minor by the Zoning Administrator or Planning Commission, all modifications subsequent to site plan approval must be reviewed and approved according to the requirements for original submittals.

### **J. Compliance**

Once approved, the development of the site must conform to approved site plans and all conditions attached thereto. Any departure constitutes a violation of this Code.

### 4.2.020 Historic Design Review

#### A. General Provisions

As noted in Section 2.2.120: Historic Overlay Zone, no person shall perform any alteration of any property in an historic district or on any historic site in such a manner to affect its exterior appearance, nor shall any new structure be constructed in an historic district or on an historic site without submitting an application to the Oregon Historic Preservation Commission (Historic Commission) for Historic Design Review.

The purpose of the Historic Design Review provisions is to preserve, protect, maintain and enhance those historic resources which represent or reflect elements of the City's cultural, social, economic, political and architectural history. Historic resources are the sites, buildings structures, objects, natural features or specific districts that relate to events or conditions of Oakland's past. Protected resources will provide educational value, enjoyment, and economic diversification as well as beautification of the City and enhancement of property values. This Section is intended to allow the City to review development or demolition proposals at the time of site plan review to ensure that registered historic resources are preserved. Chapter 3.6 Historic District Design Standards, contains approval criteria and standards to accompany the procedural provisions of Section 4.2.020.

1. Exemptions from review: historic design review is not required for alterations to existing properties that involve only change in exterior paint color. Review is also not required for changes to the interior of the structure, unless interior features are cited as a significant part of a structure's nomination to the National Register, or a significant factor in the city's designation of the structure as an historic landmark.
2. Applications for historic design review are available from the City Recorder at Oakland City Hall. Applications for the review of alterations to an existing property shall include information which clearly shows the intended alteration, type of materials to be used, and resulting appearance change of the structure.

Applications for new construction shall include a site plan showing the location of the structure on the site, setback dimensions, the location of driveways and landscape areas, and the general location of structures on adjacent lots as well as elevations sufficient in detail to show the general scale, bulk, building materials, and architectural elements of the structure.

3. Historic design review shall be conducted by the Historic Commission according to the procedures outlined in Sections 4.2.020 and 2.2.120, and utilizing the standards outlined in Section 3.6.010.
4. Historic design review shall conclude with either the approval of the application as submitted, denial of the application, or approval of the application with conditions as may be necessary to carry out the provisions of this Code.
5. No building permit shall be issued for new construction or proposed alterations in the Historic Commercial District, or for new construction in the Historic Residential District without an approved historic design review from the Historic Commission.
6. No building permit for proposed alterations to existing structures in the Historic Residential District shall be issued until the historic design review by the Historic Commission has been complete. The purpose of such review is to give guidance to the property owner regarding accurate restoration of historic properties and to encourage compliance with standards outlined in Section 3.6.010.

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## 4.2 – Site Plan and Design Review and Building and Placement Permits

**B. Maintenance and Repair.** Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this Code that does not involve a change in design, material, or external appearance thereof, nor does this Code prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Official certifies that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of State of Oregon Uniform Building Code, "*Historic Buildings Section 104 (f)*."

**C. Procedure for Historic Design Review.**

1. Applications for historic design review are available from the City Recorder at the Oakland City Hall. Applications must be complete in order for processing to begin (See Sections 4.2.020 and 2.2.120 of this Code).
2. Any completed application for historic design review may be processed concurrently with an application for discretionary permits under this Code, at the applicant's request.
3. The final decision on the review, including any appeals to the City Council, shall be made within 120 days of the date of receiving the completed application. The 120-day period may be extended at the written request of the applicant.
4. If the property participates in the Oregon Special Tax Assessment Program, a separate application, with a separate review process, must be filed with the state Historic Preservation Office.
5. The city's historic design review decisions shall be processed as limited land use decisions, following the provisions set forth in ORS 197.195.
6. Upon receipt of the complete application, the City Recorder shall forward the application to all Historic Commissioners and at the same time, mail notice of the application to all property owners within 100 feet of the exterior boundaries of the applicant property, as determined by the latest tax assessment roll. Notice shall also be mailed to any recognized neighborhood organization which includes the applicant property within its boundaries, and shall be posted at the Oakland City Hall and the Oakland Post Office.
7. The notice must provide a 14-day period for submission of written comments from citizens and advise citizens that they must raise an issue in writing during the 14-day comment period or lose the right to appeal the issue. The notice must summarize the decision making process and include the name and phone number of a local government contact person. The property to receive historic design review shall be identified by address and the place, date, and time that comments are due must be stated. The design review criteria within this Code that shall be used in the decision shall be listed, and the notice shall also state that copies of all documents related to the review are available from City Hall to interested citizens at cost.
8. The Historic Commission shall conduct the historic design review at a regularly scheduled meeting within 45 days of receipt of the complete application. The decision shall either approve the application as submitted, deny the application, or approve the application with conditions as may be necessary to carry out this-Code. The historic design review shall take place by applying the criteria outlined in

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## 4.2 – Site Plan and Design Review and Building and Placement Permits

Section 3.6.010 of this Code. Approval or denial shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, and facts set forth.

9. Notice of the decision for Historic Design Review must be sent to the applicant, City Council, the Planning Commission, and to all citizens who submitted comments. Notice to citizens of the decision must include an explanation of appeal rights.
10. Approval by the Historic Commission does not authorize the project to begin unless all other necessary permits from the city (or from SHPO if the property receives the special tax assessment benefit) have been received.
11. Nothing in this section shall preclude the Historic Commission from scheduling a public hearing for an historic design review if the Historic Commission finds that the application under review warrants wider community involvement. Such public hearing shall be noticed and held according to procedures outlined at Section 4.1.030 and ORS 197.763.

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## 4.2 – Site Plan and Design Review and Building and Placement Permits

### 4.2.030 Building and Placement Permits

#### A. General Provisions

All building construction and alteration requires a building permit as required by the Uniform Building Code. The Building Authority for the City of Oakland is Douglas County. The County will issue no Building Permit within the Urban Growth Boundary of Oakland until the City's designee provides a Certificate of Plan Check (Section 4.2.030(D)(1)) confirming the land use compatibility of the proposed development.

#### B. Authority to Issue Permits

- I. The Building Authority may issue building permits on their own authority for the following types of projects only:
  - a. The placement of a manufactured home, the building of a single-family home, duplex, or accessory building to a single-family home, manufactured home, or duplex, which complies with all the regulations for the zone in which it is located and other applicable laws and standards.
  - b. The repair or alteration of a single-family home, manufactured home, or duplex provided that such repair or alteration complies with all the regulations for the zone in which it is located and other applicable laws and standards.
  - c. The repair or alteration of any building, provided that such repair or alteration does not result in a change of use for that structure and complies with all zone regulations and other applicable laws and standards.
2. All other forms of building and construction, including any construction on nonconforming lots of record or in the Steep Slope Overlay Zone (Section 2.2.160), shall be reviewed for compliance with the Code by the Planning Commission or by whomever the Planning Commission may designate. Approval shall be given if the proposal is found to be in conformance with all applicable requirements of this Code.

#### C. Plans and Specifications

1. All applications for building permits shall contain or have attached sufficiently detailed plans specifications, and other information for the Zoning Administrator, Building Authority or the Planning Commission or other appointed official to accurately ascertain the existing state of the area where the proposed activity will take place, and to fully examine the use, placement, construction, repair or alteration proposed by the applicant.
2. In the absence thereof, the Zoning Administrator, Building Authority, or the Planning Commission may require such additional plans, specifications and information as maybe deemed necessary to make the required determination.

### **D. Processing Procedures**

All projects involving the erection of a new building or structure or the enlargement or intensification of use of any existing building or structure shall be reviewed for compliance with this Code and the Comprehensive Plan prior to issuance of a Building Permit, Placement Permit, or Certificate of Plan Check. Except where Planning Commission or City Council approval is required for applications involving a public hearing or where it is necessary for an application to be considered by a body having the power to impose additional conditions or restrictions, the Zoning Administrator may approve, through a Certificate of Plan Check referral to the Building Authority, an application for development. Decisions of the Zoning Administrator may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the City Council in accordance with the procedures set forth in Chapter 4.1. Applications shall be processed as follows:

#### 1. Certificate of Plan Check.

No structure shall be erected, constructed, reconstructed, extended or moved and no land or building shall be occupied or used in whole or in part for any use whatsoever until the owner, tenants, contract purchaser, or authorized agent thereof, has received verification that the building or use complies with all zoning requirements. A Certificate of Plan Check shall be issued by the Zoning Administrator, Planning Commission, or City Council as authorized by the provisions of this Code.

#### 2. Certificate of Occupancy

- a. No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Authority has issued a Certificate of Occupancy as required by the Uniform Building Code.
- b. No Certificate of Occupancy shall be issued until the premises in question have received the “final inspection,” subsequent to issuance of a Building Permit, to verify compliance with the requirements of the Uniform Building Code and this Code.

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## 4.3 – Conditional Uses, Variances and Temporary Uses

### Chapter 4.3 - Conditional Uses, Variances and Temporary Uses

#### Sections:

- 4.3.010 Conditional Use
- 4.3.020 Variances
- 4.3.030 Temporary Uses

#### **4.3.010 Conditional Use**

**A. Conditional Uses Defined.** Uses designated as conditional are those classified as a conditional use within the applicable zone. A conditional use shall be permitted, altered, enlarged or denied in accordance with the standards and procedures of this Code. Once issued, Conditional Use Permits may be revoked pursuant to Section 1.5.090.

1. **Existing Structures:** In the case of an existing development where an alteration of use is classified as a conditional use: The change in use shall conform to the requirements for a conditional use although it is not an actual structural change or new construction.
2. **Existing Uses:** In the case of a use existing prior to the effective date of this Code which is designated as a conditional use: An expansion of that use or an alteration that affects significant elements of the site plan shall conform with the requirements for a conditional use.

#### **B. Authorization to Grant a Conditional Use Permit**

Before a conditional use or a modification of an existing conditional use is allowed, the Planning Commission shall conduct a public hearing on the application for a Conditional Use Permit. Notice and conduct of the hearing shall be in accordance with Type III application procedures outlined in Sections 4.1.040. The Planning Commission may also conduct a formal site plan review when new construction is proposed or when significant elements of the site plan are affected.

1. **Hearing & Findings Required.** In judging whether or not a conditional use proposal shall be approved, altered or denied, the Planning Commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse impacts that would result from authorizing the particular development at the location proposed and shall establish findings based on the criteria set forth in Section 4.3.010(D) or Section 4.3.010(E) as applicable.
2. **Testimony & Supplemental Conditions.** To supplement the general requirements of this Code, the Planning Commission, in reviewing an application for a Conditional Use Permit, shall consider the testimony received at the public hearing which, in its judgment, is relevant to the request. As a condition of approval, the Planning Commission may impose any of the supplemental conditions set forth in Section 4.3.010(C) which it finds necessary to carry out the purpose of this Code and to otherwise achieve the objectives of the Comprehensive Plan and other applicable policies of the City.

#### **C. Conditions of Approval**

Conditions which may be imposed by the Planning Commission to insure consistency with this Code, other City ordinances, and the Comprehensive Plan may include, but are not limited to, the following:

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## 4.3 – Conditional Uses, Variances and Temporary Uses

1. Regulation of uses.
2. Increased setbacks.
3. Fences, walls, or screening.
4. Design, location, and surfacing of parking areas.
5. Street dedications or improvements.
6. Regulation of points of vehicular ingress or egress.
7. Regulation of signs.
8. Diking, berming, screening, or landscaping and maintenance thereof.
9. Preservation of natural resources (trees, riparian vegetation, wildlife habitat, etc.) and maintenance thereof.
10. Regulation of noise, vibration, odors, dust, heat, pollutant emissions, or other similar nuisances.
11. Time-of-day restrictions for certain activities.
12. Time period within which proposed use shall be developed.
13. Duration of use.
14. Decrease in building height or regulation of mechanical roof facilities.
15. Reduced building size.
16. Limitations on building location.
17. Decreased lot coverage.
18. Traffic and circulation conditions.
19. Regulation of outdoor lighting.
20. Require use of a Planned Development approach
21. Require performance bonds, deed restrictions, or deed dedications

### **D. Criteria for Conditional Use Permit Approval**

Except as provided for in Section 4.3.010(E), a Conditional Use Permit may be granted only when the following criteria are met, or will be met by observance of specific conditions. The approval or denial shall be accompanied by a statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, explains the justification for the decision based on the applicable criteria, standards, and facts, and when necessary cites the specific conditions which must be imposed in order to meet the criteria.

1. The proposal will be consistent with the Comprehensive Plan and the objectives of this Code and other applicable ordinances of the City.
2. The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the livability, value, and appropriate development of abutting properties and the surrounding area when compared to the impact of development that is permitted outright.
3. The property in question is suited for the use requested in regards to location, topography, and other physical features, safe and efficient access, adequate area to provide for off-street parking and loading and available utilities and services.

### **E. Criteria for Conditional Use Approval for Planned Developments**

The location, size, design, and operating characteristics shall be suitable for the proper development of a Planned Development and shall have the endorsement of the Public Works Director, Chief of Police, City Fire Marshall and other appropriate departments or agencies having an interest in the public welfare. The following criteria shall be considered in evaluating the suitability of the site:



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## 4.3 – Conditional Uses, Variances and Temporary Uses

1. The location, design, and size are consistent with the Comprehensive Plan and with any other applicable plan, development map, or ordinance adopted by the Council;
2. That the location, design, and size are such that the development can be well integrated with its surroundings and, in the case of a departure in character from surrounding uses, that the design of the Planned Development will adequately reduce the impact of the development;
3. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets;
4. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned facilities and services;
5. That the location, design, and size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working;
6. That there is demonstrated intent and capability to provide the following objectives of a Planned Development:
  7. A choice in the types of environment, occupancy, tenure (e.g. cooperatives, individual ownership, condominiums, leasing, etc.), housing and accessory community facilities.
  8. Useable open space and recreation areas.
  9. Convenience in location of accessory commercial and service areas.
10. Preservation of natural topographical and geological features with emphasis on reduction of soil erosion, conservation of existing surface and subsurface water, and preservation of major trees or other environmentally enhancing features.

In all cases, a condition shall be attached to approval of a Conditional Use Permit for Planned Development purposes which stipulates that the approval of the Permit is contingent upon Planning Commission final acceptance of the site plan in accordance with the above approval criteria.

### **F. Application Procedure and Application Fee**

Conditional Use Permits are a Type III application. A request for a Conditional Use Permit or modification of an existing Conditional Use Permit may be initiated by a property owner or his authorized agent by filing an application with the City on the prescribed form. The application shall include the information set forth in Section 4.1.040 and any drawings or materials essential to the understanding of the proposed use and its relationship to the surrounding properties. The application shall be accompanied by the corresponding application fee listed in the City's "Land Use Fee Schedule," and this application fee will be non-returnable.

### **G. Time Limit on Permit**

Authorization of a Conditional Use Permit shall be void after 180 days unless the use requested has commenced operation or unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional 180 days provided a written request from the applicant is submitted prior to the expiration date. The time limit on authorization of the Conditional Use Permit for a Planned Development shall commence upon final approval of the site plan.

### 4.3.020 Variances

#### A. Variances

A variance is an authorized relaxation of the terms of this Code where such variance will not be contrary to the public interest and where conditions exist which are peculiar to the property and which are not the result of the actions of the applicant. A variance shall be permitted, altered or denied as set forth in Section 4.3.020(B) through (E).

#### B. Authorizations to Grant a Variance

The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for a use not otherwise permitted in the location. The Planning Commission may authorize a variance from a specified provision of this Code upon finding that strict application of the requirement would render the parcel incapable of reasonable economic use. Examples of the requirements for which a variance may be authorized include off-street parking and loading standards, building height, lot coverage, size of yards, and open spaces.

1. The Planning Commission shall conduct a public hearing on all applications for a variance. Notice and conduct of the hearing shall be in accordance with Type III application procedures outlined in Sections 4.1.040. In judging whether or not a variance shall be permitted, altered or denied, the Planning Commission shall establish findings based on the criteria set forth in Section 4.3.020(C). In granting or denying a variance, the Planning Commission shall make a written record of its decision, of its findings on each of the criteria, and of the facts relied on in connection therewith, and shall describe the variance granted and any conditions imposed. The City shall keep the decision and findings on file as a matter of public record.
2. The Planning Commission shall conduct a site plan review and, in granting a variance, may impose conditions which it finds necessary to protect the best interest of the surrounding properties or neighborhood and to otherwise achieve the objectives and purposes of the Comprehensive Plan and other applicable policies of the City.

#### C. Criteria for a Variance Approval

A variance may be granted only in the event that all of the following circumstances exist. Approval or denial shall be accompanied by a statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the applicable criteria, standards and facts.

1. Special circumstances or conditions apply to the property that do not apply generally to other property in the same zone or vicinity and result from lot size or shape, (legally existing prior to the date of this Code), topography, or other circumstances over which the owners of property since enactment of applicable regulations have had no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purpose of this Code, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan.
4. The variance requested is the least waiver of the requirements which would alleviate a hardship.

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## 4.3 – Conditional Uses, Variances and Temporary Uses

### **D. Application Procedure and Application Fee**

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the City upon forms prescribed for the purpose. The application shall include information set forth in Section 4.1.040(A)(2) and any drawings or materials essential to the understanding of the proposed use and its relationship to the surrounding properties. The application shall be accompanied by the corresponding application fee listed in the City’s “Land Use Fee Schedule”, and this application fee will be non-returnable.

### **E. Time Limit on a Variance Approval**

Authorization of a variance shall be void after 180 days unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional 180 days provided a written request from the applicant is submitted prior to the expiration date.

### 4.3.030 Temporary Uses

#### A. Purpose

It is recognized that there are special uses which, because of their unique character and temporary nature, are deemed to be a suitable and proper temporary use of land or structure. A Temporary Use Permit may be approved to allow the limited use of structures or activities which conflict with the regulations of the Zone in which they are to be located. However, no Temporary Use Permit shall be issued which would have the effect of establishing permanence for that use. Temporary Use Permits are subject to approval under Sections 4.3.030(B) through (E) of this section.

#### B. Authorization to Grant a Temporary Use Permit

The Zoning Administrator may issue Temporary Use Permits for interim uses, or uses which are incidental to construction, such as those listed in Section 4.3.030(C) Paragraph 1. All other requests for a Temporary Use Permit shall be heard by the Planning Commission, where the proposal shall be reviewed for impact on the surrounding area. In issuing a Temporary Use Permit, the approving authority may impose any of the conditions set forth in Section 4.3.030(D) which it finds necessary for the protection and preservation of property rights and values of adjacent properties. It shall be within the authority of the Planning Commission, based on just cause, to require that a public hearing be held on a specific application prior to their making their decision or to decide that the application should be forwarded to the City Council for a decision.

#### C. Permitted Temporary Uses

Temporary Use Permits shall be issued for structures or uses which are not specified in this Code as a specific or general regulation and are of a temporary nature such as, but not limited to, the following:

- I. The Zoning Administrator, on his own authority, may issue permits for up to 60 days for:
  - a. Enclosures and buildings for the storage of equipment during the building of roads, structures, and other developments;
  - b. Auxiliary real estate offices used for the sale of lots or houses in subdivisions (i.e. tract office) and other temporary structures to provide for housing of personnel;
  - c. Contractor's job sheds used in conjunction with the building of a structure, road, etc.;
  - d. Roadside stands;
  - e. Recreational Vehicle (RV) placement for visitors to City residents, with no fee assessed.

Such permits shall not contain any discretionary conditions imposed by the Zoning Administrator. The term of such permits can be extended beyond 60 days by a vote of the Planning Commission. The Zoning Administrator shall develop criteria and standards for the issuance for such permits, which criteria and standards shall be approved by the Planning Commission.

2. The Planning Commission shall have the authority to issue permits for the temporary placement of Mobile Homes, Manufactured Homes, or Recreational Vehicles for the following uses:
  - a. as a temporary office area for permitted commercial or industrial uses when separated by a minimum of 20 feet from any permanent structure and placed in accordance with Section 4.3.030(D);

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## 4.3 – Conditional Uses, Variances and Temporary Uses

- b. as a temporary classroom at an existing public or private school when separated from each other and existing buildings the minimum distance specified in the fire code or 20 feet, whichever is greater, and when placed in accordance with Section 4.3.030;
- c. as a temporary residence during the construction or repair of a permanent dwelling provided there is compliance with Section 4.3.030(D); and,
- d. All other requests of a temporary nature that do not fall within the limits of Paragraph I of this Section.

### D. Conditions Relative to the Issuance of a Temporary Use Permit

- 1. No Temporary Use Permit shall be issued except upon a finding that the proposed structure, activity, or use will not lead to the permanent establishment within a Zone of any use which is not a permitted use or a use for which a Conditional Use Permit is required.
- 2. Reasonable conditions may be imposed in connection with the Temporary Use Permit to minimize the potential impact of the proposed use on other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, the following:
  - a. Special yards or open spaces;
  - b. Fences or walls;
  - c. Control of points of vehicular ingress and egress;
  - d. Special provisions or signs;
  - e. Landscaping or bufferyards and maintenance thereof;
  - f. Maintenance of the grounds and/or parking areas;
  - g. Control of noise, odors or other nuisances; and
  - h. Limitation of time for certain activities;
  - i. Appropriate utility connections.
- 3. The owner of a Mobile Home or Manufactured Home that is authorized as a Temporary use shall comply with the following in addition to any other conditions that may be attached to issuance of the Temporary Use Permit:
  - a. A Mobile Home or Manufactured Home Placement Permit shall be obtained prior to placement;
  - b. The owner of the lot shall remove the footings, foundation, mobile/manufactured home and mobile home accessory structures and disconnect sewer, water, and other utilities immediately upon expiration of the Temporary Use Permit.
  - c. If a Temporary Use Permit for a mobile/manufactured home is authorized for occupancy while constructing a dwelling, the following shall also be required:
    - 1) Except as provided in Section 4.3.030(F)(1&2), the mobile/manufactured home shall be occupied by the owner of the lot on which the mobile/manufactured is located;

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## 4.3 – Conditional Uses, Variances and Temporary Uses

- 2) A Building Permit for construction of the permanent dwelling shall be obtained prior to the effective date of the Temporary Use Permit and the mobile/manufactured home shall be placed upon the lot for which the Building Permit has been issued; and
  - 3) The owner of the lot shall remove the mobile/manufactured home from the lot not later than 18 months from the date on which the Building Permit for the housing unit is issued or not later than two months following the completion of the housing unit, whichever is first.
4. Any Temporary Use Permit shall clearly set forth the conditions under which the Permit is granted and shall clearly indicate the time period for which the Permit is issued. No Temporary Use Permit shall be transferable to any other owner or occupant, but may be renewable upon expiration if all applicable conditions can again be met. Renewal of a Temporary Use Permit shall follow the same procedure as the initial application.
5. All structures for which a Temporary Use Permit is issued shall:
- a. Meet all other requirements of the Zone in which they are located;
  - b. Meet all applicable health and sanitation requirements;
  - c. Meet all applicable Building Code requirements;
  - d. Be removed upon expiration of the Temporary Use Permit, unless renewed.

### **E. Application Procedure and Application Fee**

A request for a Temporary Use Permit may be initiated by a property owner or his authorized agent by filing an application with the City upon forms prescribed for this purpose. The application shall include the information set forth in Section 4.1.040(A)(2) and any drawings or materials essential to the understanding of the proposed use and its relationship to the surrounding properties. The application for a Temporary Use Permit regulated by Section 4.3.030(C), Paragraph (2) shall be accompanied by the corresponding application fee listed in the City's "Land Use Fee Schedule". Applications for uses regulated by Section 4.3.030(C), Paragraph (1), are exempt from the service charge. Temporary Use Permits shall be issued for the time period specified by the approving authority but, unless specifically provided otherwise by these regulations, in no case for a period exceeding one year. In the event an application for a Temporary User Permit is denied, any fee tendered by the applicant shall be refunded.

### **F. Temporary Housing Placement Permit**

In any of the following qualifying circumstances, the Planning Commission may authorize the placement of a mobile/manufactured home, travel trailer, or recreation vehicle on a lot already occupied by a principal residence or otherwise in use.

1. When a family hardship exists because severe circumstances which causes a member of the homeowner's family to be temporarily incapable of maintaining a separate residence;
2. In the event that accident, fire, or natural disaster has rendered the principal residence uninhabitable, and the homeowner or a contractor has begun necessary home repairs or rebuilding.

Such authorizations require the issuance of a Temporary Housing Placement Permit, which shall be considered similar to Conditional Use Permits, and the Planning Commission shall attach conditions to the permit approval as necessary to mitigate adverse impacts on neighboring properties.

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## 4.3 – Conditional Uses, Variances and Temporary Uses

### G. Application

Requests for a Temporary Housing Placement Permit must be submitted on a completed city application form, along with a site plan depicting the proposed arrangement of structures. The burden lies with the applicant to adequately describe the need for the permit and to explain why the existing residence (if available) cannot meet the need. In the case of a family hardship the applicant must provide a written statement detailing the necessity for such an accommodation and stating why the person(s) is/are temporarily incapable of maintaining a separate residence. The Planning Commission may require the applicant to provide such other evidence deemed necessary for just consideration of the request.

### H. Criteria for Decision

No Temporary Housing Placement Permit shall be issued except upon a finding that the temporary occupancy 1) would not adversely impact neighboring residences; and 2) would not cause a public health, safety, or sanitation hazard as assessed by the Planning Commission. The Temporary Housing Placement Permit shall clearly set forth the conditions under which the permit is granted, and shall clearly indicate the time period (not to exceed one year) for which the permit is issued. Where necessary to ensure the public health, safety, and general welfare, the Planning Commission may require that the Temporary Housing unit placed be a mobile/manufactured home which meets the requirements of Section 2.3.120 of this Code.

### I. Standards and Conditions

With regard to the approval and holding of a Temporary Housing Placement Permit, the following standards and conditions shall apply:

1. The person(s) residing in the Temporary Housing shall be the owner of the principal residence or a member of the owner's family.
2. There shall be no compensation involved in the family hardship or emergency shelter cases.
3. The temporary housing unit shall:
  - a. Meet the applicable requirements of, and be approved by, the Building Department;
  - b. Be connected to the public sewer and water systems, provided to the principle residence, as directed by the City and shall pay fees for such connections as required by City Ordinance;
  - c. Have an approved electrical installation;
  - d. Meet all setbacks and coverage requirements pertaining to the zone, and be a minimum of six feet from the main building and all other buildings;
  - e. Be manufactured after June 15, 1976, and exhibit the "Oregon Department of Commerce Insignia of Compliance";
  - f. Not be structurally connected to the principal residence;
  - g. Have perimeter skirting as required by Section 2.3.120(8) of this Code.
  - h. Temporary housing unit foundations, pads, and support blocking shall be of sufficient strength to support the required live-loads and actual dead-loads imposed by the temporary housing unit and any attached or supported structure based on accepted engineering design standards. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, up-lift and overturning, and wind forces on the temporary housing unit and any attached or supported structures based on accepted engineering design standards.
4. Additional reasonable conditions may be imposed by the Planning Commission to minimize the potential impact of the proposed temporary occupancy to other uses in the vicinity. Guarantees and evidence

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## 4.3 – Conditional Uses, Variances and Temporary Uses

may be required that such conditions will be or are being complied with. Such impact mitigation conditions may include, but are not limited to, the following:

- a. Maintenance of the grounds;
- b. Control of noise, odors or other nuisances;
- c. Limitation of time for occupancy;
- d. Location of shelter on the property;
- e. Limitations placed on activities allowed on the site; and
- f. Assurance that sanitation facilities available to residents are adequate.

### **J. Permit Expiration and Reapplication**

The Temporary Housing Placement Permit shall expire one year from the date of issuance, or upon 1) ending of the family hardship, 2) completion of home repairs sufficient to make the damaged home habitable again, or 3) elimination of the need for the night watchman (as appropriate), whichever comes first. Renewals of the permit are available at the discretion of the Planning Commission, and will require reapplication two months prior to the expiration date.

At the time of reapplication, or where the Planning Commission has reason to believe the terms of the permit have been violated or there are other adverse impacts to the neighborhood, notice shall be sent to property owners as specified in Section 4.1.040(B)(2). If written objections are received, if the Zoning Administrator or the applicant so desire, or if more than one year has elapsed since the last hearing, the matter shall be scheduled for public hearing before the Planning Commission as a permit renewal and shall be considered a quasi-judicial procedure similar to that of a Conditional Use Permit.

Temporary Housing Placement Permits are not transferable. If ownership of the property is transferred or the occupant changes, the permit immediately expires. If the person who is the subject of the hardship relocates, the permit immediately expires and a new application must be submitted for any new hardship or any new location.

The mobile home, travel trailer, or recreational vehicle must be removed within 30 days of the expiration or revocation of the permit.

### **K. Permit to be a Deed Restriction**

To ensure full compliance with time limits and other standards of this Section, the City shall require permit recording in cases where the permit is expected to be held for more than ninety (90) days. In such cases, the Temporary Housing Placement Permit document, including all the applicable requirements of this Section and any conditions imposed by the Planning Commission, shall be recorded with the County Clerk and made a deed restriction. This shall be required prior to placement of the temporary housing unit.



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## 4.4 –Amendments and Rezones

### Chapter 4.4 Amendments and Rezones

#### 4.4.010 Amendments and Rezones

##### A. Authorization to Initiate Amendments

Whenever public necessity, convenience or general welfare requires amendments to the provisions of this Code or the Zoning Map, they may be initiated by the City Council, by the Planning Commission, or by application of a property owner or his authorized agent. To ensure consistency with this Code and the Future Land Use Map, amendments to the Zoning Map shall be accompanied by corresponding amendments to the Future Land Use Map. Both Zoning and Future Land Use Map amendments shall be processed concurrently.

##### B. Application Procedure and Fee

An application for amendment by a property owner or his authorized agent shall contain the information described in Section 4.1.040(A)(2) and shall be filed with the Zoning Administrator upon forms prescribed for this purpose. The application shall be accompanied by the corresponding fee listed in the City's "Land Use Fee Schedule", and this application fee will be non-returnable.

Amendments to either the text or maps of this Code shall be made following the procedures detailed below. A petition for an amendment to the text of this Code may be submitted to the Planning Commission by any interested party. The petition shall state in particular the Section, Subsection and Paragraph sought to be amended. The petition shall contain the language of the proposed amendment and shall recite the reasons for such proposed change in the text.

##### C. Public Hearing on Amendments

1. The Planning Commission shall conduct a public hearing on the proposed amendment or zone change, and adopt findings in support of its decision to deny or to recommend approval of the proposed change. In making a recommendation to approve the proposed change, the Planning Commission may also recommend any conditions it finds necessary to carry out the purpose of this Code and to otherwise achieve the objectives of the Comprehensive Plan.
2. If the Planning Commission denies the proposed change, the applicant may appeal that decision to the City Council in accordance with Section (4.1.040)(B) of this Code. If the Planning Commission recommends approval, its findings and recommendation shall be forwarded to the City Council, whereupon the Council shall either grant the amendment or zone change in whole or in part by adoption of findings of fact and by the adoption of an amended ordinance, or deny the same by appropriate motion and findings of fact. The decision of the Council shall be based on the record of the Planning Commission hearing.
3. Notice and conduct of each hearing shall be in accordance with Section 4.1.040(B)(2).
4. The findings of fact shall state the facts relied upon in rendering the decision and explain the justification for the decision based upon the criteria set forth in Section 4.4.010(D).
5. Records of amendments to the text and map of this Code shall be maintained in a form convenient for use by the public.

**D. Criteria for Evaluating and Amendment**

The criteria for evaluating the proposal shall be:

1. Whether the change is consistent with and promotes the objectives of the Comprehensive Plan and other adopted policies and goals of the City.
2. Whether the change is consistent with and promotes the objectives of this Code and other City ordinances.
3. Whether the change is consistent with and promotes Oregon’s Statewide Planning Goals as developed and amended by the Department of Land Conservation and Development.
4. Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant with Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

**E. Additional Procedures Effecting a Zone**

It is the purpose and intent of Section 4.4.010(F) through (H) to provide additional procedures in the matter of a change of zone, so that the health, safety, and general welfare and environmental amenities of the citizens of the City are ensured even as certain developments occur.

**F. Resolution of Intent to Change Zone**

If from the report and recommendation of the Planning Commission as required by this Code, the Council determines that the public health, safety, welfare, and convenience will be best served by the requested zone change or any portion thereof, the Council may indicate its general approval in principle of the change of zone by the adoption of a “Resolution of Intent to Change the Zone” of said property. This resolution shall include any conditions, stipulations, or limitations which the Council may feel necessary to impose in the public interest as a prerequisite to final action.

**G. Resolution of Intent Binding**

The fulfillment on the part of the applicant, of all conditions, stipulations, and limitations contained in the “Resolution of Intent” to effect a change of zone, shall make such resolution a binding commitment on the Council.

**H. Resolution of Intent Void Upon Failure to Comply**

The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a “Resolution of Intent” to effect a change of zone, including the time limit placed on the resolution, shall render said resolution null and void, unless an extension is granted by the Council upon recommendation of the Planning Commission. In the event of a change of zone approved by the Council, the Council shall by ordinance effect such zone change.

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## 4.5 – Land Divisions and Property Line Adjustments

### Chapter 4.5 - Land Divisions and Property Line Adjustments

#### Sections:

- 4.5.010 Purpose
- 4.5.020 General Requirements
- 4.5.030 Approval of Subdivisions
- 4.5.040 Public Facilities Improvements in Subdivisions
- 4.5.050 Approval of Partitions
- 4.5.060 Improvements in Partitions
- 4.5.070 Lot Line Adjustments and Consolidations

#### **4.5.010 Purpose**

- A.** Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments as follows:
  - 1. Subdivisions are the creation of four (4) or more lots from one parent lot, parcel or tract, within one (1) calendar year.
  - 2. Partitions are the creation of three (3) or fewer lots from one parent lot, parcel, or tract within one calendar year.
  - 3. Lot line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).
- B.** Carry out the City's development pattern, as envisioned by the City's comprehensive plan.
- C.** Encourage efficient use of land resources and public services, and to provide transportation options.
- D.** Promote the public health, safety and general welfare through orderly and efficient urbanization.
- E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

#### **4.5.020 General Requirements**

##### **A. Scope of Regulations.**

Subdivision and land partition plats shall be approved by the Planning Commission or City Council in accordance with these regulations. A person desiring to subdivide or partition land shall submit the required City application, tentative plans, and final documents for approval as provided in this Code and state law.

- B. Compliance With Oregon Revised Statutes (ORS) Chapter 92.** All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

**4.5.030 Approval of Subdivisions**

**A. Submission of Tentative Subdivision Plan.**

1. A completed Application for Subdivision shall be submitted to the Zoning Administrator at least 60 days prior to the Planning Commission meeting at which consideration of the application is desired. The completed application shall be accompanied by at least one (1) original and seven (7) copies of a tentative subdivision plan, together with a utility plan and such other materials as required by this Code. The applicant shall also submit a copy of the tentative plan to those special districts and agencies specified by the City or otherwise requested.

**B. Scale.** The tentative plan of a subdivision shall be drawn on a sheet 18 by 27 inches in size with at least a 3-inch margin for binding, or a multiple thereof, at a scale of 1 inch equals 100 feet or, for areas over 100 acres, 1 inch equals 200 feet. Black India ink or another medium of sufficient clarity should be used to allow reproduction.

**C. General Information.** The following general information shall be shown on the tentative plan of a subdivision:

1. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission. Names such as "estate," "town," "City," "place," "court," etc., may be duplicated.
2. Date, north arrow, and scale of drawing.
3. Appropriate identification of the drawing as a tentative plan.
4. Location of the subdivision sufficient to define its location and boundaries, and a legal description of the tract boundaries.
5. Names and addresses of the owner, applicant, and engineer or surveyor.
6. A deed showing ownership and all parties whose consent is necessary, their interest in the premises, and all encumbrances, covenants, and other restrictions pertaining to the subject property.

**D. Existing Conditions.** The following existing conditions shall be shown on the tentative plan:

1. The location, widths, and names of both opened and unopened public or private streets within or adjacent to the tract, or restrictions on these streets, together with easements and other important features, such as section lines, section corners, City boundary lines, and monuments.
2. Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:
  - a. For slopes of less than 5 percent: show the direction of the slope using arrows or other suitable symbols, together with not less than four spot elevations per acre, evenly distributed.
  - b. For slopes averaging 5 percent to 15 percent: five feet.
  - c. For slopes averaging 15 percent to 20 percent: 10 feet.
  - d. For slopes averaging over 20 percent: 20 feet.

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## 4.5 – Land Divisions and Property Line Adjustments

- e. The location of at least one temporary bench mark within the subdivision boundaries.
- f. The location and direction of watercourses and the location of areas subject to flooding, as defined at 2.2.150 Special Flood Hazard (F) Overlay Zone.
- g. Natural features, such as rock outcroppings, marshes, wooded areas, and preservable trees.
- h. Existing uses of the property and location of existing structures to remain on the property after platting.

**E. Proposed Plan of Subdivision.** The following information shall be included on the tentative plan of a subdivision:

- 1. The location, width, names, approximate grades, and curve radii of proposed streets. Proposed streets shall be shown to the point of connection with the existing street system within 600 feet. Show the relationship of proposed streets to projected streets if no development plan is complete to assure adequate vehicular, pedestrian, and bicycle traffic circulation. For the purpose of this section, a proposed street means a street that is part of the proposed tentative plan of subdivision, and a projected street is a street that could be connected to the subdivision by future development that is not part of this subdivision.
- 2. The location, width, and purpose of proposed easements.
- 3. The location and approximate dimensions of proposed lots, and the proposed lot and block numbers.
- 4. Proposed sites, if any, allocated for purposes other than single-family dwellings.

**F. Partial Development.** For any proposal for a subdivision that pertains to only part of the tract owned or controlled by the applicant, the Planning Commission shall require a build-out concept plan for the un-subdivided portion in order to determine if the proposed development is compatible with future infill of the property. The build-out concept plan shall include the following information:

- 1. Proposed future lot pattern that meets the requirements of the zoning district, any special overlay districts, and all relevant portions of this Code, including street connectivity requirements.
- 2. Locations and specifications of future infrastructure improvements and easements, including public and private streets, utilities, and storm drainage, to be developed in accordance with this Code.
- 3. Indication of how a proposed driveway can be converted to a through street in the future.

**G. Explanatory Information with Tentative Plan.** Any of the following information may be required by the Planning Commission. If it cannot be shown practicably on the tentative plan of a subdivision, it shall be submitted in separate statements accompanying the plan.

- 1. A vicinity map showing existing subdivisions and un-subdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
- 2. Proposed covenants and deed restrictions, if any, in outline form.
- 3. The location within the subdivision and in the adjoining streets and property of existing sewer, water mains, culverts, drain pipes, and electric lines, and elevations of sewers at points of probable connections.

**H. Supplemental Proposals with Tentative Plan.** Any of the following may be required of the applicant by the Planning Commission, at the applicant's expense, to supplement the plan of the subdivision:

1. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision, showing the finished grade of streets and the nature and extent of street construction.
2. A plan for domestic water supply lines and related water service facilities adequate for fire protection and domestic use.
3. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
4. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
5. Proposals for other improvements, such as electric utilities and street lighting.
6. Curbs and gutters.
7. Fire hydrants.
8. Expert's written report assessing the suitability of steep slopes within the Steep Slope Overlay Zone for development, as required under Section 2.2.170.
9. Expert's written report assessing impact of development located within the flood plain or areas subject to flooding, as defined at 2.2.150, Special Flood Hazard (F) Overlay Zone.

**I. Preliminary Review of Tentative Plan.** Upon receipt of a completed application for subdivision and tentative plan, the Zoning Administrator shall furnish one copy of the tentative plan and supplementary material to the City Engineer and such other agencies or special districts as are known to be affected. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given 30 days to review the plan and suggest revisions that appear to be in the public interest. Completeness of application and tentative plan shall be determined by the requirements of Sections (4.1.040).

**J. Approval of Tentative Subdivision Plan.**

1. State law defines the approval or denial of a subdivision as a limited land use decision. In accordance with state law, ORS Chapter 197, the City shall provide written notice to owners of property within 200 feet of the proposed subdivision. The list shall be compiled from the most recent property tax assessment roll. The notice shall be mailed at least 21 days prior to the Planning Commission meeting at which the tentative plan will be reviewed. The written notice shall provide for a 14-day period for submission of written comments, and shall include the following information:
  - a. State that issues that may provide the basis for an appeal to the State Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with enough detail for each decision maker to respond to the issue;
  - b. List by section number the criteria used in making the decision;
  - c. The street address or other easily understood geographical description of the property;
  - d. The place, date, and time written comments are due;
  - e. State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost;

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- f. The name and phone number of a City contact person;
  - g. State that notice of the decision shall be sent to the applicant and any person who submits written comments. The notice of decision shall include an explanation of appeal rights; and
  - h. A brief summary of the City's process for the land use application decision being made.
2. The Planning Commission shall hold a public hearing at which it will evaluate the application materials and tentative plan against the applicable requirements and standards of this Code, and the Comprehensive Plan. The Planning Commission shall also consider the staff report, if one is available; written comments submitted by property owners; comments of other affected agencies or special districts; and oral and written testimony and evidence provided at the public hearing. If it determines that approval requires changes to the tentative plan, the Planning Commission may delay its decision until a revised tentative subdivision plan has been submitted and reviewed by all participants.
  3. If the Planning Commission requires a revised tentative subdivision plan, an extension of the 120-day time frame in which the City issues a decision may be granted if requested by the applicant.
  4. Based on its evaluation of the tentative subdivision plan and related materials, the Planning Commission shall approve the tentative plan as submitted, or as modified or conditioned, or it shall deny approval of the tentative subdivision plan. The Planning Commission shall make findings as appropriate for its decision, which shall be noted in the record of the decision.
  5. Prior to final approval of the tentative subdivision plan, all materials shall be forwarded to the City Council for review and concurrence. The City Council may approve the tentative subdivision plan as modified or conditioned by the Planning Commission, approve the tentative plan with additional modifications or conditions, or deny approval of the tentative subdivision plan.
  6. After the City Council has concurred with the Planning Commission's action on the tentative plan, the City's final approval of the tentative subdivision plan shall be noted on two (2) copies of the tentative plan. The notation shall include the date of final approval and specifically reference any attached documents describing the conditions of approval. One copy shall be returned to the applicant and one copy retained by the City.
- K. Submission of the Subdivision Plat.** Within one year after approval of the tentative plan, the applicant shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the approved tentative plan. The applicant shall submit the original drawing, seven (7) copies, and any supplementary information to the City. If the applicant wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he or she must reapply for tentative subdivision plan approval.
- L. Information on Plat.** In addition to that required for the tentative plan, otherwise specified by law, the following information shall be shown on the plat:
1. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
    - a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
    - b. Adjoining corners of adjoining subdivisions.

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## 4.5 – Land Divisions and Property Line Adjustments

- c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Code.
2. The exact location and width of streets and easements intercepting the boundary of the tract.
3. Tract, block, and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds, with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
4. The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
6. Lot numbers beginning with the number "1" and numbered consecutively in each block.
7. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
8. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
9. The following certificates, which may be combined where appropriate:
  - a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
  - b. A certificate signed and acknowledged as above dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, and tenants.
  - c. A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final plat.
  - d. Other certifications now or hereafter required by law.

### **M. Supplemental Information with Plat.** The following data shall accompany the plat:

1. The most recently recorded deed showing ownership, all parties whose consent is necessary and their interest in the premises, and all encumbrances, covenants, and other restrictions pertaining to the subject property.
2. Sheets and drawings showing the following.



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## 4.5 – Land Divisions and Property Line Adjustments

- a. Traverse data, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - b. The computation of distances, angles, and courses shown on the plat.
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing. The provisions of ORS Chapter 92 are incorporated herein and made a part of this Code.
  - d. Building setback lines, if any, that are to be made part of the subdivision restrictions.
3. A copy of any deed restrictions applicable to the subdivision.
  4. A copy of any dedication requiring separate documents.
  5. A list of all taxes and assessments on the tract that have become a lien on the tract and should be paid.
  6. A certificate by the City Engineer that the applicant has complied with the requirements of Chapter 4.5.
  7. Warranty agreement between the applicant and the City in which the applicant guarantees all materials and satisfactory installation of infrastructure improvements, to City standards, for one year from the date of the City's final inspection and approval of the completed installation of each infrastructure element.

### **N. Technical Plat Review.**

1. Upon receipt by the City, the plat and other data shall be reviewed by the City Engineer, who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan, and that there has been compliance with provisions of the law and of this Code.
2. The City Engineer, or his or her designee, may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground; his or her representatives may enter the property for this purpose.
3. If the City Engineer determines that full conformity has not been made, he or she shall advise the applicant within 20 days of the changes or additions that must be made and shall afford the applicant an opportunity to make the changes or additions.

**O. Approval of the Plat.** Upon receipt of the plat with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the applicant in writing of the changes or additions that must be made and shall afford him or her an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements, it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. The Planning Commission shall recommend its approval to the City Council within 14 days. Approval shall be indicated by the signature of the chairman of the Planning Commission. This recommendation shall be forwarded to the City Council at its next regular meeting for review. Approval by the City Council shall be indicated by the signature of the Mayor. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat. The dedication of public streets and other public land must be specifically accepted by the City Council prior to plat approval. (This can be done at the same meeting.)

**P. Filing of Plat.** A applicant shall, without delay, submit the plat to the Douglas County Surveyor for the signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not

recorded within ninety (90) days after the date of the last required approving signature has been obtained. A plat must be filed with the Douglas County Surveyor and recorded with the Douglas County Clerk and City Zoning Administrator. Unless otherwise provided by state law, no person shall submit a plat of a subdivision for recording until all the requirements of ORS Chapter 209 and the plat requirements of this Code have been met. No person shall commence preliminary development until the final plat has been recorded with the Douglas County Clerk.

**Q. Substantial Completion.** The applicant shall, within one year of approval of the subdivision plat, have achieved substantial completion of the installation of required infrastructure improvements, and shall be in compliance with the warranty agreement set forth between the applicant and the City. If the City determines that substantial completion has not been reached within one year, it may serve notice to the applicant stating intent to revoke approval of the subdivision plat. A public hearing shall be held prior to revocation.

### **4.5.040 Public Facilities Improvements in Subdivisions**

Improvements shall be made at the expense of the applicant at the time of subdivision, and shall comply with the specifications for improvements set forth by the Oakland Rural Fire District, and the City Engineer and Public Works Department, as specified by Chapter 3.3 Public Facilities.

### **4.5.050 Approval of Partitions**

#### **A. Land Partition - Creation of a Public Street Outside a Subdivision.**

1. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision; except, however, the Planning Commission may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions, provided any of the following conditions exist:
  - a. The establishment of the public street is initiated by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street.
  - b. The tract in which the street is to be dedicated is a partition within an isolated ownership, either of not over 1 acre or of such size and characteristics as to accommodate no more than three dwelling units without a variance.
2. In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, the street and resulting partition may be approved under Section 4.5.050(C).

#### **B. Land Partition - Creation of Private Street Outside a Subdivision.**

A street created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 4.5.050, except that a private street to be established by deed without full compliance with these regulations may be approved by the Planning Commission in accordance with Land Partition Procedures at Sections 4.5.050 and 4.1.040, provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning may be provided with access.

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## 4.5 – Land Divisions and Property Line Adjustments

### C. Submission of Tentative Partition Plan

1. A completed Application for Land Partition shall be submitted to the Zoning Administrator at least 60 days prior to the Planning Commission meeting at which consideration of the application is desired. The completed application shall be accompanied by a copy of the proposed deed creating a public or private street or easement, if any; a draft of proposed covenants or deed restrictions; and one (1) original and at least seven (7) copies of a tentative partition plan in accordance with the following requirements. The applicant shall also submit a copy of the tentative partition plan to those special districts and agencies specified by the City or otherwise requested.

**D. Scale.** The tentative partition plan shall be 18 x 27 inches in size, with a 3-inch margin for binding. Black India ink or another medium of sufficient clarity should be used to allow reproduction.

**E. General Information.** The following general information shall be shown on the tentative partition plan:

1. An identifying name or title of the partition, which shall include the words "Tentative Partition Plan."
2. A vicinity map locating the proposed partition, accompanied by the appropriate quarter-section, Donation Land Claim, township, and range identifiers.
3. The date, north arrow, and scale.
4. The name and address of the record owner(s), mortgagee, if any, and person who prepared the tentative plan.
5. A certificate signed and acknowledged by all parties having any record title interest in the land to be partitioned, consenting to the partition.
6. The names and addresses of all adjacent property owners.
7. Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.
8. Comprehensive Plan designation and Zoning classification.
9. A plan of the proposed partition showing tract dimensions, distance and bearings of all lines, the proposed parcel sizes and layout, and their relationship to existing or proposed streets and utility easements.

**F. Existing Conditions.** The following existing conditions shall be shown on the tentative partition plan:

1. For land adjacent to and within the tract to be partitioned, the locations, names, and widths of existing streets; locations, widths, and purpose of existing easements; location and size of existing sewer and water lines and drainage ways; and location of existing power poles.
2. Depiction of all proposed public or private streets, reserve strips at the end of stubbed streets, utility or other easements and any limitations thereof, water supply and sewage disposal, storm water drainage, areas subject to flooding, contours as called for on subdivision plans, and significant natural features, in sufficient detail for review and evaluation.
3. Outline and location of existing buildings to remain, and their distance from proposed or existing property lines.

4. Such additional information as requested by the Planning Commission, including, but not limited to, contours and natural features.

**G. Partial Development.** If any proposal for a partition pertains to only part of the tract owned or controlled by the applicant, the Planning Commission shall require a build-out concept plan for the undivided portion in order to determine if the proposed development is compatible with future infill of the property. The build-out concept plan shall include the following information:

1. Proposed future lot pattern that meets the requirements of the zoning district, any special overlay districts, and all relevant portions of this Code, including street connectivity requirements.
2. Locations and specifications of future infrastructure improvements and easements, including public and private streets, utilities, and storm drainage, to be developed in accordance with this Code.
3. Indication of how proposed a driveway can be converted to a through street in the future.

**H. Preliminary Review of Tentative Partition Plan.** The applicant shall submit the tentative partition plan to those special districts and agencies specified by the City or otherwise requested. Those special districts and agencies shall be given 30 days to review the tentative partition plan.

**I. Approval of Tentative Partition Plan.**

1. State law defines the approval or denial of a partition as a limited land use decision. In accordance with state law, ORS Chapter 197, the City shall provide written notice to owners of property within 200 feet of the proposed land partition. The list shall be compiled from the most recent property tax assessment roll. The notice shall be mailed at least 21 days prior to the Planning Commission meeting at which the tentative plan will be reviewed. The written notice shall provide for a 14-day period for submission of written comments, and shall include the following information:
  - a. State that issues that may provide the basis for an appeal to the State Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with enough detail for each decision maker to respond to the issue;
  - b. List by section number the criteria used in making the decision;
  - c. The street address or other easily understood geographical description of the property;
  - d. The place, date, and time written comments are due;
  - e. State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost;
  - f. The name and phone number of a City contact person;
  - g. State that notice of the decision shall be sent to the applicant and any person who submits written comments. The notice of decision shall include an explanation of appeal rights; and
  - h. A brief summary of the City's process for the land use application decision being made.
2. A public hearing is not required. However, if an application for variance is submitted, a public hearing is necessary.

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## 4.5 – Land Divisions and Property Line Adjustments

3. Within 60 days of receipt of a complete application for partition and tentative partition plan, the Planning Commission shall evaluate the application materials and tentative partition plan against the applicable requirements and standards of this Code, and the Comprehensive Plan. The Planning Commission shall also consider the staff report, if one is available; written comments submitted by property owners; and comments of other affected agencies or special districts. If it determines that approval requires changes to the tentative plan, the Planning Commission may delay its decision until a revised tentative partition plan has been submitted and reviewed by all participants.
4. If the Planning Commission requires a revised tentative partition plan, an extension of the 120-day time frame in which the City issues a decision may occur with concurrence of the applicant.
5. If the parcel of land to be partitioned exceeds 2 acres, and within a year is being partitioned into more than two parcels, any one of which is less than 1 acre, full compliance with all requirements for subdivision may be required if the Planning Commission should determine, based on the applicant's build-out concept plan, that the entire parcel being partitioned is in the process of being divided into small parcels.
6. Based on its evaluation of the tentative partition plan and related materials, the Planning Commission shall approve the tentative plan as submitted, or as modified or conditioned, or it shall deny approval of the tentative partition plan. The Planning Commission shall make findings as appropriate for its decision, which shall be noted in the record of the decision. The Planning Commission may require dedication of land or easements for drainage, access, utilities, and other suitable purposes as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided.
7. The decision of the Planning Commission shall be noted on two (2) copies of the tentative partition plan. The notation shall include the date of approval and specifically reference any attached documents describing the conditions of approval. One copy shall be returned to the applicant and one copy retained by the City.

### **J. Submission of Final Partition Plat.**

1. After all required modifications to the tentative partition plan have been made, and the applicant has prepared written evidence of compliance with the conditions of tentative approval, the applicant shall submit a final partition plat for Planning Commission approval. The final partition plat shall be prepared by a professional land surveyor registered with the State of Oregon, in conformance with standards set forth by the Douglas County Surveyor. The final partition plat shall comply with all applicable survey, monument, and documentation requirements of ORS Chapter 209 and ORS Chapter 92, in addition to other pertinent state laws. Partition plats shall include a signature block for all required approval signatures, including the Chair of the Planning Commission and the Douglas County Surveyor.
2. In addition to depicting the necessary survey monuments and measurements to define legal boundaries and tie the parcels to existing County surveys, the plat shall contain a written legal description of each parcel created. The plat shall contain all the information required on the tentative partition plan, as updated or modified by the Planning Commission, and a copy of covenants and documents, if any, that will be placed on the partition or related to the establishment and maintenance of private facilities, common areas, and easements, including the volume and page of recording with the Douglas County Clerk.

**K. Supplemental Information with Plat.** A warranty agreement between the applicant and City shall accompany the plat, in which the applicant guarantees all materials and satisfactory installation of infrastructure improvements, to City standards, for one year from the date of the City's final inspection and approval of the completed installation of each infrastructure element.

**L. Technical Plat Review.**

1. The City Council shall review any offers of dedication, and follow this Code and other applicable ordinances or laws in accepting such offers. If a dedication of right-of-way or other land to the public is required before, or in conjunction with, the land partition, the City Council must first pass a motion to accept a deed transferring the land before the final partition plat can be approved and recorded. If a land dedication to the public is judged essential by the Planning Commission, but is not required immediately to create a street or to otherwise accomplish the partition, the Planning Commission may require the applicant to execute an Irrevocable Offer to Dedicate prior to approval of the final partition plat. In either case, the final partition plat shall contain a notarized certificate, signed and acknowledged by all parties having any record title interest in the property, dedicating all land intended for public use and common improvements, including, but not limited to streets, roads, parks, sewage disposal, and water supply systems, the donation of which was a condition of the approval of the tentative partition plan.
2. Before approving the final partition plat, the Zoning Administrator or Planning Commission shall complete a Certificate of Improvement Guarantee, which shall be attached to, and recorded with or indicated on, the plat. The Certificate shall state that one or more of the following has been completed to the City's satisfaction:
  - a. All improvements have been installed in accordance with the requirements of these regulations, and all conditions of approval imposed by the Planning Commission to the tentative partition plan have been complied with; or
  - b. An Agreement for Improvements as specified in Section 3.7.010, and a Bond as specified in Section 3.7.020, have been filed with the Zoning Administrator; or
  - c. A waiver agreement that runs with the land has been signed by the property owner and filed with the Zoning Administrator. The waiver agreement shall bind the present and future property owners to sign any and all waivers, petitions, consents, and all other documents necessary to obtain the improvements under any proposed or adopted improvement act or LID. Under the agreement, the property owners must waive all rights to remonstrate (protest or object) against such improvements, but not the right to protest the amount and manner of spreading the assessment thereof. The specific language of any agreement created under this option must be approved by the Planning Commission.

**M. Approval of Partition Plat.** The Planning Commission shall evaluate the final partition plat to determine whether it conforms to the approved tentative partition plan, and whether all required modifications have been made and conditions met. The Planning Commission shall approve the final partition plat if there has been no change in the plan of the partition, if all supplemental documents and provisions for required improvements are satisfactory, if the City Council has already passed a proper motion to accept the proposed dedications of land, and if the applicant has complied with the requirements of this Code. If the Planning Commission does not approve the plat, it shall advise the applicant in writing of the reasons there

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## 4.5 – Land Divisions and Property Line Adjustments

for, and provide the applicant with an opportunity to make any necessary changes. Approval of the final partition plat shall be indicated by the dated signature of the Chair of the Planning Commission.

### **N. Filing of Partition Plat.**

1. The applicant shall, without delay, submit the approved partition plat to the Douglas County Surveyor for the signatures of other public officials required by law. Approval of the final partition plat shall be null and void if the plat is not recorded within ninety (90) days after the date of the last required approving signature. The plat must be submitted to the Douglas County Surveyor and recorded with the Douglas County Clerk and the Zoning Administrator. Unless otherwise provided by state law, no person shall submit a plat of a partition for recording until all the requirements of ORS Chapter 290 and the plat requirements of the partition have been met.
2. Upon filing the final partition plat, the applicant shall submit one print of the signed and recorded final partition plat to the Planning Commission.

**O. Substantial Completion.** The applicant shall, within one year of approval of the final partition plat, have achieved substantial completion of the installation of required infrastructure improvements, and shall be in compliance with the warranty agreement set forth between the applicant and the City. If the City determines that substantial completion has not been reached within one year, it may serve notice to the applicant stating intent to revoke approval of the subdivision plat. A public hearing shall be held prior to revocation.

### **4.5.060 Improvements in Partitions**

The same improvements shall be made to serve each building site of a partition, as required of a subdivision (Chapter 3.3. Public Facilities). However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes some improvements impracticable, the Planning Commission shall exempt or delay those improvements. In lieu of exempting an improvement, the Planning Commission may recommend to the City Council that the improvement be made in the area under special assessment financing or other facility extension policies of the City.

### 4.5.070 Lot Line Adjustments and Consolidations

- A. Generally.** The lot line adjustment procedure described in this Section provides a legal mechanism for relocating or consolidating a common boundary line between abutting lots or parcels. A lot line adjustment as described in this section has the effect of replatting the lots involved, necessitating the services of a licensed land surveyor.
- B. Authority.** Lot line adjustments and consolidations shall be approved or denied by the Zoning Administrator. The decision of the Zoning Administrator may be appealed to the Planning Commission.
- C. Application.** A completed application shall be filed with the Zoning Administrator, along with the correct application fee set by City Council resolution. The Zoning Administrator shall review the application for completeness, notify the applicant within 30 days of any missing information, and give the applicant an opportunity to submit the missing information. After the application has been deemed complete, it shall be evaluated by the Zoning Administrator. In accordance with state law, the City shall have 120 days to render a decision on the application after it has been deemed complete. An application shall include all of the following information:
1. A completed City application form containing a brief statement explaining the reason for the adjustment or consolidation.
  2. A vicinity map locating the proposed lot line adjustment or consolidation in relation to adjacent land parcels and roadways. The vicinity map may be incorporated within the tentative plan.
  3. One (1) original and seven (7) copies of a tentative plan of the proposed lot line adjustment or consolidation, prepared by a licensed land surveyor, drawn to scale on 18-inch by 27-inch drafting paper or mylar. The plan shall depict all affected lots and identify them by Township, Range, Section, and Tax Lot number, and show bearings and distances of both existing and proposed boundaries, parcel dimensions, and resulting areas of each parcel. In addition, the tentative plan shall show the following:
    - a. North arrow, scale, and date;
    - b. The names and addresses of the property owners and the licensed land surveyor who prepared the tentative plan;
    - c. An identifying name or title of the tentative plan;
    - d. All abutting streets or roads, both public and private;
    - e. All existing structures with dimensions and distances from existing and proposed property lines;
    - f. Existing and proposed driveways and the location of existing utilities and easements (sewer, water, electricity, access, drainage, and any others), with appropriate dimensions;
    - g. Land or easements to be conveyed or dedicated, if any, indicating dimensions, location, purpose, and affected agencies;
    - h. A notarized statement, signed and acknowledged by all parties having any record title interest in any



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## 4.5 – Land Divisions and Property Line Adjustments

affected units of land, consenting to the preparation and recording of the lot line adjustment. The certificate shall include legal descriptions of all adjusted lots prepared at the applicant's expense;

- i. A signature block for use by the Zoning Administrator, Douglas County Surveyor, Board of Commissioners, and other such officials as required by law, to indicate approval of the final plat and mark the date of approval; and

**D. Criteria for Approval.** The lot line adjustment or consolidation shall be approved if the Zoning Administrator finds that:

1. The application information required by subsection 4.1.030(A)(2) of this section has been provided;
2. The standards and criteria of the Comprehensive Plan, applicable land use provisions, and the zoning district in which the adjustment is made have been met;
3. No additional unit of land is created;
4. All adjusted lots will be no more non-conforming than the original lots with respect to minimum lot area, dimensions, and building setback requirements for the given zone;
5. All adjustments are within one zoning district, or if not within one zoning district, such adjustment would not effectively result in a rezone of a subject property;
6. No substandard lots are created;
7. The adjustment will not affect or impede the public right-of-way, private street or driveway access, or any recorded easement; and
8. A survey of the proposed lot line adjustment has been made by a licensed land surveyor and depicted on the tentative plan as follows:
  - a. The survey has established monuments to mark the adjusted boundary line; and
  - b. A survey map has been prepared that complies with ORS Chapter 209.
    - 1) The survey map shows all structures within 10 feet of the adjusted line; and
    - 2) The survey map has been properly filed with the Douglas County Surveyor.

**E. Exceptions.** The survey and monument requirements of subsection 4.5.070(D) of this section shall not apply to:

1. Any resulting lot or parcel greater than 10 acres;
2. A lot line adjustment where the property line is adjusted a distance of even width along the entire lot line; or
3. A lot line consolidation, which has no effect other than to eliminate an existing boundary line between abutting lots or parcels under the same ownership.

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## 4.5 – Land Divisions and Property Line Adjustments

- F. Procedure.** The following procedures shall be followed in the review of a proposed lot line adjustment or consolidation.
- 1. When Survey and Monuments Are Not Required.** When a survey and monuments are not required by law for approval of a lot line adjustment or consolidation (i.e., the proposal qualifies for an exception under Section 4.5.070(E), the tentative plan may serve as the final map, provided it is clearly identified as such and contains all the information required by sub-section 4.5.070(C), together with any available and appropriate information from preexisting surveys, and is sufficiently legible. If necessary or convenient, a final map shall be drawn and seven (7) copies provided by the applicant. Upon finding that the proposal conforms to the requirements of this sub-section, the Zoning Administrator shall approve the lot line adjustment or consolidation and indicate City approval by his or her dated signature on all copies of the map. The City shall keep one signed copy of the map, and return the others to the applicant for filing with the County. If the Zoning Administrator denies the application, he or she shall notify the applicant in writing of the reasons for denying the application, and shall indicate which requirements of this section were not met. In the event of denial, the City shall keep one copy of the unsigned map marked "DENIED," and return the others to the applicant.
  - 2. When Survey and Monuments Are Required.** When a survey and monuments are required by this section for approval of a lot line adjustment or consolidation, the following shall apply:
    - a. Preliminary Approval.** The Zoning Administrator shall notify the applicant in writing of whether the proposal conforms to the requirements of this section.
    - b. Survey Requirements.** Within sixty (60) days from the date of the preliminary approval, the applicant shall submit to the Zoning Administrator an original and five copies of a final map of the lots or parcels included in the lot line adjustment or consolidation. The map shall incorporate the information required by subsection 4.5.070(C) and the survey map as required by this section and state law.
    - c. Final Approval.** After receiving the prepared final map of the resulting lots or parcels, the Zoning Administrator shall review it for compliance with the relevant requirements. If the map is approved, the Zoning Administrator shall indicate final approval by signing and dating the original and each copy of the final map. The Zoning Administrator shall also notify the applicant in writing of the final approval. The City shall keep one signed copy of the final map, and return the original and remaining copies to the applicant.
  - 3. Filing Requirements.** Following final map approval by the Zoning Administrator, the applicant shall submit the signed final map to the Douglas County Surveyor, together with any required filing fee. When the map is filed with the County Surveyor, it shall indicate the filing information on the face of the map. The final map shall be approved and signed by such other County officials as state and county law requires. One copy of the final map, signed by all required officials and bearing the book and page number of the recording, shall be returned to the City.
- G. Recording of Final Map and Deed.** Within thirty (30) days after a lot line adjustment or consolidation is approved, the signed final map conforming to the approval shall be recorded with the Douglas County Clerk.
- H. Effective Date.** An approved lot line adjustment or consolidation shall be effective when the final map has been signed by the Zoning Administrator, filed with the Douglas County Surveyor, and recorded with the Douglas County Clerk.

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## 4.5 – Land Divisions and Property Line Adjustments

- I. **Prohibition of Sale.** No person shall sell any adjusted lot or parcel before the tentative plan creating the same has been approved by the Zoning Administrator, and the final map and deed have been recorded with the Douglas County Clerk.

## Chapter 4.6 - Fees and Costs

### **4.6.010 Fees and Costs**

1. Non-refundable application fees are set by resolution of the City Council and revised periodically.
2. No application shall be deemed to be complete without being accompanied by the appropriate fee or fees. All applicable fees must accompany applications that require multiple actions and fees. Any change or modification in application which results in a new fee must be accompanied by the application fee.
3. Any costs necessary to process an application in excess of the application fee(s) shall be charged to the applicant and must be paid prior to final action on any land use application. Processing costs may include, but are not limited to, staff, consultant, engineering, and/or geologist reports or inspections.

## Article 5 – Definitions

### Chapter 5.1 — Definitions

Sections:

- 5.1.010 Purpose
- 5.1.020 Applicability
- 5.1.030 Definitions

#### 5.1.010 Purpose

The purpose of Chapter 5.1 is to define terms that are used in the City of Oakland Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

#### 5.1.020 Applicability

- A. Definitions.** The definitions in Chapter 5.1 apply to all actions and interpretations under the City of Oakland Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. When A Term Is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, shall be considered a standard reference.
- C. Conflicting Definitions.** Where a term listed in Chapter 5.1 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

**General.** For the purpose of this Code, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural; and words in the plural shall also include the singular.

#### 5.1.030 Definitions

The following definitions are organized alphabetically.

## A

**Abutting.** Contiguous or adjoining.

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## 5.1 – Definitions

**Access Lane.** A public or private right-of-way that provides primary access to a limited number of residential properties, generally serving 25 or fewer homes and having low traffic volumes (less than 250 Average Daily Traffic [ADT]). A minimum of two outlets are required.

**Access Easement.** An easement 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.

**Access Point.** A connection providing for the movement of vehicles to or from a lot or parcel to a public roadway.

**Access Way.** A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement); may also be designed to accommodate emergency vehicles. See also, Walkway.

**Accessory Building or Use.** The use of land or a subordinate building or of a portion of a principal building, such use of building being secondary to or incidental to the principal use or structure and located on the same lot.

**Accessory Structure.** A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include but are not limited to: garages, decks, fences, arbors, gazebos, heat pumps, workshops and other structures. See also Primary Structure.

**Accessory Use.** A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also Primary Structure.

**Accessible.** Two meanings are possible depending on the specific code provision: In general, accessible means approachable by pedestrians, vehicles or other transportation mode, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the Federal Americans With Disabilities Act. Either or both definitions may apply in a particular situation.

**Accurate Restoration.** Means the process of returning a property to a state that more closely approximates the historical character, appearance, or material composition of the original structure.

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

**Administrator.** That official designated by this Code who shall enforce and administer the provisions in it or any person designated by the administrator to do the same.

**Alley.** A public or private right-of-way which provides a secondary means of access to a property.

**Alter/Alteration.** A change in use or occupancy or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of Oakland before preparing project plans or commencing development.

Alterations include but are not limited to the following:

- Changes in use or occupancy;
- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

**Americans with Disabilities Act (ADA).** The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services.

**Apartment House.** See Dwelling, Multiple-Family.

**Appeal.** In the case of its use relative to the Special Flood Hazard Overlay Zone, and appeal is a request for a review of the interpretation of any provision of this Code or a request for a variance.

**Applicant.** A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

**Area of Shallow Flooding.** A designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

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

## B

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

**Basement.** The lowest floor of any building when the main entrance to the building is on the floor above. When a building has its main entrance on the third actual story, it may be said to have a basement and sub-basement. In the case of its use relative to the Special Flood Hazard Overlay Zone a basement is defined as any area of the building having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast Homestay.** A private, owner-occupied, single-family residence with one or more guest rooms. The Bed & Breakfast Homestay is subordinate and incidental to the main residential use of the building. The only meal provided to the guests shall be breakfast. Any home used as a bed and breakfast homestay shall easily revert to the main residential use.

## 5.1 – Definitions

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

**Billboards.** A sign advertising goods or services not available on the premises on which said sign is located.

**Block.** All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

**Boarding (Lodging or Rooming) House.** A building, or portion thereof, other than a hotel, where lodging and/or meals for five or more persons, but not more than 20 persons, are provided for compensation and without individual cooking facilities.

**Build-out concept plan.** A conceptual map, diagram, drawing, or other writing required for a partially developed property showing how the proposed development is compatible with future development of the property.

**Building.** A structure having a roof, but excluding all forms of vehicles even though immobilized. Where this Code ordinance requires or where special authority granted pursuant to this Code requires that a use shall be entirely enclosed within a building this definition shall be qualified by adding “and enclosed on all sides.”

**Building Authority.** That official or entity designated, from time to time, by the City Council as responsible for accepting, reviewing and approving or rejecting plans for building or occupancy, and applications for building and occupancy permits, and for interpretation and enforcement of resolutions related thereto.

**Building Height.** The vertical distance from the average elevation of the proposed finished grade for all sides of the building to the highest point of coping of a flat roof, to the deck line of a mansard roof, or to the average peak height of the gables of a pitched or hipped roof. Any segment of a stepped or terraced building shall meet this definition.

The diagram illustrates four types of roofs and how building height (H) is measured from the average elevation of finished grade:

- MANSARD ROOF:** The height H is measured from the average elevation of finished grade to the top edge of the roof's upper slope, labeled as the "DECK LINE".
- HIP ROOF:** The height H is measured from the average elevation of finished grade to the average peak height of the roof.
- GAMBREL ROOF:** The height H is measured from the average elevation of finished grade to the highest point of the roof's upper slope.
- GABLE ROOF:** The height H is measured from the average elevation of finished grade to the average peak height of the gables.

A central label indicates "AVERAGE ELEVATION OF FINISHED GRADE" with a dashed line and arrow pointing to the measurement point. A legend at the bottom right states "H = HEIGHT OF BUILDING".

**Building Line.** The edge or side of a building nearest a lot line. The line facing the front lot line is the front building line. The line facing the side of the lot is the side building line, etc. It also is a line on a plat or map indicating the limit beyond which buildings or structures may not be erected.

**Building, Main.** A structure in which is conducted the main use of the lot on which the structure is located.

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**Building Official.** The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

## C

**Care.** Means the provisions of room and board and services that assist the resident in activities of daily living, such as assistance with bathing, dressing, grooming, eating, medication management, money management or recreation. (Ord. 405)

**Carpport.** A stationary structure consisting of a roof, its supports, not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

**Certificate of Occupancy.** An official certificate issued after all final structural inspections are successfully completed which certifies that the subject structure is authorized for occupancy by the Building Authority (See Building Authority).

**Change of Use.** Change in the primary type of use on a site.

**Church.** A building designed or used for public worship by any religious body.

**City.** The City of Oakland.

**City Council.** The Common Council of The City of Oakland.

**City Engineer.** The person or entity, who when called upon by the City Council or its designees, acts as the City of Oakland's engineer in protecting the City and its resident's interests in the review of applications and other activities requiring engineering expertise and deemed necessary by the City Council or its designees.

**Clear and Objective.** Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

**Clearing.** Removal of trees, but not removal of grass, weeds, shrubs, brush or other vegetation.

**Commission.** The City of Oakland Planning Commission.

**Common Area.** Land jointly owned to include open space, landscaping or recreation facilities (e. g., may be managed by a homeowners' association).

**Compatible (when referring to a structure).** To give an overall appearance which blends with the architecture of nearby buildings.

**Comprehensive Plan.** The official City of Oakland Comprehensive Plan. A City plan for the guidance of growth and improvement of the city, including modifications or refinements that may be made from time to time.

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

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## 5.1 – Definitions

otherwise specified by applicable engineering design standards.

**County.** Douglas County, Oregon.

**Court.** An open, unoccupied area, other than a yard, around which a building is erected or situated. A court, one entire side or end of which is bound by a front yard, a rear yard, or a side yard, or by the front of the lot, or by a street or public alley, is an “outer court.” Every court which is not an “outer court” is an “inner court.”

**Court Height.** The court height shall be measured from the floor level of the lowest story in the building in which there are windows from rooms served by the said court, to the highest point of the enclosing walls of the said court.

**Critical Facility.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Crosswalk.** A specially paved or marked path for pedestrians crossing a street or road, or a walkway crossing a parking area or drive aisle. Crosswalks are generally at least six feet in width and should be associated with stop signs in rights-of-way.

## D

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

**Density(ies).** A measurement of the number of dwelling units in relationship to a specified amount of land based on the minimum lot size per dwelling unit required by the applicable zone.

**Designated historic landmark.** means a building, portion of a building, site, cemetery, bridge, sign, or other object of historic importance or architectural significance which has been duly designated by the City of Oakland through the provisions outlined in this Code.

**Develop.** To construct or alter a structure or to make a physical change to the land including excavations, clearing and fills. See also, Alteration.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**Downtown.** The area of Oakland depicted on the official Zoning Map as “Downtown Core Area” – including the non-residential properties in the area bounded on the west by Railroad right-of-way, on the north by Ash Creek, on the east by 3rd Street, and on the south by Walnut Street.

**Downtown Commercial Historic District.** All commercially zoned properties within the Oakland Historic District.

**Duplex.** See Dwelling, Two-family.

**Dwelling.** A building or portion thereof designed for occupancy by one or more families.

**Dwelling, Single Family.** A building, including a manufactured home, designed for occupancy by one family and its resident domestic employees.

**Dwelling, Two-Family.** A building designed for occupancy by two families, living separately, each sharing at least one common wall with the other and each having separate access.

**Dwelling, Multiple-Family.** A building designed, built, rented, leased, let, or hired out, to be occupied, or which is occupied as residence, by three or more families, living independently of each other.

**Dwelling Unit.** A building or portion thereof providing separate cooking, eating, sleeping, sanitation and living facilities for one family and its resident domestic employees.

**Discretionary.** A permit action or decision that involves substantial judgment or discretion.

**Driveway.** The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site.

**Driveway Apron.** The edge of a driveway where it meets a public right-of-way.

## E

**Easement.** A grant of the right to use a strip of land for specific purposes.

**Engineer.** (See City Engineer)

**Elevated Building.** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Existing Manufactured Home Park or Subdivision.** A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

**Expansion to an Existing Manufactured Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Exterior alteration.** means any addition, removal, repair, or physical modification of the exterior of a building.

## F

**Family.** An individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit.

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## 5.1 – Definitions

**Fence, Open Design.** A fence with more than 50% open space such as chain link, decorative iron, or picket fences. A picket fence shall be considered of open design when pickets are no more than four inches in width and are separated by a space equal to the width of each picket.

**Fence, Solid Design.** A fence with less than 50% open space such as a board fence or brick or stone wall.

**Foster Home.** Any family home or facility in which residential care is provided in a home like environment for five or fewer persons who are not related to the provider by blood or marriage.

**Final Plat.** The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division, pursuant with ORS 92 and Chapter 4.5 of this Code.

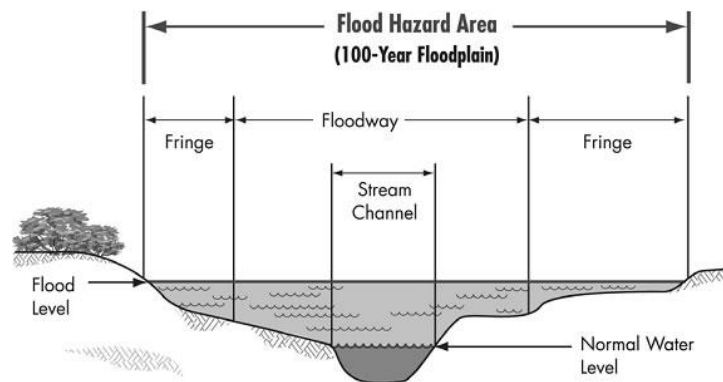
**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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



## G

**Garage, Automotive Repair.** Any building or premises used for commercial repair of motor vehicles but not including auto wrecking or storage of wrecked cars.

**Garage, Private.** An accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on.

**Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon.)

**Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

**Gross Floor Area.** The total area of all floors of a building measured from exterior walls.

**Ground Cover.** Living or processed plant material (e. g., mulch, bark chips), river rock and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See Chapter 3.4 Landscaping.

## H

**Hazardous Materials.** Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U. S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.
- Other substances as determined by applicable state or federal agency.

**Historic Commission.** The City of Oakland Historic Preservation Commission.

**Historic design review.** The review process carried out by the Oakland Historic Preservation Commission before any exterior alteration or new construction or public improvements can take place within the Oakland Historic District.

**Historic district.** A geographically defined area possessing a significant concentration of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

**Home Occupation.** Any lawful profession, craft, or service activity conducted within a dwelling unit by its inhabitants only; no servant, employee or other person being engaged in the same manner, which activity is clearly incidental to the use of the residence for dwelling purposes and does not change the character or appearance thereof, provided there is no display of the merchandise on the premises which can be seen from the exterior of the dwelling unit.

**Home Occupation (Expanded).** Any lawful profession, craft, or service activity conducted within a dwelling unit or structures otherwise accessory to the dwelling unit that employs or contracts with outside full-time or part time persons.

**Hotel.** A building containing six or more rooms designed for and rented out for sleeping purposes for transients.

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## 5.1 – Definitions

### I

**Incidental and Subordinate to.** Secondary to, and less apparent, than the primary use or other portion of the development.

**Interior alteration.** Any addition, removal, repair, or physical modification to the interior of a building.

### J

**Junk Yard.** A place where waste, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yard, house wrecking yard, used lumber yards, and yards for use of salvaging house wrecking and structural steel material and equipment.

### K

**Kennel.** Any lot on which four (4) or more dogs or cats six (6) months or older, are bred or boarded.

### L

**Land Division.** The process of dividing land to create parcels or lots. See Chapter 4.5.

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

**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 Oakland (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide planning goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment. (ORS 197.015) Note: All decisions requiring Quasi-Judicial review by the City of Oakland are Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant with ORS 197.015.

**Legislative.** A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e. g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Section 4.1.050.

**Limited land use decision.** A final decision or determination made by a local government pertaining to a site within an urban growth boundary (UGB), which concerns:

- (a) The approval or denial of a subdivision or partition, as described in Oregon Revised Statute (ORS) Chapter 92.
- (b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

**Loading Area.** The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.4, Parking and Loading.

**Loading, Off-street.** An off-street space or berth on the same lot with a principal building for the parking of a vehicle while loading or unloading merchandise and which has direct access from a public street or alley.

**Local Improvement District (LID).** A small district formed for the purpose of carrying out local improvements, such as street paving, storm sewer construction, or park development. Property owners within the LID area are assessed for the cost of improvements in accordance with state law.

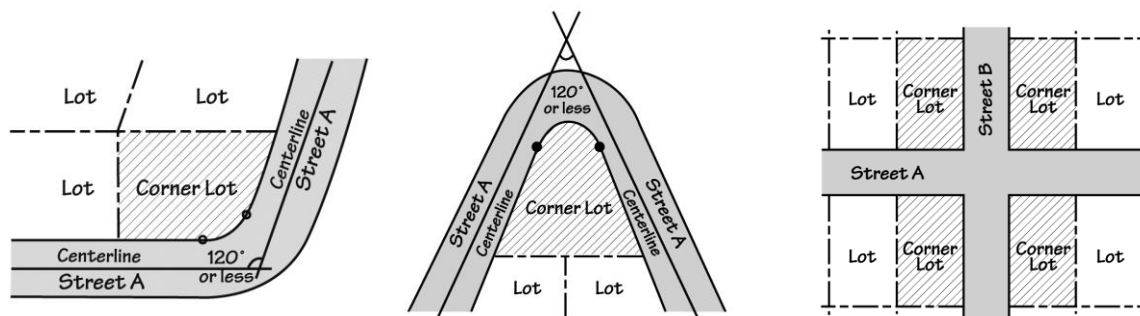
**Local Street Network Plan (LSP).** Adopted in 2016, this functional plan characterizes the existing Oakland transportation system, and anticipates transportation needs for the future. The LSP amends the Oakland Comprehensive Plan as one of its Functional Plans.

**Lot.** A unit of land created by a subdivision of land. A parcel or plot of land shown as an individual unit of ownership on the most recent assessor’s map, plat or other record of subdivision.

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

**Lot Consolidation.** The reduction in the number of lots; i.e., the creation of one lot from two or more existing lots.

**Lot, Corner.** A lot situated at the intersection of two streets or, if on a curved street, where the angle of intersection of curve tangents is less than 135 degrees.



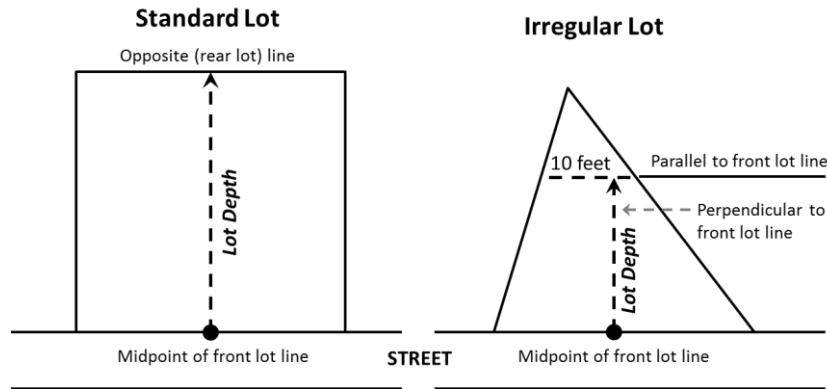
**Lot, Reversed Corner.** A corner lot the side street line of which is substantially a continuation of the front line of the first lot to its rear.

**Lot, Coverage.** That percentage of the total area of a lot which is covered by the principle and any accessory buildings.

**Lot, Depth.** The perpendicular distance measured from the mid-point of the front lot line (See Lot Line,

## 5.1 – Definitions

Front) to the opposite (usually the rear) lot line. In the case of irregular or triangular lots the lot depth will be established by the lot depth line which is located by the intersection of the perpendicular from the front lot line midpoint and a line 10 feet in length within the lot, parallel to, and at a maximum distance from the front lot line mid-point.



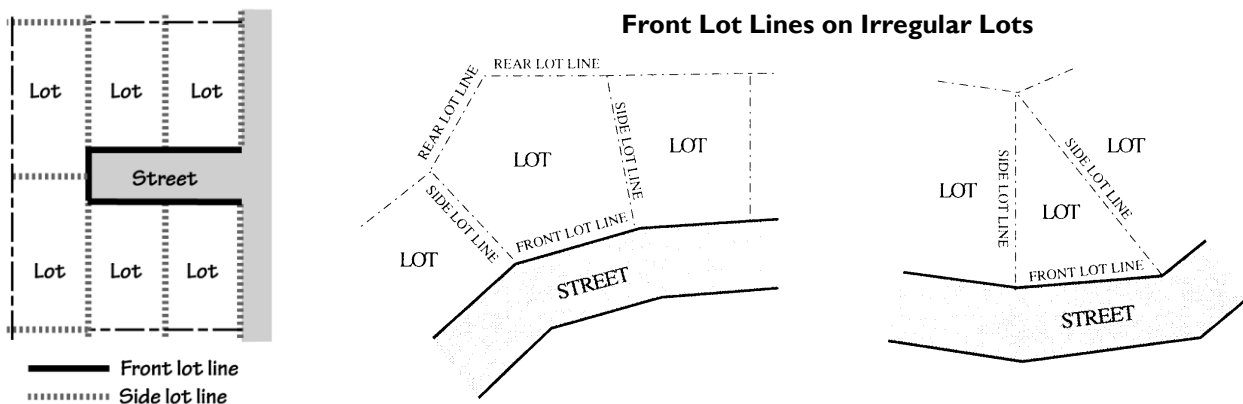
**Lot, Frontage.** The front of a lot shall be that side which faces the street. If a lot faces more than one street, it shall conform to an established frontage, where such exists, or a common frontage shall be established. If it is a corner lot and there are frontages already established on both of the streets that it faces, it may front on either street so long as it maintains yards conforming to one frontage.

**Lot, Interior.** Any lot, other than a corner lot.

**Lot Lines.** The property lines bounding a lot or parcel.

**Lot Line Adjustment.** The adjustment, elimination, or relocation of a common boundary between abutting lots or parcels where an additional unit of land is not created.

**Lot line, Front.** The lot line or lines separating the lot from any street or streets other than an alley.



**Lot line, Rear.** A lot line which is opposite and most distant from the front lot line, and in cases of irregular, triangular or other shaped lots, a line at least 10 feet in length, within the lot, and at a maximum distance from the front line.



**Lot line, Side.** For interior lots, a line separating the lot from the abutting lot or lots fronting on the same street, for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along that same frontage.

**Lot, through.** A lot having frontage on two parallel or approximately parallel streets other than alleys.

**Lot Width.** The mean width of the lot measured at right angles to its depth.

**Lot of Record.** A legally created lot or parcel meeting all applicable regulations in effect at the time of creation, and held in separate ownership, or any other lot deemed a legal lot under Chapter 1.3.

**Lot, Double-Frontage.** See Lot, through Lot.

**Lowest Floor.** 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 found at Section 3.5.040(E)(2).

## M

**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. In the case of its use relative to the Special Flood Hazard Overlay Zone a Manufactured Home is defined as a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

**Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mayor.** The Mayor of the City of Oakland.

**Mobile Home.** Any vehicle or structure whether self-propelled or moved by external means, that is capable of being moved along the street or highway and is provided or equipped with sleeping, cooking, living, and sanitary facilities or any of these facilities. (Ord. 236).

**Motel.** An individual building or group of attached or detached buildings containing guest rooms together with conveniently located parking space for each room on the same lot which is designed, used or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges, and tourist courts.

**Main/Predominant Entrance.** A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance, however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior

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## 5.1 – Definitions

ground level circulation space.

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

### N

**National Register of Historic Places.** The official list of the nation's significant districts, sites, buildings, structures, and objects determined by the Secretary of the Interior to be worthy of preservation. Nominations to the National Register are submitted to the Department of the Interior through the State Historic Preservation Office.

**Nonconforming Development.** An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See Chapter 1.3.

**Nonconforming Situation.** A Nonconforming Development or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Development and Nonconforming Use. See Chapter 1.4.

**Non-Conforming Structure.** A building or structure legally established prior to the effective date of this Code, subsequent amendments, or successor ordinances, which does not fully comply with the zone Regulations, parking, and roadway access or similar provisions. “Non-conforming structure” does not include within its meaning the term “non-complying structure” (which refers to a structure which is not in full compliance with provisions of the Uniform Building Code).

**Nonconforming Use.** A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 1.3.

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

**New Manufactured Home Park or Subdivision.** Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

**Nursery School.** A school, home or institution designed or used to provide daytime care and instruction for four (4) or more young children not resident therein.

**Nursing Home.** A building or part of a building where sick or infirm persons are cared for at prescribed rates.

**O**

**Occupancy Permit.** See Certificate of Occupancy.

**Office (Land Use).** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

**Off-street Parking.** All off-street areas designed, constructed, used, or required or intended to be used for the parking of motor vehicles. See Chapter 3.4 for parking standards.

**Historic Commission.** The Oakland Historic Preservation Commission.

**On-street Parking.** Parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 3.4 for parking standards.

**Oregon Special Tax Assessment Program.** A program defined in Oregon law ORS 358.475-388.545 allowing owners of National Register historic properties as well as contributing properties within a National Register historic district to receive a freeze on their assessed property value. This program is separate from the Oakland historic preservation program as outlined in this Code.

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

**Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

**P**

**Parcel.** A unit of land that is created by a partitioning of land.

**Parking Areas, Public.** A structure or an open area, other than a street or other public way, designed or used for the temporary parking of vehicles and available for public use, whether, for compensation, or for free as an accommodation to customers or clients.

**Parking Space, Off-Street.** Temporary parking for a vehicle, located off any public right-of-way which is adequate in size for parking of a full-size automobile, with room to get out on either side of the vehicle with adequate maneuvering space, and with access to a public right-of-way.

**Partition.** Either an act of partitioning land or an area or tract of land partitioned as defined in this section

**Partition land.** 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 land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery plots; and divisions of land made pursuant to a court order, including but not limited to court

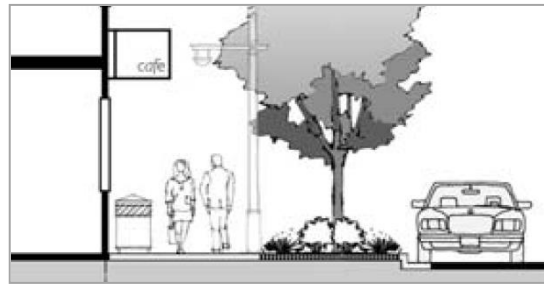
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## 5.1 – Definitions

orders in proceedings involving testate or intestate succession. "Partition land" does not include 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 standards of Chapter 2.2.

**Pathway.** A walkway, bikeway or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

**Pedestrian Scale Design.** Development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas and other components of the built environment are designed foremost with pedestrians in mind; Pedestrian scale addresses the orientation and design of garages; and promotes buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity / architectural character of the community.



**Pedestrian way.** A right-of-way for pedestrian or bicycle traffic.

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

**Personal Service.** A business which is neither the practice of a profession nor dealing primarily with the sale of products as stock in trade on the premises.

**Planned Unit Development.** A use which stays within the density requirements of area in which it is located for the overall project while allowing a degree of latitude with regard to individual lot sizes and devoting a percentage of its gross area to recreational uses or open space uses.

**Planned Road or Street.** A highway, road, street or alley identified in an adopted corridor plan, comprehensive plan or the Oakland Local Street Network Plan in accordance with administrative procedures of OAR 660-012 and ORS chapter 197 but has not been constructed.

**Planning Agency.** The staff of the Umpqua Regional Council of Governments, a private planning consultant retained by the city, or city personnel so designated by the City Council or Planning Commission.

**Planning Commission.** Shall mean the City of Oakland Planning Commission.

**Plat.** The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or land partition.

**Practicable.** Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

**Preservable tree.** An existing tree over six (6) inches in diameter measured four (4) feet above ground level.

**Primary Use.** An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

**Private drive.** A private right-of-way that provides primary access to a limited number of residential properties, generally serving up to 12 lots and having low traffic volumes (less than 120 ADT).

**Processing.** The Application of labor and/or machinery to change materials from one form to another.

**Profession.** An occupation or calling requiring the practice of an art or science through specialized knowledge based up on a degree issued by an institution of higher learning.

**Projection.** Eaves, cornices, platforms, porches, or any type of exterior structure attached to the main building.

**Public Buildings and Uses.** A building or use having the features of a public institution or service to the population as a whole.

## Q

**Quasi-judicial.** An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Section 4.1.040.

## R

**Recreational Vehicle.** A vacation trailer or other unit with or without motive power, which is intended for human occupancy for recreation and vacation purposes, but not residential purpose. This includes truck campers, motor homes, travel trailers, and tent trailers. In the case of its use relative to the Special Flood Hazard Overlay Zone a Recreational Vehicle is defined as a vehicle which is:

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

**Recreational Vehicle Park.** A development designed for transient service on which travel trailers, truck campers, tent trailers, and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

**Rehabilitation.** The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

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## 5.1 – Definitions

**Residential boulevard.** A street characterized by a center median or turn lane, which provides access from neighborhoods to the major street network and accommodates all forms of transit.

**Residential Care Facility.** A facility that provides residential care in one or more buildings on contiguous properties, for six or more physically disabled or socially dependent individuals.

**Residential Facility.** A residential care facility, residential training facility or residential treatment facility, residential training home, or residential treatment home licensed under ORS Chapter 443 for 11 or fewer unrelated physically or mentally disabled persons or elderly persons and not to exceed two staff persons who need not be related to each other or to any other facility resident.

**Remodeling.** To alter a structure's architectural forms and features.

**Reserve strip.** A strip of land usually 1 foot wide located at the end of and perpendicular to a street or right-of-way, owned or controlled by the City, and reserved or held for future street extension or widening or other public purpose.

**Residential Training Facility.** A facility that provides residential care and training in one or more buildings on contiguous properties for six or more mentally, emotionally or behaviorally impaired individuals.

**Residential Training Home.** A facility that provides residential care and training in one or more buildings on contiguous properties for five or fewer mentally retarded or other developmentally disabled individuals, when so certified and funded by the Mental Health and Development Disability Services Division.

**Residential Treatment Facility.** A facility that provides residential care and treatment in one or more buildings on contiguous properties, for six or more mentally, emotionally or behaviorally disturbed individuals or alcohol or drug dependent persons.

**Residential Treatment Home.** A facility that provides residential care and treatment in one or more buildings on contiguous properties for five or fewer mentally, emotionally or behaviorally disturbed individuals or alcohol or drug dependent persons.

**Right-of-way.** A parcel of land that is deeded, dedicated or otherwise permanently appropriated to the public for public use. Commonly refers to land which is used for streets, utilities, railroads, and other public uses. The area between boundary lines of a street or other easement.

**Roadway.** The portion of a street right-of-way developed for vehicular traffic.

**Road/Roadway Authority.** The City or other agency (e. g., City of Oakland or Douglas County) with jurisdiction over a road or street.

## S

**Screened.** Concealed or cut off from visual access.

**Secretary of the Interior's Standards for Rehabilitation.** Federal standards developed to guide work

undertaken on historic buildings addressing the preferred treatment in rehabilitation of property to preserve features that are significant to historic, architectural, and cultural values.

**Semi-Public Buildings and Uses.** A building or use having the features of a public institution and which is maintained as a public service by a private nonprofit organization or entity.

**Service Station.** A building or premises where fuel is sold and where oil, batteries, tires and automotive accessories may be sold and where routine automotive servicing and parts replacement may be performed, However, tire recapping, major repair or body work, painting, welding, auto wrecking and motor overhaul are specifically excluded.

**Setback.** The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way or property line, to the nearest vertical wall or other element of a building or structure as defined herein. For an irregular or triangular lot, the rear set back shall be measured from the lot depth line established when calculating the lot depth.

**Sidewalk.** A pedestrian walkway with permanent surfacing. The part of the street right-of-way between the curblines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.

**Sign.** A presentation by words, letters, figures, designs, pictures or colors that is publicly displayed to direct attention to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, a request for aid, or other types of public announcement. A sign includes all surfaces and structures upon which a sign may be or is painted, included or attached.

**Sign Area.** The area included within the outer dimension of a sign. The area of multiple face signs shall mean one-half the total surface area. In the case of “skeleton letters” or other signs placed on a wall without any border, the area of the smallest rectangle drawn to contain all such “skeleton letters” or other symbols.

**Sign Face.** The surface of a sign structure.

**Sign, Flashing.** A sign, part or all of whose lights go on and off, or appear to go on and off, intermittently.

**Sign, Pole or Ground.** A sign, any portion of which is supported in or by the ground.

**Sign, Wall.** Any sign painted or affixed to a wall.

**Sign, Window.** Any sign painted or affixed to a window, or designed to be seen through the window.

**Site.** For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on

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## 5.1 – Definitions

the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

**Site Frontage.** The part of a site that abuts a street. See also, Block/Street Frontage.

**Site Plan.** A diagram or map, prepared to scale, showing accurate and complete dimensions of all the uses and showing accurate and complete dimension of all the uses and improvements proposed for a specific parcel(s) of land.

**Site Plan Review.** The process by which the Planning Commission, Zoning Administrator, or City Council evaluates a proposed development by comparing a site plan and its supporting documents with the regulations and standards applicable to the development.

**Site, Recreational Vehicle Park.** Total area designated for each separate unit including both the space for parking the recreational vehicle and the required minimum open space.

**Space, Recreational Vehicle Park.** Portion of a recreational vehicle park site reserved for the location of a recreational vehicle, tent, tent vehicle or camping vehicle.

**Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or 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 Historic Preservation Office (SHPO).** The state body which carries out the duties of the National Register Program. Located in "Salem, the staff members are available to answer questions regarding the National Register and to offer advice regarding historic rehabilitation and tax incentives. This office administers the Oregon Special Tax Assessment Program and has review and approval authority on proposed alteration of properties that participate in this program.

**State Building Code.** Combined specialty codes.

**Street.** The entire width between boundary lines of any platted public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "avenue," or similar designations.

**Street, Arterial.** A street of considerable continuity that is primarily a traffic artery for intercommunication among large areas.

**Street, Collector.** A street supplementary to the arterial street system and a means of intercommunication



between this system and smaller areas, used to some extent for access to abutting properties. Collector level streets provide access and circulation between local streets (neighborhoods) and arterial streets. There are two categories of collector streets, Major Collector and Minor Collector. The Major and Minor Collector standards balance the need for urban roadway standards (curb, gutter, sidewalk, bike lanes), with the desire to keep the historic local feel of existing neighborhoods. Design Standards are outlined at Section 3.3.080 and Table 3.3.080.A and greater detail is also contained in the Oakland Local Street Network Plan.

**Street, cul-de-sacs (dead-end-street).** A short street having one end open to traffic and being terminated by a vehicle turn-around.

**Street, Half.** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

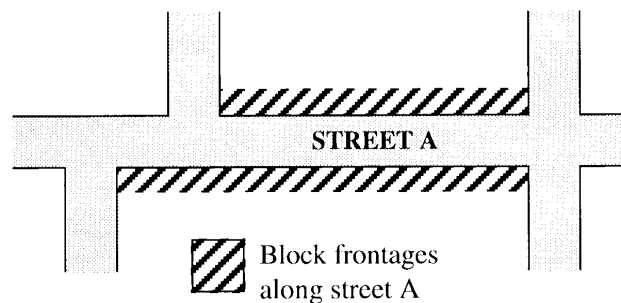
**Street, Improved.** A gravel or paved street that is constructed in accordance with city standards and specifications for an improved street.

**Street, Local.** A street intended primarily for access to abutting properties. Local Streets serve lower volume, lower speed streets and provide direct access to property. Local Streets are generally 20-25 mph, have frequent driveways, and may or may not have separate pedestrian amenities. Local streets generally take into consideration livability of neighborhoods, placing mobility is a lower priority than accessibility. There are two categories of local streets, Major Local and Minor Local. The Major and Minor Local standards balance the need for urban roadway standards (curb, gutter, sidewalk) within new development, with the desire to keep the historic local feel of existing neighborhoods. Design Standards are outlined at Section 3.3.080 and Table 3.3.080.A and greater detail is also contained in the Oakland Local Street Network Plan.

**Street, marginal access.** A local street parallel and adjacent to a major arterial street, providing access to abutting properties, but protected from through traffic.

**Street, Unimproved.** A street that has been platted but is not in conformance with city standards and specifications for an improved street.

**Street (Block) Frontage.** All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See Figure below.



**Street Connectivity.** Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better

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## 5.1 – Definitions

dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

**Subdivide land.** To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**Subdivision.** Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

**Setback/Setback Yard.** The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

**Structure.** Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials. In the case of its use relative to the Special Flood Hazard Overlay Zone a structure is defined as a walled and roofed building or mobile home that is principally above ground.

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

**Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- before the improvement or repair is started, or
- if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

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

## T

**Trailer House.** Any vehicle or structure whether self-propelled or moved by external means, that is capable of being moved along the street or highway and is provided or equipped with sleeping, cooking, living and sanitary facilities or any of these facilities.

**Trailer Park or Mobile Home Park.** Any property developed for the purpose of parking mobile homes or trailer houses, wherein two or more of such units are placed within 500 feet of each other on any lot, tract or parcel of land, under one ownership and complies with the requirements ORS Chapter 446.

**Travel Trailer.** Any vehicle or structure whether self-propelled or moved by external means, that is capable

of being moved along the street or highway and is provided or equipped with sleeping, cooking, living and sanitary facilities or any of these facilities.

**Tract.** A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner’s association or other entity for maintenance.

**Turnaround.** A vehicle maneuvering area at the end of a dead-end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

## U

**Use.** The purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

**Utilities.** For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

**Utility Structure.** An edifice or building of any kind which houses, protects the equipment for the conveyance of telegraph, telephone, television or forms of communication, with or without wires, for the transportation as common carriers, or for the production, transmission, delivery or furnishing of heat, light, water, power or treatment of wastewater, directly or indirectly to the public.

## V

**Variance.** A City Council decision to lessen or otherwise modify the requirements of this Code. See Chapter 4.3. In the case of its use relative to the Special Flood Hazard Overlay Zone a variance is defined as a grant of relief from the requirements of the SFHA Overlay Zone which permits construction in a manner that would otherwise be prohibited by the overlay zone.

**Vehicle.** Any contrivance in or on which persons or things may be contained, carried or conveyed over public highways, whether in motion or standing, and shall include mobile homes, manufactured homes, or trailer houses as defined in this Code, whether or not fixed or fitted with wheels or runners.

**Vision Clearance Area.** Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. (See Section 3.3.130).

**Visual Impact.** Impacts to the viewshed from and to a proposed development. Components of a visual impact include existing visual character, project alternatives, an assessment of the visual impacts of project alternatives and a proposal for methods to mitigate adverse visual impacts.

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## 5.1 – Definitions

### W

**Walkway.** A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, Sidewalk.

**Warehouse, Freight Movement and Distribution.** The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

**Water Dependent.** A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**Wireless Communication Equipment.** Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

### Y

**Yard.** An open space on a property that is unobstructed from the ground upward, except for architectural projections or as otherwise allowed in this Code. The area defined by setbacks (*i.e.*, between the setback line and nearest property line).

**Yard, Front.** Space extending across the full width of the lot between the front building line and the front lot line.

**Yard, Rear.** A yard extending across the full width of a lot between the nearest part of the building line and the rear lot line.

**Yard, Side.** Space between the side building line and a side line of a lot, running from the front yard to the rear yard.

**Yard, Street Side.** A side yard adjacent to a street.

### Z

**Zone.** A land use area established by the City Council of the City of Oakland for designated purposes.



