

Outline of Conceptual Zoning, Subdivision and Model Code Combination

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Article I — Introduction and General Provisions

Chapters:

- 1.1 Introduction
- 1.2 Title, Purpose, and General Administration
- 1.3 Lot of Record and Legal Lot Determination
- 1.4 Non-Conforming Situations
- 1.5 Code Interpretations
- 1.6 Enforcement

Users Guide: Consult your city recorder and city attorney regarding codification requirements. Options include repealing existing zoning and subdivision ordinances and adopting one ordinance that is a chapter (or title) of your existing municipal code, or adopting a separate ordinance that is incorporated into the municipal code by reference but has its own numbering.

Chapter 1.1 — Introduction

The City of [name] Development Code (“Code”) is administered by the [City Official] or his or her designee. The Code regulates land use and development within the City of [name] (“City”), 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 [name] Zoning Map, consistent with the City of [name] Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner *[should verify the City’s zoning requirements. / shall complete a Zoning Checklist pursuant to Section 4.1.020.]*

Article 3. Article 3 contains the City’s development design standards, including requirements for street access; pedestrian and vehicle circulation; parking; landscaping, screening, fences, and walls; outdoor lighting; adequate transportation, 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 3 is supported by the more detailed engineering design standards in the City’s *[Public Works Design Manual / Engineering Design Standards Manual]*.

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, property line adjustments, conditional use permits, site design review, master planned developments, and variances.

Article 5. Article 5 contains definitions and other exhibits that the City uses in interpreting and administering the Code. For example, where Article 2 contains a general list of land uses allowed in each zone, Article 5 provides examples of uses that are consistent with each general category.

Chapter I.2 — Title, Purpose, and Authority

Sections:

- Section I.2.010 Title
- Section I.2.020 Purpose
- Section I.2.030 Compliance and Scope
- Section I.2.040 Rules of Code Construction
- Section I.2.050 Development Code Consistency with Comprehensive Plan and Laws
- Section I.2.060 Development Code and Zoning Map Implementation
- Section I.2.070 [Zoning Checklist and] Coordination of Building Permits
- Section I.2.080 Official Action

I.2.010 Title

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

SECTION 2. PURPOSE AND COMPOSITION

2.01.0 PURPOSE AND COMPOSITION

This ordinance, 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.

I.2.050 Development Code Consistency with Comprehensive Plan and Laws

- A. City of [name] Comprehensive Plan.** This Code implements the City of [name] 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 [name] requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

1.2 – Title, Purpose, and Authority | *[Zoning Checklists and]* Coordination of Building Permits

1.2.070 *[Zoning Checklists and]* Coordination of Building Permits

- A. Land Use Approvals and Building Permits.** Land use and building approvals are processed by two City officials: The *[designated]* Building Official administers building codes *[including floodplain regulations,]* and issues building permits; and the *[Planning Official]* administers the Development Code, processes land use approvals, and coordinates with the *[designated]* 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 *[Planning Official]* has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.
- [C. Zoning Checklist.** *Where a Zoning Checklist is required prior to issuance of a building permit, pursuant to Section 4.1.020, the Planning Official through a Type I procedure shall review the project proposal. The Building Official shall not issue any building permit without an approved Zoning Checklist for the project. If in reviewing the project proposal the Planning Official determines that other permits or approvals are required before development may commence, or a building permit may be issued, the Planning Official shall advise the applicant in writing, accordingly. See Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.]*

1.2.080 Official Action

- A. Official Action.** The City of *[name]* *[Planning Official, Planning Commission, (Hearings Officer,) and City Council]* 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. Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The *[Planning Official]* shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.
- C. Referral to Planning Commission.** In addition to those actions that require Planning Commission approval, the *[Planning Official]* may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.5 Code Interpretations and Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.
- D. 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 4.1 General Review Procedures.

10.07.0 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall be a paid employee or agent of the City and shall coordinate the administration of this Ordinance with other City, State or Federal laws and regulations as these plans, laws, and regulations may now or hereafter provide. In addition, the Administrator shall be expected to seek the fulfillment of the provisions of this Ordinance, both general and specific. The Zoning Administrator shall interpret the provisions of this Ordinance. Such interpretations may be appealed to the Planning Commission. Interpretations for uses within zones not expressly mentioned in this Ordinance shall be referred to the Planning Commission.

Additional duties of the Zoning Administrator shall include the following:

- 1) Review and evaluate all site plans to establish compliance with the provisions of this Ordinance; prepare or contract for staff reports for development applications requiring submission to the Planning Commission or City Council; and issue Certificates of Plan Check.
- 2) Receive and process all applications for variances, conditional use permits, temporary permits and zone changes in accordance with the processing procedures of **Section 10.04.0**.
- 3) Take or delegate responsibility for recording and filing all applications with accompanying plans and documents and otherwise acting as secretary to the Planning Commission. All applications and documents shall be a public record.
- 4) Take responsibility for seeing that inspections and surveys are done to determine compliance or non-compliance with the terms of this Ordinance. Upon completion of all final inspections to verify compliance with the uniform building code, the Zoning Administrator will issue a Certificate of Occupancy
- 5) Revoke, by writing, a permit or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the Application.
- 6) Stop, by written order, work being done contrary to the Building Code or to this Ordinance. Such written order, posted on the premises involved, shall not be removed except by order of the Zoning Administrator. Removal without such order shall constitute a violation of this ordinance.
- 7) Initiate appropriate actions or proceedings to:
 - a) address any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use which may come to the attention of the Zoning Administrator;
 - 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.

10.08.0 DUTIES OF THE PLANNING COMMISSION

- 1) The Planning Commission shall conduct public hearings and review and decide on all applications for Variance, Conditional Use Permit, or Temporary Permit as required by this Ordinance; hear all petitions and make a recommendation to the City Council as provided by this Ordinance.
- 2) The Planning Commission shall study and report on all proposed amendments to the text or map of this Ordinance 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.
- 4) The Planning Commission shall review this Ordinance and report on the same to the City Council at least once every 5 years, commencing on the date of enactment of this Ordinance. 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 Ordinance;
 - 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 Ordinance in terms of changed conditions since the last review of the same.

10.09.0 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 this one. 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 and appoint the Zoning Administrator, and shall hear and decide on appeals of decisions of the Planning Commission.

Chapter I.4 — Non-Conforming Situations

Sections:

- I.4.010 Purpose and Applicability
- I.4.020 Non-conforming Use
- I.4.030 Non-conforming Development
- I.4.040 Non-conforming Lot

User's Guide: Chapter I.4 should be customized to address the types of non-conforming uses and code violations that exist in a community. First, a city should consider whether its current land use standards are appropriate. If some code conflicts are so common that property owners routinely ask for and are granted variances, then that standard (e.g., setback, lot size, etc.) should be amended. Where non-conforming uses are common and predate current zoning regulations (e.g., single family dwellings in a downtown zone), consider permitting those uses subject to a cutoff date, provided they were lawfully established when constructed.

The limitations on expanding non-conforming uses, and the requirement that "discontinued" uses after a certain period of time not be resurrected, should also be customized to community. A basic land use inventory and some spot measurements from representative neighborhoods or developments can be helpful in educating the community about non-conforming uses and in establishing numerical standards and thresholds for this chapter.

I.4.010 Purpose and Applicability

Chapter I.4 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"). The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections as follows:

- A. Non-conforming uses** (e.g., industrial use in residential zone) are subject to Section I.4.020;
- B. Non-conforming developments** (e.g., structure does not meet setback or height standards) are subject to Section I.4.030; and
- C. Non-conforming lots** (e.g., lot is smaller than minimum area standard) are subject to Section I.4.040.

9.01.0 NONCONFORMITY

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. No unlawful use of a property existing at the time of passage of this Ordinance shall be deemed a nonconforming use.

9.01.1 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 Ordinance, 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 9.01.2**, 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.

9.01.2 TERMINATION OF A NONCONFORMING 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.

9.01.3 EXPANSION OR ALTERATION OF A NONCONFORMING BUILDING OR USE.

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

3. Maintenance and repair of an existing nonconforming 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.
4. 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 Ordinance.
5. Where a fraction of a building or lot contains a nonconforming use, such use shall not be expanded.

9.01.4 COMPLETION OF A NONCONFORMING STRUCTURE

Nothing contained in the Ordinance 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 Ordinance, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the Building Permit was issued.

9.01.5 NONCONFORMING 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.

Chapter I.5 — Code Interpretations

Sections:

I.5.010 Code Interpretations

User's Guide: This chapter provides cities with a procedure for responding to requests for written code interpretations. Cities should keep written records of the code interpretations they make. Even informal interpretations made by staff in the course of answering questions from builders or business owners, should be noted, so that the city, through periodic code maintenance or housekeeping updates, can continually improve the code. Some cities do this annually, while others wait until they have accumulated a large number of needed changes. It is usually easier and takes less time overall to process the changes in smaller packages of code amendments every few years; however, the trade-off is that for every package of amendments, the city is required to provide public notice and conduct hearings. The important thing to remember is that the development code should be reviewed regularly and updated as conditions change and as the code is tested in ways that could not have been anticipated when first drafted.

I.5.010 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.** 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 *[Planning Official / Planning Commission]* may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the *[Planning Official / Planning Commission]* finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the *[Type II / Type III]* procedure of Chapter 4.1.*[030 / 040]*. *[The Planning Official may refer a request for a similar use determination to the Planning Commission for its review and decision.]*
- B. Code Interpretation Procedure.** Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the *[Planning Official]* and shall be processed as follows:
1. The *[Planning Official]*, within *[(text) 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 *[Planning Official]* 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 *[Planning Official]* shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make

I.5 – Code Interpretations

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 *[Planning Official]* then shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the *[Type II / Type III]* review and *[public hearing]* decision-making procedures in Section 4.1.*[030 / 040]*.

- D. Written Interpretation.** Following the *[close of the public comment period on an application for a code interpretation, / Planning Commission's decision on a code interpretation application,]* the *[Planning Official]* 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.
- E. Referral to City Council.** Where a code interpretation may have significant citywide policy implications, the *[Planning Official]* may bypass the procedure in subsection I.5.010.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.
- F. Interpretations on File.** The City shall keep on file a record of its code interpretations.

Chapter I.6 — Enforcement

OAKLAND ZONING ORDINANCE #499

10.10.0 CITY ATTORNEY

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

10.11.0 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM

In their interpretation, the provisions of this Ordinance 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.

10.12.0 SEVERANCE AND LIABILITY

- 1) Should any section, provision, clause or portion of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance 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.

10.13.0 COMPLAINTS

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

10.14.0 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 Ordinance, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

10.15.0 ENFORCEMENT PROCEDURES

- 1) If the Zoning Administrator finds that any provision of this Ordinance 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 Administrator's discretion. All notices of violation shall be sent via registered mail with receipt notification.

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- 2) The written notice shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Zoning Administrator's decision or order may be appealed in accordance with **Section 10.06.0**.
- 3) Notwithstanding the foregoing, in cases where delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in **Section 10.16.0**.
- 4) If the violation is not corrected in accordance with 1) , the Zoning Administrator should forward this information to the police department which will issue a citation in accordance with **Section 10.16.0**

10.16.0 PENALTIES AND REMEDIES

- 1) Any violation cited in accordance with **Section 10.15.0** shall be deemed a nuisance and may be enjoined, abated or removed in the same manner as provided in **Ordinance No. 191**, as amended, relating to public nuisances, or as provided by any other applicable ordinance.
- 2) 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 shall constitute a separate offense. Conviction of a violation shall not give rise to any disability or legal disadvantage 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 10.15.0** and did not file an appeal (as provided by **Section 10.06.0**) within the prescribed time.

10.17.0 PERMIT REVOCATION

1. Planning clearance for variances; conditional use permits, sign permits, fence permits and all other permits regulated by this Ordinance (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 Ordinance or any additional requirements or conditions lawfully imposed by the Planning Commission or City Council.
2. Before a permit may be revoked, the Zoning Administrator 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 **Section 10.05.0**.

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- 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.

SECTION 10.18.0 REPEAL

Upon the effective date thereof, but not otherwise, Ordinance No. 337, Zoning Ordinance of the City of Oakland" enacted August, 1991 and all amendments thereto are hereby repealed and all other ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

40 Section 55. Penalties for Violation. In addition to penalties provided by state law, a
41 person who violates or fails to comply with a provision of this ordinance shall be subject to a fine
42 set by City Council resolution. A violation of this ordinance shall be considered a separate offense
43 for each day the violation continues. Violations of this ordinance may also be deemed to
44 constitute a nuisance that may be abated by appropriate proceedings.
45

ARTICLE 2 – ZONING REGULATIONS

Chapters:

- 2.1 Establishment of Zoning Districts
- 2.2 Zoning District Regulations
- 2.3 Special Use Standards
- 2.4 Overlay Zones

User's Guide: Article 2 has been reorganized for this edition of the Model Code. The regulations are grouped by topic and optional provisions are identified more clearly. General requirements that most cities are likely to use have been consolidated in fewer pages.

- Chapter 2.2 contains provisions for allowed uses, lot dimensions, setbacks, and other lot development standards.
- Chapter 2.3 contains special use regulations.
- Chapter 2.4 is a placeholder for overlay zones, or combining zones, such as those for flood hazard areas, natural features, airports, and other areas of special concern.

The model code does not contain provisions specifically for airports; natural, scenic, and historic resources (Goal 5); adult-oriented businesses; or natural hazards (Goal 7). Sample ordinances for airports are available from the Oregon Department of Aviation, and the Oregon Department of Land Conservation and Development maintains a library with sample ordinances for uses regulated under Goal 5 and Goal 7. Much of this information is available online.

SECTION 4. APPLICATION OF REGULATIONS**4.01.0 APPLICATION OF REGULATIONS**

The regulations set forth by this Ordinance 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 Ordinance or other lawfully enacted ordinances:

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 Ordinance shall be consistent with the Oakland Comprehensive Plan, and applicable state and federal laws and regulations.
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 ordinance.
4. 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 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.
5. No lot area, yard, or other open space or off-street parking or loading area which is required by this 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.
6. No yard or lot existing at the time of passage of this 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 Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 5. OFFICIAL ZONING MAP AND REGULATIONS

ZC

5.01.0 OFFICIAL ZONING MAP AND REGULATIONS

The official Zoning Map created by this Ordinance 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 Ordinance, changes are made in the zone boundaries or other details portrayed on the Map, and the amendment has been approved by the City Council, the Planning Agency shall promptly enter such changes on the map. Each revision shall be noted on the map by date and the Ordinance number creating the change. The revision shall bear the signature of the Mayor, attested by the City Recorder, and the seal of the city. Such attest shall identify the map as integral and essential part of this Ordinance. In the event that the map becomes damaged, destroyed, lost, or difficult to interpret due to the number of changes and additions made upon it, the City Council may, by ordinance, adopt a new Map to supersede the old one. 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 **Zoning Ordinance** 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.

SECTION 6. ZONES

6.01.0 ZONES

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

Regular 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

Overlay Zones

H	--	Historic
HE	--	Historic Enhancement Overlay Zone
D	--	Duplex
F	--	Special Flood Hazard
S	--	Steep Slope

SECTION 7. RULES FOR INTERPRETATION:

7.01.0 RULES FOR INTERPRETATION

Where uncertainty 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. The Planning Commission may permit in a particular zone a use not listed in this ordinance, if the use is of the same general type as the uses permitted there by this ordinance, 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.

S -- Steep Slope

SECTION 6.01.1 OVERLAY ZONES - APPLICATION

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.

SECTION 6.02.0 AGRICULTURAL / OPEN SPACE (A) ZONE**6.02.1 INTENT**

To allow agricultural and park use of flood prone lands.

6.02.2 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.

6.02.3 CONDITIONAL USES

The following uses are permitted in the Agricultural / Open Space Zone if a Conditional Use Permit is granted as specified in **Section 11** 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.

6.02.4 MINIMUM SETBACKS

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

6.02.5 MAXIMUM STRUCTURE HEIGHT

The maximum height of any building shall be 50 feet.

6.02.6 UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION, AND USE REQUIREMENTS

See **Section 13**, Utility, Public Improvement, Construction, and Use Requirements.

6.02.7 PARKING

See **Section 13.02.0**, Parking and Loading.

SECTION 6.03.0 RURAL RESIDENTIAL (R-R) ZONE**6.03.1 INTENT**

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

6.03.2 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).

6.03.3 CONDITIONAL USES

The following uses are permitted in the Rural Residential Zone if a Conditional Use Permit is granted as specified in **Section 11**, Variances, Conditional Use Permits, and Temporary Permits, and subject to compliance with other requirements:

- a. Public and semi-public uses, including government uses and utility structures.
- b. Residential facilities to include: Residential Care Facility, Residential Training Facility and Residential Treatment Facility.
- c. Bed and Breakfast Homestay.
- d. Expanded Home Occupation, subject to the standards in Section 13.20.22.

6.03.4 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 13.20.0**, Standard Condition for Home Occupations.

6.03.5 CONDITIONAL ACCESSORY USES

The following uses are permitted in the Rural Residential Zone if a Conditional Use Permit is granted as specified in **Section 11**, Variances, Conditional Use Permits, and Temporary Permits, and subject to compliance with other requirements:

1. Home occupations in an accessory building subject to **Section 13.20.0**, Standard Conditions for Home Occupations.

6.03.6 MINIMUM ZONE SIZE

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

6.03.7 MINIMUM LOT SIZE AND DIMENSIONS

Minimum lot size and Dimensions shall be:

No. or Type	Minimum	Minimum	Minimum
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of Units (sq. ft.)	Lot Size (square feet)	Lot Width * (feet)	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.

6.03.8 MAXIMUM LOT COVERAGE

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

6.03.9 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 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."

6.03.10 MAXIMUM STRUCTURE HEIGHT

Maximum structure height in feet shall be:

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

6.03.11 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. Generally, steep areas should be undisturbed, and units should be clustered on more level portions of the site.

6.03.12 UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION, AND USE REQUIREMENTS See Section 13.**6.03.13 PARKING**

See Section 13.02.0, Parking and Loading.

SECTION 6.04.0 LOW DENSITY RESIDENTIAL (R-1) ZONE**6.04.1 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.

6.04.2 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).

6.04.3 CONDITIONAL USES

The following uses are allowed in the Low Density Residential Zone if a conditional use permit is granted as specifies in Section 11, Variances, Conditional Use Permits, and Temporary Permits, and subject to compliance with other requirements:

- a. Public and semi-public uses, including government uses and utility structures.
- b. Residential facilities to include: Residential Care Facility, Residential Training Facility, and Residential Treatment Facility.
- c. Bed and Breakfast Homestay.
- d. Expanded Home Occupation, subject to the standards in Section 13.20.22.

6.04.4 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 13.20.0,

Standard Conditions for Home Occupations.

6.04.5 CONDITIONAL ACCESSORY USES

The following use is permitted in the Rural Residential Zone if a Conditional Use Permit is granted as specified in **Section 11**, Variances, Conditional Use Permits, and Temporary Permits, and subject to compliance with other requirements.

1. Home Occupation in an accessory building subject to **Section 13.20.0**, Standard Conditions for Home Occupations.

6.04.6 MINIMUM ZONE SIZE

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

6.04.7 MINIMUM LOT SIZE AND DIMENSIONS

Minimum lot size and dimensions in feet shall be:

	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Length (feet)
R-1/A	7,500	70; 75 on corners	100
R-1/B	10,000	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.

6.04.8 MAXIMUM LOT COVERAGE

Maximum lot coverage shall be 40%.

6.04.9 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:

	<u>Main Building</u>	<u>Required Off Street Parking</u>	<u>Accessory Building</u>
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	1	1

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

6.04.10 MAXIMUM STRUCTURE HEIGHT

Maximum structure height in feet shall be:

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 setback and side setback 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.

6.04.11 UTILITY, PUBLIC IMPROVEMENTS, CONSTRUCTION, AND USE REQUIREMENTS

See Section 13, Utility, Public Improvements, Construction, and Use Requirements.

6.04.12 PARKING

See Section 13.02.0, Parking and Loading.

SECTION 6.05.0 MEDIUM DENSITY RESIDENTIAL (R-2) ZONE

6.05.1 INTENT

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

6.05.2 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).

6.05.3 CONDITIONAL USES

The following uses are allowed in the Medium Density Residential Zone if a Conditional Use Permit is granted as specified in Section 11, Variances, Conditional Use Permits, and Temporary Permits, and subject to compliance with other requirements:

- a. Public and semi-public uses, including government uses and utility structures.
- b. Residential facilities to include: Residential Care Facility, Residential Training Facility, and Residential Treatment Facility.

- c. Bed and Breakfast Homestay.
- d. Expanded Home Occupation, subject to the standards in Section 13.20.22.

6.05.4 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 13.20.0, Standard Conditions for Home Occupations.

6.05.5 CONDITIONAL ACCESSORY USES

The following uses are permitted in the Rural Residential Zone if a conditional Use Permit is granted as specified in **Section 11**, Conditional Use Permit, Variance, and Temporary Permit, and subject to compliance with other requirements:

- 1. Home occupation in an accessory building subject to **Section 13.20.0**, Standard Conditions for Home Occupations.

6.05.6 MINIMUM ZONE SIZE

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

6.05.7 MINIMUM LOT SIZE AND DIMENSIONS

Minimum lot size and dimensions shall be:

<u>No. or Type of Unit</u>	<u>Minimum Lot Size</u> (sq. ft.)	<u>Minimum Lot Width *</u> (feet)	<u>Minimum Lot Length</u> (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

Over twelve units at a ratio of 2,725 square feet per unit over 12, with a minimum length and width of 100 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.

6.05.8 MAXIMUM LOT COVERAGE

Maximum lot coverage shall be 60%.

6.05.9 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:

	<u>Main Building</u>	<u>Required Off-Street Parking</u>	<u>Accessory Building</u>
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.

6.05.10 MAXIMUM STRUCTURE HEIGHT

Maximum structure height in feet shall be:

Main building	35
Energy apparatus on main building	5 above main bldg.
Accessory building	20
Antennas, spires, etc.	75
Fences and hedges	4 in required front setback and required side setback 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.

6.05.11 UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION, AND USE REQUIREMENTS

See Section 13, Utility, Public Improvement, Construction and use Requirements.

6.05.12 PARKING

See **Section 13.02.0**, Parking and Loading.

SECTION 6.06.0 GENERAL COMMERCIAL (C-1) ZONE**6.06.1 INTENT**

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

6.06.2 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).

6.06.3 CONDITIONAL USES

The following uses are permitted in the General Commercial Zone if a Conditional Use Permit is granted as specified in **Section 11**, Variances, Conditional Use Permits, and Temporary 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 13.17.0**, Standard Conditions for Outside Storage.

3. Residential facilities to include: Residential Care Facility, Residential Training Facility, and Residential Treatment Facility.
 - a. Bed and Breakfast Homestay.
 - b. Overnight accommodations such as hotels and motels.
 - c. Single story residences in conjunction with a commercial activity and occupied exclusively by the property owner or business manager.

6.06.4 MINIMUM ZONE SIZE

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

6.06.5 MINIMUM LOT SIZE AND DIMENSIONS

Minimum lot size and dimensions in feet shall be:

<u>Minimum Lot Size</u> (sq. ft.)	<u>Minimum Lot Width</u> (feet)	<u>Minimum Lot Length</u> (feet)
7,500; 10,000 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.

6.06.6 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:

	<u>Main Building</u>	<u>Off-Street Parking</u>	<u>Accessory Building</u>
Front Side	0 0; 15 if adjacent to a residential building or zone; for corner lots see also Section. 13.14.0 , Restricted Area for Visibility	0 0; 5 if adjacent to a residential building or zone	0 0; 5 if adjacent to a residential building or zone

Rear	0; 15 if adjacent 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
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6.06.7 MAXIMUM STRUCTURE HEIGHT

Maximum structure height in feet shall be:

Main building	50; 35 when adjoining an R-1 zone
Energy apparatus on main building	5 above main building.
Accessory building	50; 35 when adjoining an R-1 zone
Antennas, spires, etc.	75

6.06.8 UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION, AND USE REQUIREMENTS

See **Section 13**, Utility, Public Improvement, Construction and Use Requirements.

6.06.9 PARKING

See **Section 13.02.0**, Parking and Loading.

6.06.10 SIGNS

See **Section 13.18.0**, Signs.

SECTION 6.07.0 LIGHT INDUSTRIAL (M-1) ZONE

6.07.1 INTENT

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

6.07.2 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 13.17.0**, Standard Conditions for Outside Storage.
4. Welding shops and automotive repair shops, subject to **Section 13.17.0**, Standard Conditions for Outside Storage.
5. Storage within a building.

6.07.3 CONDITIONAL USES

The following uses are allowed in the Light Industrial Zone if a Conditional Use Permit is granted as specified in **Section 11**, Variances, Conditional Use Permits, and Temporary 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 13.17.0**, Standard Conditions for Outside Storage.

6.07.4 MINIMUM ZONE SIZE

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

6.07.5 MINIMUM LOT SIZE AND DIMENSIONS

Minimum lot size and dimensions in feet shall be:

<u>Minimum Lot Size</u> (sq. ft.)	<u>Minimum Lot Width</u> (feet)	<u>Minimum Lot Length</u> (feet)
20,000	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.

6.07.6 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:

	<u>Main Building</u>	<u>Off-Street Parking</u>	<u>Accessory Building</u>
Front	20	0	20
Side	0; 15 if adjacent to a residential building or zone; for corner lots see also Section. 13.14.0 , 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	0; 5 if adjacent to	0; 5 if adjacent to

residential building or zone	a residential building or zone	a residential building or zone
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6.07.7 MAXIMUM STRUCTURE HEIGHT

Maximum structure height in feet shall be:

Main building	50; 35 when adjoining an R-1 zone
Energy apparatus on main building	5 above main building.
Accessory building	50; 35 when adjoining an R-1 zone
Antennas, spires, etc.	75

6.07.8 UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION AND USE REQUIREMENTS:

See **Section 13**, Utility, Public Improvement, Construction and Use Requirements.

6.07.9 PARKING: See **Section 13.02.0**, Parking and Loading.

SECTION 6.08.0 GENERAL INDUSTRIAL (M-2) ZONE

6.08.1 INTENT

To provide a location for manufacturing and other industrial uses.

6.08.2 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 13.23.0** Special Requirements for Recreational Vehicle Parks and Other "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.

6.08.3 CONDITIONAL USES

The following uses are allowed in the General Industrial Zone if a Conditional Use Permit is granted as specified in **Section 11**, Variances, Conditional Use Permits, and Temporary Permits, and subject to compliance with other requirements:

- 1. Public and semi-public uses, including government uses and utility structures.
- 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 13.17.0**, Standard Conditions for Outside Storage.

6.08.4 MINIMUM ZONE SIZE

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

6.08.5 MINIMUM LOT SIZE AND DIMENSIONS

Minimum lot size and dimensions shall be:

<u>Minimum Lot Size</u> (sq. ft.)	<u>Minimum Lot Width*</u> (feet)	<u>Minimum Lot Length</u> (feet)
20,000	100	100

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

6.08.6 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:

	<u>Main Building</u>	<u>Off-Street Parking</u>	<u>Accessory Building</u>
Front	20	0	0
Side	0; 15 if adjacent to a	0; 5 if adjacent	0; 5 if adjacent

	residential building or zone; for corner lots see also Sect. 13.14.0 , Restricted Area for Visibility	to a residential building or zone	to a residential building or zone
Rear	0; 15 if adjacent 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

6.08.7 MAXIMUM STRUCTURE HEIGHT

Maximum structure height in feet shall be:

Main building	50; 35 when adjacent to an R-1 zone
Energy apparatus on Main building	5 above main bldg.
Accessory building	50; 35 when adjacent to an R-1 zone
Antennas, spires, etc.	75

6.08.8 UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION, AND USE REQUIREMENTS See **Section 13**, Utility, Public Improvement, Construction and Use Requirements.

6.08.9 PARKING

See **Section 13.02.0**, Parking and Loading.

6.08.10 SIGNS

See **Section 13.18.0**, Signs.

SECTION 6.09.0 HISTORICAL (H) OVERLAY ZONE

For requirements of this zone, refer to **Ordinance No. 456** Historic Preservation Ordinance, and amendments thereto.

6.10.0 HISTORIC ENHANCEMENT (HE) OVERLAY ZONE

6.10.1 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.

6.10.2 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.

6.10.3 DESIGNATION REQUIREMENTS

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

1. Contemporary structures must be clearly differentiated from, but 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 design standards set out for this overlay zone in Section 13.16.0 of this ordinance, in addition to meeting all other applicable standards of the general zone.

SECTION 6.11.0 DUPLEX (D) OVERLAY ZONE

6.11.1 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.

6.11.2 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:

1. One duplex on a corner lot.

6.12.0 SPECIAL FLOOD HAZARD (F) OVERLAY ZONE

For requirements of this zone, refer to Ordinance 343, Flood Damage Prevention Ordinance and amendments thereto.

6.13.0 STEEP SLOPE (S) OVERLAY ZONE

6.13.1 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.

6.13.2 DESIGNATION CRITERIA

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

6.13.3 DESIGNATION REQUIREMENTS

Any permit requested for a building or structure on land in the Steep Slope Overlay Zone shall be considered by the Planning Commission and shall be accompanied by a written report. Such report shall be done 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.

SECTION 6.14.0 PUBLIC LAND ZONE

6.14.1 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 use listed in OZO 6.OX.3 and 6.OX.4 below.

6.14.2 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.

6.14.3 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, 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.

6.14.4 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 **Section 10**, Administration and Enforcement, and **Section 11**, Variances, Conditional Use Permits, and Temporary Permits.

6.14.5 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:

6. 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.
7. 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.

6.14.6 MINIMUM ZONE SIZE

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

6.14.7 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 lot or parcel zoned PL, Public Land.

6.14.8 MAXIMUM LOT COVERAGE

Maximum lot coverage shall be 60%.

6.14.9 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.

6.14.10 MAXIMUM STRUCTURE HEIGHT

Maximum structure height in feet shall be:

Main building	50; 35 within fifty (50) feet of an R-1 zone
Energy apparatus on main building	5 above main building
Accessory building	50; 35 within fifty (50) feet of an R-1 zone
Antennas, spires, etc.	75

6.14.11 UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION, AND USE REQUIREMENTS

See Section 13, utility, public improvement, construction, and use requirements.

6.14.12 PARKING

See Section 13.02.0, Parking and Loading.

6.14.13 SIGNS

The provisions contained in OZO Section 13.18.2 shall apply to the placement of signs in the PL Zone. Government or public utility signs as required by law are exempt from the sign standards contained in this Zoning Ordinance.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
A. Residential Uses¹											
Single-Family Dwelling, Non-Attached	P	P	[P]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.090
Single-Family Dwelling, Attached (Townhome)	[S/N]	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	[S]	[S]	[S]	[S]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.170]
[Boarding or Rooming House]	[N]	[CU]	[CU]	[CU]	[N]	[N]	[N]	[N]	[N]		
[Cottage Housing Cluster]	[N]	[S]	[S]	[N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.190]
Duplex Dwelling	S	P	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.060
Manufactured Home	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	N	[S/N]	[S/N]	N	N	N	N	[N]	[N]		Sec 2.3.140
Multifamily Dwelling	N	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.080; 2.3.090
Family Daycare	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.100
Residential Care Home	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	N	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Home Occupation	S	S	[S]	[S/N]	[S/N]	N	N	[N]	[N]		Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]		[Sec 2.3.200]
[Vacation Rental Dwellings]	[S]	[N]	[N]	[S/N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.220]

User’s Guide: The above residential uses represent the range of “needed housing” that cities are generally required to zone land for under Statewide Planning Goal 10 (Housing). Care Homes or Facilities are subject to ORS 197.665 and 197.670, and the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3615). The model code provides clear and objective standards for housing, per state law, and allows residential uses in commercial districts, per OAR 660-012-060.

¹ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Lot and Development Standards

2.2.040 Lot and Development Standards

- A. Development Standards.** Section 2.2.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential [*and Residential-Commercial*] zones, and Table 2.2.040.E applies to non-residential zones.
- B. Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3. Notwithstanding the provisions of Table 2.2.040 and Article 3, different standards may apply in specific locations, such as at street intersections, [*within overlay zones,*] adjacent to natural features, and other areas as may be regulated by this Code or subject to state or federal requirements. [*For requirements applicable to the City’s overlay zones, please refer to Chapter 2.4.*]
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. [*Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is / may be) required in order to determine whether use is allowed on a given site, and whether further land use review is required.*]

User’s Guide: The minimum lot sizes and other dimensions contained in 2.2.040 are based on contemporary zoning standards and development practices in small- and medium-sized Oregon communities. The standards should be reviewed and adjusted to fit the context of the community. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size, for example through the “lot size averaging,” “sloping site,” and “lot coverage bonus” provisions, can be made without requiring variances or planned unit approval. This section is also designed to promote efficient land use and pedestrian-oriented design, for example, through the required “build-to line” in multifamily and residential-commercial projects. Table 2.2.040 does not recommend specific residential densities; cities should base minimum and maximum density standards on the locally adopted comprehensive plan, including an assessment of housing needs and urban growth management policies.

2.2 –Zoning District Regulations | Lot and Development Standards

D. Lot and Development Standards for Residential Districts. The development standards in Table 2.2.040.D apply to all [new] development [as of (effective date)] in Residential zones.

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
Residential Density , per Section 2.2.060 (Dwelling Units per [gross / net] acre) – Minimum and Maximum	[Per Comp Plan]	[Per Comp Plan]	[Per Comp Plan]	
Minimum Lot Area* (square feet)				
Single-Family, not attached Corner Lot	[6,000-7,000 sf]	[5,000-6,000 sf]	[5,000-6,000 sf]	
Not a Corner Lot	[5,000-6,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Single-Family, common-wall dwellings: Corner Lot	[4,000-5,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Not a Corner Lot	[4,000-5,000 sf]	[2,500-3,000 sf]	[2,500-3,000 sf]	
Single-Family, with accessory dwelling Duplex	[6,000-6,500 sf] [6,000-9,000 sf]	[5,000-6,000 sf] [5,000-7,000 sf]	[5,000-5,500 sf] [5,000-6,000 sf]	
Multiple-Family or Cottage Cluster	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	
Non-Residential Uses	[Same as single- family, not attached]	[Same as single- family, not attached]	[Same as single- family, not attached]	
[Increased Lot Size for Sloping Site (15% or greater)]	[1.5 times] minimum lot size]	[1.5 times] minimum lot size]	[1.5 times] minimum lot size]	
User’s Guide: Minimum lot size should be based on a city’s planned residential densities, per the land use designations and housing needs in the comprehensive plan. An alternative to increasing lot size standards for sloping sites is to allow clustering of smaller lots in exchange for open space conservation on the most sensitive hillsides. See also, recommendations for “Lot Size Averaging” below.				
[*Lot size may be reduced in new subdivisions through Lot Size Averaging, per Section 4.3.050, or through approval of a Master Planned Development under Chapter 4.8, provided the density standards of this section are met.] Minimum lot sizes do not apply to open space tracts and similar properties where development is restricted.				

[2.3.220 *Vacation Rental Dwelling*]

User’s Guide: Many of Oregon’s small cities are attractive to retirees and second homeowners. As a result, much of the housing stock in those communities is actually a hybrid form of housing and commercial lodging. Land use concerns often arise around vacation rental dwellings (VRDs), including the number of occupants in a rental, the duration of each stay, parking, noise, trash storage, and landscaping and property maintenance, among others. This section is reserved for vacation rental dwelling standards, which should be tailored to meet the needs of each community. For an example of a local VRD code, cities might want to refer to Lincoln City’s Vacation Rental Dwelling codes, which require both licensing of rentals and compliance with land use standards.

[2.3.230 *Wireless Communication Facilities*]

User’s Guide: This section is reserved for codes regulating wireless communication facilities. Many cities adopted codes regulating the location and design of cell towers and antennae during the late 1990s, when cellular phone service was expanding rapidly. Local concerns arose regarding the visual impact of new towers, some over 150 feet tall and located in residential areas, and health concerns. In response, the federal Telecommunications Act was adopted to, among other things, respond to those concerns and facilitate the siting of cell towers.

User's Guide: The following provisions correspond to the special uses identified in Chapter 2.2, as noted in Table 2.2.030.

Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Review Process
- 2.3.040 Artisanal Use/Light Manufacture
- 2.3.050 Drive-Through Service
- 2.3.060 Duplex Dwellings
- 2.3.070 Townhomes, Attached Single-Family Dwellings
- 2.3.080 Multifamily Development
- 2.3.090 Dwellings in Commercial [*and Mixed Employment*] Zones
- 2.3.100 Family Daycare
- 2.3.110 Residential Care Homes and Residential Care Facilities
- 2.3.120 Home Occupations
- 2.3.130 Manufactured Homes
- 2.3.140 Mobile Home and Manufactured Home Parks
- 2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings
- 2.3.160 Temporary Uses
- [2.3.170 Accessory Dwellings]
- [2.3.180 Bed and Breakfast Inn]
- [2.3.190 Cottage Housing Cluster]
- [2.3.200 Micro-Generation Facilities]
- [2.3.210 Parks and Open Spaces]
- [2.3.220 Vacation Rental Dwelling]
- [2.3.230 Wireless Communication Facilities]

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 special conditions and standards. These special use standards 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 2.2.020, 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.

3. All single family dwellings, including manufactured homes, shall utilize at least three of the following design features:
 - a. dormers
 - b. recessed entries
 - c. cupolas
 - d. bay or bow windows
 - e. attached garage
 - f. window shutters
 - g. a roof with a pitch greater than nominal 3 1/2
 - h. off-sets on building face or roof (minimum 12")
 - i. gables
 - j. covered porch entry
 - k. pillars or posts
 - l. eaves (minimum 6")
 - m. tile, composition or shake roof
 - n. horizontal lap siding

13.15.2 DESIGN STANDARDS FOR 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.
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.
7. Lighting shall not be excessively bright and shall not shine on adjoining properties.
8. Sidewalks shall be provided between parking areas and buildings, and any facility for use by tenants.

DESIGN STANDARDS FOR 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.

13.16.0 DESIGN STANDARDS FOR HISTORIC ENHANCEMENT (HE) OVERLAY

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. horizontal lap siding
 5. double hung or casement windows
 6. bay or bow windows
 7. detached garage
 8. exterior brick treatment
 9. a roof with a pitch greater than nominal 3/12
 10. 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. vinyl siding

2. scored plywood or similar pressed-board panels

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.

13.17.0 STANDARD CONDITIONS FOR OUTSIDE STORAGE

All outside storage and storage yards, where authorized by this ordinance, 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 **(13.14.0)**, 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 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.

13.18.0 SIGNS

The following regulations apply to all signs erected, placed and displayed including painted wall signs, except in the Historic Zone, where **Ordinance 456 (Section 5)** and any amendments thereto govern. These regulations are intended to improve the commercial environment, atmosphere, and visual quality of the community.

Nothing in this ordinance 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.

1. **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.

2. **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:
 - a. **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, which ever 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:
 - b. **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.
 - c. **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.
 - d. **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.
3. **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.
4. **Existing signs.** All legal signs existing at the time of adoption of this ordinance may be maintained. Signs pertaining to a business which has not been in operation for at least ninety (90) days, shall be removed.

- a. Existing signs which do not conform to this ordinance 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.
- b. A new sign which is to replace an existing sign which does not conform to this ordinance due to characteristics of the sign or the site shall conform to this ordinance. A new sign which is to replace an existing sign which does not conform to this ordinance due to zoning designation of the site, is allowed providing the new sign is more conforming with this ordinance, that is, it is smaller, shorter, less bright, etc.
- c. Signs of historic value as designated by the Historic Commission are not subject to the provisions of Section 13.18.0.

13.19.0 STANDARD CONDITIONS FOR 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.

13.20.00 STANDARD CONDITIONS FOR HOME OCCUPATIONS

13.20.10 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 13.20.12 shall be applicable to any overlay zone, unless otherwise provided in those sections.

13.20.11 STANDARD CONDITIONS FOR HOME OCCUPATIONS:

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

- a. 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.
- b. Businesses may alternatively occupy no more than 500 square feet of an accessory structure;
- c. The home occupation shall be secondary to the main use of the dwelling as a residence.
- d. No structural alterations shall be made, other than normally required for residential purposes;
- e. Only inhabitants of the dwelling shall be engaged in the home occupation;
- f. No window display or outside display shall be allowed, except as provided herein;

- g. No material or equipment shall be used which will be detrimental to the dwelling, or to surrounding dwellings due to vibration, noise, dust, smoke, or interference with radio or television reception or other factors;
- h. Deliveries to or from the residence shall average no more than two trips to and from per week;
- i. 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
- j. A sign no more than two (2) square feet is allowed as specified in Section 13.18.0(1).

13.20.20 STANDARD CONDITIONS FOR EXPANDED HOME OCCUPATIONS

13.20.21 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 13.20.22 shall be applicable to any overlay zone, unless otherwise provided in those sections.

13.20.22 STANDARD CONDITIONS FOR EXPANDED HOME OCCUPATION:

Where authorized by this ordinance, home occupations may occur in residential zones as conditionally permitted uses subject to the following restrictions:

- a. Restrictions (c) and (d), (f) through (j) of Section 13.20.12;
- b. The owner of residence shall acquire a conditional use permit for the home occupation;
- c. 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;
- d. The owner of the residence shall submit a written statement that includes:
 - i. A description of the type of home occupation proposed;
 - ii. An explanation of how the home occupation will be operated;
 - iii. A description of how the application is consistent with Section 13.20.22;
- e. The home occupation shall be operated by a resident of the property on which the home occupation is located;
- f. 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 13.17.0;

- g. 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;
- h. Customers or clients, not including business or vehicle deliveries, shall not come to conduct business on the property where the home occupation is located;
- i. 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;
- j. Nor more than 1 commute vehicle per 2 on resident workers shall be permitted to park on the property;
- k. 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;
- l. All business related parking shall occur on the subject property on which the home occupation occurs;
- m. 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 Section 307 of the 1997 Uniform Building Code;
- n. 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;
- o. No retail sales to customers on site permitted;
- p. The use of the home occupation shall not be used as justification for a zone change;

**13.21.0 STANDARD CONDITIONS FOR BED AND BREAKFAST HOMESTAYS
(ORD. 438)**

1. Where authorized by this ordinance, requests for a Conditional Use Permit in order to operate a Bed and Breakfast Homestay shall be processed under the requirements of the applicable sections of Section 11 Variances, Conditional Use Permits, and Temporary Use Permits and shall be in accordance with the requirements of Ordinance 438 and any amendments thereto.
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 13.20.0** 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 Ordinance 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 Ordinance 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.

13.22.0 STANDARD CONDITIONS FOR THE PERMANENT PLACEMENT OF MANUFACTURED HOMES (ORD. 463)

The following standards shall apply to the permanent placement of manufactured homes in accordance with Ordinance 463 and any amendments thereto.

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.
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.
11. 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.

13.23.0 SPECIAL REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS AND OTHER "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:

1. 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:

- i) Up to 290 spaces in the first phase.
 - ii) Paved streets and electric, water, and sewer service to each space.
 - iii) 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.
 - iv) 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.
 - v) 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.
 - vi) 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.
 - vii) 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 fireflow 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 extremes of monotonous uniformity and substantial dissimilarities; and, that it conforms with the adopted goals, objectives and policies of the Oakland Comprehensive Plan.

A. Site Plan Review Procedures

1. **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:
 - A) 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;
 - B) The property boundary lines and individual lot lines indicating total acreage and square footage of individual lots;
 - C) A vicinity map showing adjacent land and, where appropriate, how proposed streets and utilities may be extended to connect to existing streets and utilities;
 - D) The location, width, and name of all existing streets, utility rights-of-way, or easements;

- E) 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;
 - F) The location and use of existing and proposed buildings or structures and exterior dimensions where appropriate;
 - G) The location of landscaping, fences (indicating height and material), buffer areas, common property or required open spaces;
 - H) The location, size, type, and illumination of existing and proposed signs;
 - I) 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;
 - J) The locations of areas subject to flooding as defined in Oakland's Flood Damage Prevention Ordinance, 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;
 - K) 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;
 - L) 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
 - M) 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.
- 2) **Criteria and Standards for Site Plan Review.** The City-designated Planner shall evaluate all site plans for compliance with the following standards and criteria.
- A) **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.

- B) **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.
- C) **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 the entire length of the development, or for such distance as deemed appropriate by the City-designated Planner.
- D) **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 Oakland's Flood Damage Prevention Ordinance, as amended.

- E) **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 Ordinance.
- F) **Lighting.** Adequate exterior lighting shall be provided to promote public safety, and shall be designed to avoid unnecessary glare upon other properties.
- G) **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 Ordinance. Screening or buffering of parking areas shall conform to the standards established in this Ordinance.
- H) **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:
- i) 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.

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

- I) **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:

- i) Will not have a significant adverse impact on stream bank erosion, water temperature and quality, or wildlife; or
- ii) Is required for flood control, and actions are taken to mitigate such impacts as much as possible; or
- iii) 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
- iv) 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.

- J) **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.

- K) **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.
- L) **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.
- 3) **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.
- 4) **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.
- 5) **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 of original submittals.

- 6) **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 Ordinance.

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

- 1) **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.
- 2) **Design Standards for RV parks.**
- A) **Minimum size.** Each parcel of land to be used for a recreational vehicle park shall be a minimum of five acres in size.
- B) **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.
- C) **Streets and parking.** Access to the RV Park shall be provided according to the following criteria:
- I. If the recreational vehicle park is not platted, the streets shall be developed to the following standards as a minimum:
- a. **Width of streets.** Streets in an unplatted 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.
- b. **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.

- c. 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.

D) Buffer strips/setbacks.

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

E) Recreational areas.

- i. 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.
- ii. 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. 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.
- iii. Provisions for all common open space and the construction of recreational facilities, which are shown on the site plan, shall proceed at

an equivalent or greater rate as the construction of individual recreational vehicle sites.

- F) Design requirements for recreational vehicle sites within the RV Park.
- i. 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.
 - ii. 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.
 - iii. Setbacks.
 - a. The front setback of the recreational vehicle, from the lot line in a platted park or from the street in an unplatted park, shall not be less than three feet.
 - b. The side setback shall be ten feet from the adjacent RV space.
 - c. The rear setback of the recreational vehicle shall not be less than three feet.
 - d. Appurtenances and accessory structures. Temporary appurtenances, such as cabanas and awnings, may be erected on a 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.
- G) Provision of services.
- i. 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.
 - ii. 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.
 - iii. Lighting.
 - a. 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.
 - b. 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.
 - iv. Electricity. Electricity service shall be provided as follows, or as prescribed by State law or applicable building codes. Each recreation

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).

- vii. Insect and rodent control.
 - a. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.
 - b. 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.
 - c. 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.
- viii. 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.
- ix. 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.
- x. 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.
- xi. Signs. Compliance with applicable sign restrictions and standards is required.
- xii. 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.

H) Park operation.

- i. 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.

- ii. Length of occupancy. No established or new recreational vehicle or trailer 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 Building Orientation and Design
- 3.3 Access and Circulation
- 3.4 Landscaping, Street Trees, and Screening
- 3.5 Parking and Loading
- 3.6 Public Facilities
- [3.7 Signs]

Background: Article 3 provides standards for development and changes of use. The standards address site/lot layout and design, access, circulation, landscaping, parking, loading and public facilities. Article 3 also provides general guidance for drafting sign regulations applicable to downtowns, main streets, and similar areas. Not every standard will apply to all of the actions (permits and approvals) under Article 4. Chapter 3.1 outlines the provisions of Article 3 that apply to each type of action, though cities will need to customize the code and establish the types of approvals, and development thresholds, to which the design standards apply.

Chapter 3.1 - Design Standards Administration

Sections:

- 3.1.010 Purpose
- 3.1.020 Applicability

3.1.010 Purpose

Article 3 contains design standards for the built environment. The standards are intended to protect the public health, safety and welfare through multimodal accessibility and interconnectivity, and through the provision of parking, landscaping, [and] adequate public facilities[, and appropriate signage].

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.

13.15.0 DESIGN STANDARDS

The purpose of this section is to preserve and enhance the historic character of the City as a whole, including its harmony of design, materials, pattern and pedestrian scale.

13.15.1 GENERAL DESIGN STANDARDS

1. Siting

- a. All structures should generally face the street.
- b. Preservation of open space is encouraged.
- c. The visually predominant entrance should be pedestrian oriented and face the street where feasible.
- d. The original topography and grade of building sites should be maintained where feasible.

2. Structures

- a. Multiple storied structures are encouraged to preserve open space and discourage sprawl.
- b. Roof form, size shape and type should blend with nearby structures. Roofing material should have a class A or B fire rating.
- c. Exterior materials should be compatible with adjacent structures and convey durability and permanence.

SECTION 13. UTILITY, PUBLIC IMPROVEMENT, CONSTRUCTION, AND USE REQUIREMENTS

13.01.0 GENERAL PROVISIONS

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

13.02.0 PARKING AND LOADING

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1. The following off-street parking standards 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, except where noted with an "*" where off-street parking requirements shall apply to any change of use. **(ORD. 405)** 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.

<u>Use</u>	<u># of Parking Spaces Required</u>
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,

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	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.
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, (Ord. 438) commercial, or industrial parking areas shall be screened from adjacent residential uses, (Ord. 438) and from adjacent residential zones by means of sight obscuring screens or fences.

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- 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.

13.02.1 EXEMPTION FROM PARKING SPACE REQUIREMENTS

For the purpose of this Ordinance, the City of Oakland shall have a "Downtown Core Area" defined on the official zoning map in which all commercial uses shall be exempt from the off-street parking requirements of **Section 13.02.0**. 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.

13.02.2 OFF STREET PARKING DESIGN STANDARDS

1. 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.
2. 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.
3. 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.
4. 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.
 - a. 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.
 - b. All landscaped areas are to be maintained and kept free of trash and debris.
 - c. Screen plantings shall be of such size as to provide the required degree of screening within 12 months after installation.
 - d. Required landscaping, screening and fences shall be continuously maintained.

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- e. 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 unchanneled motor vehicle access or egress.
5. 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.

13.03.0 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.

1. 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 ordinance or when the recreational vehicle is located within a park legally established for such purposes.
2. No recreational equipment shall be parked on any city street for a period exceeding 24 hours including loading or unloading.
3. 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.

13.04.0 SEWAGE DISPOSAL

1. 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.
2. 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. Any new connections to the sewer or extensions of the sewer system shall conform to the design standards of the subdivision ordinance and/or the specifications of the public works department.

13.05.0 WATER SUPPLY

1. 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.

2. 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. Any new connections to the water or extensions of the water system shall conform to the design standards of the subdivision ordinance and/or the specifications of the public works department.

13.06.0 DRAINAGE

All new construction or lot modifications affecting runoff shall be approved by the Public Works Department. Where underground storm sewers exist adjacent to the property, they shall be utilized and extended the full length of the development.

13.07.0 CURBS AND GUTTERS

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.

13.08.0 SIDEWALKS

Sidewalks may be required to be installed to city specification in the city right-of-way by the developer of any lot, taking into consideration existing sidewalks and pedestrian traffic in the immediate area.

13.09.0 STREETS

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

1. 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.
2. 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, Douglas County, or the City of Oakland, but does not waive the right to protest the amount or manner of apportioning the assessment thereof.

13.10.0 FLOOD PREVENTION

All construction must comply with Resolutions 41 and 42, Ordinance 343, 379, 400 and any amendments thereto, and any ordinance adopted pursuant to the National Flood Insurance Program.

13.11.0 SITE DEVELOPMENT

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1. All grading shall require a permit issued by the Zoning Administrator.
2. Any permit for grading involving areas of steep slope, special flood hazard or fill, removal, or movement of greater than 100 cubic yards of material must be approved by the Planning Commission. 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.
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 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 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.

13.12.0 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.

3.5 – Parking and Loading | Bicycle Parking

3.5.040 Bicycle Parking

- A. Standards.** 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 3.5.040.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant with subsection 3.5.030.B, the City [*decision body*] may require bicycle parking spaces in addition to those in Table 3.5.040.A.

Table 3.5.040.A Minimum Required Bicycle Parking Spaces	
Use	Minimum Number of Spaces
Multifamily Residential (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
Commercial	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater
Industrial	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Community Service	2 bike spaces
Parks (active recreation areas only)	4 bike spaces
Schools (all types)	2 bike spaces per classroom
Institutional Uses and Places of Worship	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Other Uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

- B. 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[, *consistent with the City of [name] Design Standard Manual*].
- C. Exemptions.** This Section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The [*City decision-making body*] 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.
- D. 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 vision clearance standards of Section 3.3.020.

13.13.0 DRIVEWAYS AND 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.

1. 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.

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 specification

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14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of [concrete] shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.

15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.

13.14.0 RESTRICTED AREA FOR VISIBILITY

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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.

Design Standards

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Section 38. 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 ordinance.

Section 39. Streets and Pedestrian Ways.

(1) General. 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:

legally constructed

(A) 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;

(B) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment; or

(C) 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.

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(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.

(2) 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 1. Sidewalks, planting strips, street trees, and bike paths, when required as set forth in Section 48 of this Ordinance, shall not be less than the minimum width in feet shown in Table 1.

Table 1. Street Design Standards

Type of Street	Pavement Width	Travel Lane	On-Street Parking ¹	Minimum R.O.W. ²	Sidewalk Width	Bike Lane
Arterial	40-44'	2 10-12' Wide	1 Side	60'	5' min. both sides ^{3,4}	2 Sides
Major Collector	40-44'	2 10-12' Wide	1 Side	60'	5' min. both sides ^{3,4}	2 Sides
Minor Collector	36-40'	2 10-12' Wide	2 sides	56-60'	5' min. both sides ^{3,4}	Sharrow as needed
Major Local Street	36'	2- 10' Wide	2 sides	56-60'	5' min. both sides ^{3,4}	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 ⁶ – Up to 25 Dwellings	22'	1-15' Wide (Queuing)	1 side	35'	5' min. both sides ⁵	
Minor Local Street	28'	2-10' Wide	1 side	43'	5' planter strip 1 side, 10+' gravel area side	
Access Lane ⁶ – Up to 12 Dwellings	20'	1-13' Wide (Queuing)	1 side	35' (w/landscaping & Pub. access easement)	5' min. on one side ⁵	
Private Drive ⁶ – Up to 6 Dwellings	13'	1-13' Wide (Queuing) ⁷	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.

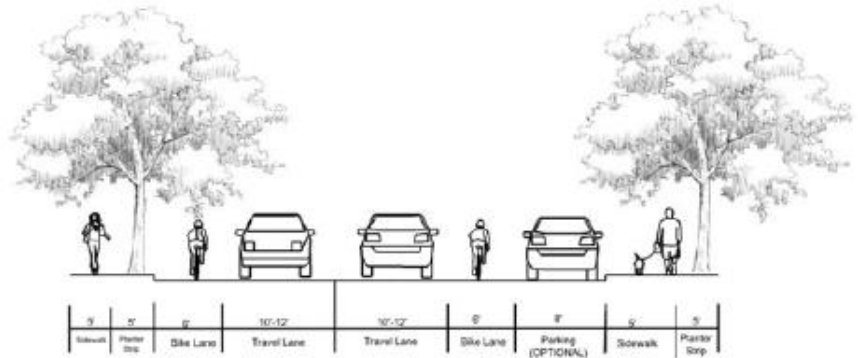
4 – ADT – Average Daily Traffic.

6 – Two outlets required.

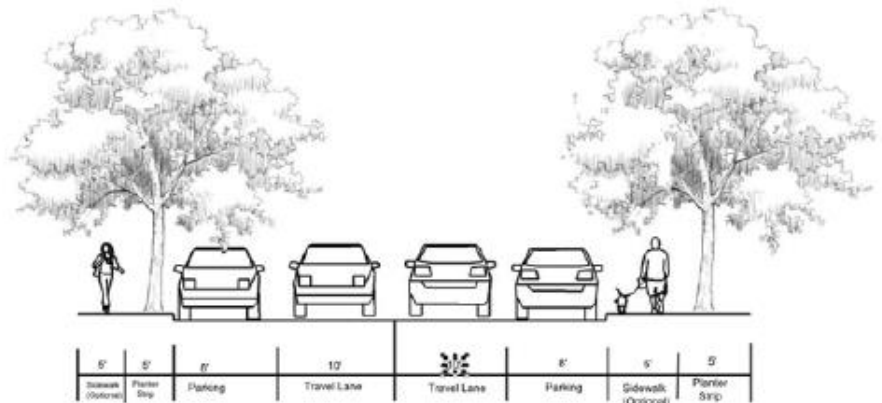
7 – Shared with pedestrians.

Figure 1: Street Functional Class Street Section Diagrams

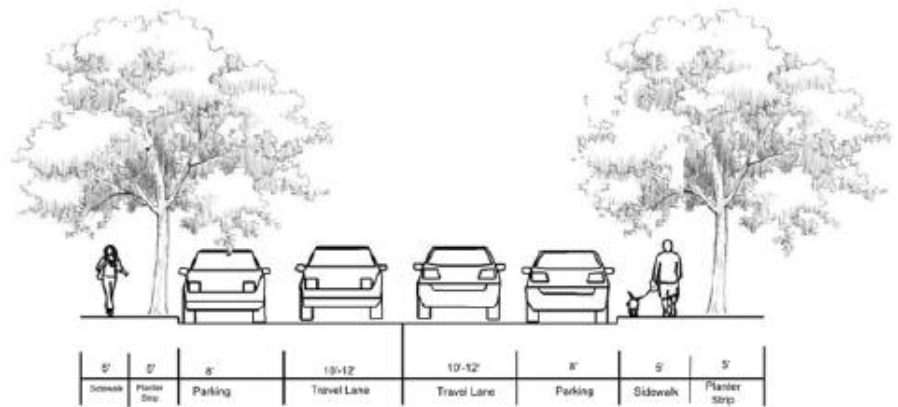
Arterial /
Major Collector



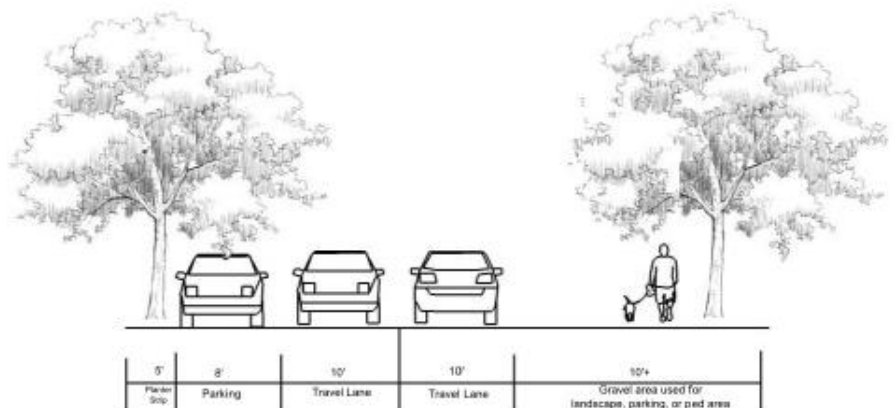
Minor Collector



Major Local



Minor Local



1 Where conditions, particularly topography or the size and shape of the tract, make it
2 impractical to otherwise provide buildable sites, a narrower right-of-way may be accepted,
3 ordinarily not less than 35 feet. If necessary, slope easements may be required.

4 (3) Reserve strips. Reserve strips or street plugs controlling access to streets will not
5 be approved unless necessary for the protection of the public welfare, including preserving the
6 objectives of street extensions or half streets, and in these cases they may be required. The
7 ownership of the land comprising such strips shall be placed within the jurisdiction of the City
8 under conditions approved by the Planning Commission.

9 (4) Alignment. As far as is practical, streets shall be in alignment with existing streets
10 by continuations of the center lines thereof. Staggered street alignment resulting in "T"
11 intersections shall, wherever practical, leave a minimum distance of 200 feet between the center
12 lines of streets having approximately the same direction and, in no case, shall be less than 100
13 feet.

14 (5) Future extensions of streets. Where necessary to give access to or permit a future
15 division of adjoining land, streets shall be extended to the boundary of the subdivision or partition,
16 and the resulting dead-end streets may be approved without a turnaround. Reserve strips and
17 street plugs may be required to preserve the objectives of street extensions.

18 (6) Intersection angles. Streets shall be laid out to intersect at angles as near to right
19 angles as practical, except where topography requires a lesser angle; but in no case shall the acute
20 angle be less than 80 degrees, unless there is a special intersection design. An arterial or collector
21 street intersecting with another street shall have at least 100 feet of tangent adjacent to the
22 intersection, unless topography requires a lesser distance. Other streets, except alleys, shall have
23 at least 50 feet of tangent adjacent to the intersection, unless topography requires a lesser
24 distance. Intersections that contain an acute angle of less than 80 degrees or include an arterial
25 street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and
26 maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the
27 intersection of more than two streets at any one point will not be approved.

28 (7) Existing streets. Whenever existing streets adjacent to or within a tract are of
29 inadequate width, additional right-of-way shall be provided at the time of the land division.

30 (8) Half street. Half streets, while generally not acceptable, may be approved where
31 essential to the reasonable development of the subdivision or partition when in conformity with
32 the other requirements of these regulations and when the Planning Commission finds it will be
33 practical to require the dedication of the other half when the adjoining property is divided.
34 Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be
35 provided within such tract. Reserve strips and street plugs may be required to preserve the
36 objectives of half streets.

37 (9) Dead-end street. A dead-end street shall have a maximum length of 400 feet, not
38 including the turnaround, and serve building sites for not more than 18 dwelling units. A dead-
39 end street shall terminate with a turn-around. Use of turn-around configurations other than
40 circular shall be approved by the City Engineer.

41 (10) Street names. Except for extensions of existing streets, no street name shall be
42 used that will duplicate or be confused with the name of an existing street. Street names and
43 numbers shall conform to the established pattern in the City and shall be subject to the approval of
44 the Planning Commission.

1 (11) Grades and curves. Grades shall not exceed 6 percent on arterials, 10 percent on
2 collector streets, and 12 percent on other streets. Center line radii of curves shall not be less than
3 300 feet on major arterials, 200 feet on secondary arterials, and 100 feet on other streets, and
4 shall be to an even 10 feet. Where existing conditions, particularly the topography, make it
5 otherwise impractical to provide buildable sites, the Planning Commission may accept steeper
6 grades and sharper curves. In flat areas, allowance shall be made for finished street grades having
7 a minimum slope, preferably of at least 0.5 percent.

8 (12) Streets adjacent to railroad right-of-way. Wherever the proposed land division
9 contains or is adjacent to a railroad right-of-way, provision may be required for a street
10 approximately parallel to and on each side of such right-of-way at a distance suitable for the
11 appropriate use of the land between the streets and the railroad. The distance shall be determined
12 with due consideration at cross streets of the minimum distance required for approach grades to a
13 future grade separation and to provide sufficient depth to allow screen planting along the railroad
14 right-of-way.

15 (13) Marginal access streets. Where a land division abuts or contains an existing or
16 proposed arterial street, the Planning Commission may require marginal access streets, reverse
17 frontage lots with the suitable depth, screen planting contained in a non-access reservation along
18 the rear or side property line, or other treatment necessary to afford separation of through and
19 local traffic from residential properties.

20 (14) Alleys. Alleys shall be provided in commercial and industrial districts, unless other
21 permanent provisions for access to off-street parking and loading facilities are approved by the
22 Planning Commission, and shall be developed in conformance with the design standards set forth
23 in Section 39 of this Ordinance. The corners of alley intersections shall have a radius of not less
24 than 12 feet. Alleys developed in conformance with the design standards set forth in Section 39
25 of this Ordinance shall be allowed in residential zones.

26 (15) Pedestrian ways. Pedestrian ways, which accommodate both pedestrians and
27 bicyclists, shall have a pavement width of 6 to 10 feet, with a 2- to 4-foot graveled or planted
28 strip on each side.

29
30 Section 40. Blocks.

31 (1) General. The length, width, and shape of blocks shall take into account the need
32 for adequate building site size and street width, shall consider needs for safe and convenient
33 pedestrian and vehicular access and circulation, and shall recognize the limitations and
34 opportunities of the topography.

35 (2) Size. No block, except on arterial streets, shall be more than 400 feet in length
36 between street corner lines, and no block perimeter formed by the intersection of pedestrian ways
37 and local, collector, and arterial streets shall be more than 1,600 feet in length, with the following
38 exceptions:

39 (a) Where topography and/or other natural conditions, such as wetlands or
40 stream corridors, preclude a local street connection consistent with the stated block length
41 standards. Where such conditions exist, a pedestrian way shall be required in lieu of a
42 public street connection if the pedestrian way is necessary to provide safe, direct, and
43 convenient circulation and access to nearby destinations, such as schools, parks, and
44 stores, etc.

1 SC (b) The recommended minimum block length along an arterial street is 1,400
2 feet.

3
4 A block shall have sufficient width to provide building frontages and appropriate
5 development on each side, unless topography or the location of adjoining streets justifies an
6 exception.

7 (3) Easements.

8 (a) Utility lines. Easements for sewers, water mains, electric lines, or other
9 public utilities shall be dedicated wherever necessary. The easements shall be at least 12
10 feet wide and centered on lot or parcel lines, except for utility pole tieback easements,
11 which may be reduced to 6 feet in width.

12 (b) Watercourses. If a tract is traversed by a watercourse, such as a drainage
13 way, channel, or stream, a storm water easement or drainage right-of-way conforming
14 substantially with the lines of the watercourse, and such further width as will be adequate
15 for the purpose, shall be provided. Streets or parkways parallel to the major watercourses
16 may be required.

17 (c) Pedestrian and bicycle ways. When desirable for safe, direct, and
18 convenient circulation and access, a pedestrian or bicycle way may be required to connect
19 to a dead-end street or to pass through an unusually long or oddly shaped block or
20 otherwise provide appropriate circulation.

3.3 – Access and Circulation | Pedestrian Access and Circulation

3.3.040 Pedestrian Access and Circulation

User's Guide: This section implements Transportation Planning Rule (TPR) requirements related to pedestrian access and is intended to be consistent with the TPR provisions for multi-modal mixed-use areas. Note that the block length and perimeter standards are being consolidated in Chapter 3.6, which contains public improvement standards for subdivisions and site developments. In addition, the new building orientation and design standards of Chapter 3.2 are meant to complement the pedestrian circulation requirements of Section 3.3.040. Insert the graphics pages that apply, and add text references to graphics.

- A. Purpose and Intent.** Section 3.3.040 *[implements the pedestrian access and connectivity policies of City of (name) Transportation System Plan / serves as the pedestrian access and circulation policy of the City of (name) until such time as the City adopts a Transportation System Plan.]* It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards.** Developments shall conform to all of the following standards for pedestrian access and circulation:
- 1. 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.
 - 2. 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 conforming to the following standards:
 - a. 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.
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The *[City decision-making body]* may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - c. The walkway network connects to all primary building entrances, consistent with the building design standards of Chapter 3.2 and, where required, Americans with Disabilities Act (ADA) requirements.
 - 3. Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised *[six]* inches and curbed along the edge of the driveway or street. Alternatively, the *[City decision-making body]* 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.
 - 4. Crosswalks.** Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. *[Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding [24] feet in length.]*

3.3 – Access and Circulation | Pedestrian Access and Circulation

- 5. Walkway Width and Surface.** Walkways, including access ways required for subdivisions pursuant to Chapter 4.3, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than *[five - six]* feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the transportation standards of Section 3.6.020.
- 6. Walkway Construction.** Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than *[four]* feet in width, except that concrete walkways a minimum of *[six]* feet in width are required in commercial developments and where access ways are required for subdivisions under Chapter 4. The *[City decision-making body]* may also require *[six-]*foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than *[four]* feet.
- [7. Multi-Use Pathways.** *Multi-use pathways, where approved, shall be [10-12] feet wide and constructed of [asphalt / concrete,] consistent with the [applicable Engineering / Public Works Design Standards.]*

Insert Graphics Page Here

22 Section 41. Building Sites.

23 (1) Size and shape. The size, width, shape, and orientation of building sites on
24 individual lots and parcels shall be appropriate for the location of the land division and for the
25 type of development and use contemplated, and shall be consistent with the residential lot size
26 provisions and yard setbacks of the zoning district, with the following exceptions:

27 (a) In areas that will not be served by a public sewer, minimum lot and parcel
28 sizes shall permit compliance with the requirements of the Department of Environmental
29 Quality and shall take into consideration problems of sewage disposal, particularly
30 problems of soil structure and water table as related to sewage disposal by septic tank.

31 (b) Where property is zoned for business or industrial use, other widths and
32 areas may be permitted at the discretion of the Planning Commission. Depth and width of
33 properties reserved or laid out for commercial and industrial purposes shall be adequate to
34 provide for the off-street service and parking facilities required by the type of use and
35 development contemplated.

36 (2) Access. Except as set forth in Section 20 of this Ordinance, each lot and parcel
37 shall have access to a public street for a width of at least 21 feet. Access may be provided by
38 directly abutting a public street or by way of a private street or easement of record approved in
39 accordance with the provisions of this subdivision ordinance.

40 (3) Through lots and parcels. Through lots and parcels are not permitted, except
41 where they are essential to provide separation of residential development from major traffic
42 arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography
43 and orientation. A planting screen easement at least 10 feet wide, and across which there shall be
44 no right of access, may be required along the line of lots or parcels abutting such a traffic artery or
45 other incompatible use.

1 (4) Lot and parcel side lines. The side property lines of lots and parcels, so far as is
2 practicable, shall run at right angles to the street upon which they face, except that on curved
3 streets they shall be radial to the curve.
4

5 Section 42. Grading of Building Sites. Grading of building sites shall conform to the
6 following standards, unless physical conditions demonstrate the propriety of other standards.

7 (1) Cut slopes shall not exceed 1.5 feet horizontally to 1 foot vertically.

8 (2) Fill slopes shall not exceed 2 feet horizontally to 1 foot vertically.

9 (3) The character of soil for fill and the characteristics of lots and parcels made usable
10 by fill shall be suitable for the purpose intended.
11

12 Section 43. Building Lines. If special building setback lines are to be established in a
13 subdivision, they shall be submitted as supplemental information with the subdivision plat or, if
14 temporary in nature, they shall be included in the deed restrictions.
15

16 Section 44. Large Building Sites. In dividing tracts into large lots or parcels that at some
17 future time could be redivided, the Planning Commission shall require that the blocks be of such
18 size and shape, be so divided into building sites, and contain such site restrictions as will provide
19 for extension and opening of streets at intervals that will permit a subsequent division of any tract
20 into lots or parcels of smaller size.
21

22 Section 45. Land for Public Purposes. If the City has an interest in acquiring a portion of
23 a proposed subdivision for a public purpose, or if the City has been advised of such interest by a
24 school district or other public agency, and there is reasonable assurance that steps will be taken to
25 acquire the land, then the Planning Commission may require that those portions of the subdivision
26 be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the
27 value of the land prior to subdivision.
28

29 Public Facility Improvements

30

31 Section 46. Improvement Procedures. In addition to other requirements, improvements
32 made by an applicant, either as a requirement of these regulations or at his or her own option,
33 shall conform to the requirements of this ordinance and improvement standards and specifications
34 adopted by the City, and shall be made in accordance with the following procedure.

35 (1) Improvement work shall not be commenced until plans have been checked for
36 adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the
37 plans may be required before approval of the tentative plan of a subdivision or partition.

38 (2) Improvement work shall not commence until after the City is notified. If work is
39 discontinued for any reason, it shall not be resumed until after the City is notified.

40 (3) Improvements shall be constructed under the inspection and to the satisfaction of
41 the City Engineer. The City may require changes in typical sections and details in the public
42 interest if unusual conditions arise during construction to warrant the change.

43 (4) Underground utilities, sanitary sewers, and storm drains installed in streets shall be
44 constructed prior to the surfacing of the streets. Stubs for service connections for underground

1 utilities and sanitary sewers shall be located so street improvements will not be disturbed when
2 service connections are made.

3 (5) A map showing public improvements as built shall be filed with the City upon
4 completion of the improvements.

5
6 Section 47. Specifications for Improvements. The City Engineer shall prepare and submit
7 to the City Council specifications to supplement the standards of this ordinance based on
8 engineering standards appropriate for the improvements concerned. Specifications shall be
9 prepared for the design and construction of required public improvements, such other public
10 facilities as a developer may elect to install, and private streets.

11
12 Section 48. Public Facility Improvements in Subdivisions. The following improvements
13 shall be made at the expense of the applicant at the time of subdivision, and shall comply with the
14 specifications for improvements set forth by the City Engineer and specified by the Public Works
15 Department and the Oakland Rural Fire District:

16 (1) Streets. Construction of new public streets, including alleys, within the
17 subdivision, public streets adjacent to but only partially within the subdivision, and existing streets
18 shall be improved in conformance with the design standards set forth in Section 39 of this
19 Ordinance, and in accordance with the conditions specified in the following subsections:

20 (a) Any development that will front on or gain access from a dedicated but
21 unimproved street shall improve the street to City standards from the nearest improved
22 street up to and through the frontage of the lot.

23 (b) For any development that will front on or gain access from a dedicated
24 gravel or other unimproved street used for residential access or as an automobile route,
25 the owner shall sign an agreement, which must be transferred with ownership of the
26 property, specifying that the owner will not remonstrate (protest or object) against any
27 improvements proposed under any improvement act or proceeding of the State of Oregon,
28 Douglas County, or the City of Oakland, but does not waive the right to protest the
29 amount or manner of apportioning the assessment thereof. This agreement shall be
30 recorded with the Douglas County Clerk.

31 (c) Catch basins shall be installed and connected to drainage tile leading to
32 storm sewers or drainage ways. Upon completion of the street improvement, monuments
33 shall be reestablished and protected in monument boxes at every public street intersection
34 and all points of curvature and points of tangency of their center lines.

35 (2) Curbs and gutters. Curbs and gutters are required to be installed by the developer
36 if any other lot on the same side of the street in the same block has curbs and gutters.

37 (3) Surface drainage and storm sewer system. Drainage facilities shall be provided
38 within the subdivision and connect the subdivision drainage to drainage ways or storm sewers
39 outside the subdivision. Design of the drainage system within the subdivision shall take into
40 account the capacity and grade necessary to maintain unrestricted flow from areas draining
41 through the subdivision and to allow extension of the system to serve such areas. Where
42 underground storm sewers exist adjacent to the property, they shall be utilized and extended the
43 full length of the development.

44 (4) Water system. Water lines with valves and fire hydrants to serve the subdivision
45 and connect the subdivision to existing City mains shall be designed and installed according to

1 requirements of the water utility serving the area, Oakland Zoning Ordinance #499, the Oakland
2 Rural Fire District, and the Uniform Fire Code. Where possible, water lines shall be extended the
3 full length of the parcel, and shall be looped together to provide adequate flow and pressure.

4 (5) Sanitary sewers. Sanitary sewers shall be installed to serve the subdivision and
5 connect the subdivision to the existing City sewer system. Where possible, sewer lines shall be
6 extended the full length of the parcel. In the event it is impractical to connect the subdivision to
7 the City trunk system, the Planning Commission, after the Department of Environmental Quality
8 has approved the proposed method of sewage disposal, may authorize the use of septic tanks, if
9 lot areas are adequate, considering the physical characteristics of the area and whether sewer
10 laterals designed for future connection to a sewage disposal system are installed and sealed.
11 Design shall take into account the capacity and grade to allow for desirable extension beyond the
12 subdivision. If required sewer facilities will directly serve property outside the subdivision
13 without further sewer construction, the following arrangements shall be made to equitably
14 distribute the cost:

15 (a) If the area outside the subdivision to be directly served by the sewer line
16 has reached a state of development to justify sewer installation at the time, the Planning
17 Commission may recommend to the City Council construction as an assessment project,
18 with such arrangement with the applicant as is desirable to assure financing his or her
19 share of the construction.

20 (b) If the installation is not made as an assessment project, the City will
21 reimburse the applicant an amount estimated to be a proportionate share of the cost for
22 each connection made to the sewer by property owners outside of the subdivision for a
23 period of 10 years from the time of installation of the sewers. The actual amount shall be
24 as determined by the Planning Commission at the time of approval of the plat, considering
25 current construction costs.

26 (c) Any property within the UGB wishing to connect to the City sewer system
27 must enter into a binding, transferable agreement with the City to annex to the City upon
28 completion of the development. If the property is inside the UGB, but not contiguous
29 with City limits, the agreement shall state that the property shall be annexed when it is
30 contiguous with the City.

31 (5) Sidewalks and street trees. Sidewalks and street trees shall be installed to City
32 specification on one or both sides of an improved public street within or connecting to a
33 subdivision, at the discretion of the Planning Commission, and in any pedestrian way within the
34 subdivision. Sidewalks and street trees may be required to be installed to City specification in the
35 City right-of-way by the developer of any lot, taking into consideration existing sidewalks and
36 pedestrian traffic in the immediate area. Sidewalks and planting strips or tree wells for street trees
37 shall be improved in conformance with the design standards set forth in Section 39 of this
38 Ordinance.

39 (6) Bicycle routes and lanes. If appropriate to the extension of a system of bicycle
40 routes, existing or planned, the Planning Commission may require the installation of separate
41 bicycle lanes within streets and separate pedestrian/bicycle ways. Bicycle lanes shall be improved
42 in conformance with the design standards set forth in Section 39 of this Ordinance.

43 (7) Street name signs. Street name signs shall be installed at all street intersections.

44 (8) Street lights. Street lights shall be installed and shall be served from an
45 underground source.

1 (9) Other. The developer shall make necessary arrangements with utility companies or
2 other persons or corporations affected for the installation of underground lines and facilities.
3 Electrical lines and other wires, including but not limited to communication, street lighting, and
4 cable television, shall be placed underground.
5

6 Section 49. Improvements in Partitions. The same improvements shall be made to serve
7 each building site of a partition, as required of a subdivision. However, if the Planning
8 Commission finds that the nature of development in the vicinity of the partition makes some
9 improvements impracticable, the Planning Commission shall exempt or delay those improvements.
10 In lieu of exempting an improvement, the Planning Commission may recommend to the City
11 Council that the improvement be made in the area under special assessment financing or other
12 facility extension policies of the City.
13

Chapter 3.2 – Building Orientation and Design

Sections:

- 3.2.010 Purpose
- 3.2.020 Applicability
- 3.2.030 Residential Buildings
- 3.2.040 Non-Residential Buildings
- 3.2.050 Civic Space and Pedestrian Amenities
- 3.2.060 Drive-Up and Drive-Through Uses and Facilities
- [3.2.070 Reserved for Special District Design Standards]

The Model Code is not a form-based code; rather it uses the platform of a traditional zoning ordinance to implement the smart growth principles of compact development, mixed-use, transportation efficiency, full utilization of urban services, and human-scale design. Cities can build on this model by adopting special design standards or form-based codes for specific neighborhoods or districts. Section 3.2.070 and the overlay zone chapters in Article 2 (placeholders) allow for this. Similarly, the Model Code does not have a specific chapter containing green building standards, nor is does it contain a green building rating system such as LEED; though the model is intended to help small cities move in the direction of sustainability, in both the built and natural environments. For example, in addition to the smart growth principles listed above, the model promotes water conservation through water-conserving landscapes (xeriscaping) in chapter 3.4, and provides options for using renewable energy.

3.2.010 Purpose

Chapter 3.2 regulates the placement, orientation, and design of buildings. The regulations are intended to protect public health, safety, and welfare through clear and objective standards that promote land use compatibility and livability, while protecting property values and ensuring predictability in the development process. In summary, Chapter 3.2 is intended to create and maintain a built environment that:

- A.** is conducive to walking and bicycling [*while providing convenient access to transit*];
- B.** provides natural surveillance of public spaces, or “eyes on the street,” for crime prevention and security;
- C.** reduces dependency on the automobile for short trips, thereby conserving energy and reducing unwanted congestion;
- D.** encourages the use of water-conserving landscaping;
- E.** allows for the integration of surface water management facilities within parking lots and landscape areas; [*and*]
- F.** supports small-scale energy generation, through the use of solar, wind, and renewable sources [*. / ; and*]
- [G.** *creates a sense of place that is consistent with the character of the community, including historical development patterns and the community vision.*]

3.2 – Building Orientation and Design | Applicability

3.2.020 **Applicability**

Chapter 3.2 applies to all new *[buildings / buildings, except single-family detached homes]*, and exterior alterations to existing buildings. *[The (City decision-making body), through a (Type II / III) procedure, may grant adjustments to Chapter 3.2, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]*

3.2 – Building Orientation and Design | Non-Residential Buildings

3.2.040 Non-Residential Buildings

User's Guide: Section 3.2.040 provides one set of design standards for non-residential buildings. The standards are intended to address the issues that are most frequently cited as concerns in small cities: basic site planning standards, pedestrian-oriented design, and architectural standards aimed at protecting small-town character. These standards support well-placed, well-planned commercial, mixed-use, and institutional buildings. The model should be adapted to include standards that address local design objectives, including, where applicable historic preservation, while providing flexibility for institutional uses such as hospitals, airports, places of worship, schools and colleges.

A. Purpose and Applicability. The following requirements apply non-residential development, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, mixed-use developments, and institutional campuses. The standards are intended to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, while providing civic space for employees and customers, supporting natural surveillance of public spaces, and creating human-scale design. The standards require buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing. *[The standards are also intended to promote compatibility with the historic development pattern / architectural character of the community].*

User's Guide: Additional (optional) purpose and intent language is offered below. Insert statements as numbered subsections and add punctuation, as needed.

[The standards are intended to enhance / support the continued development of the city, reinforcing it as an attractive place to work, shop, and conduct business.

[The standards respond to and reconcile the historical context of the city with more contemporary building practices. The standards draw on the architectural vocabulary of the city's historic districts, while allowing a contemporary interpretation of older building forms and styles scaled to fit the community. It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and exterior alterations fit within the context of their surroundings and contribute toward the development of compact, walkable commercial and mixed-use districts. Specifically, the standards:

draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable;

create a sense of street enclosure with appropriate building heights and detailing;

address differences in building scale between different zoning districts;

require the use of contextually appropriate materials, textures and colors;

promote a storefront character (windows, pedestrian shelter, furnishings, etc.);

encourage a diversity of building facades and rooflines that fall into a consistent rhythm;

promote corner lots as focal points;

improve the streetscape with adequate civic space, street furnishings and public art; and

encourage energy and water conservation, and the use of renewable resources.]

3.2 – Building Orientation and Design | Drive-up and Drive-through Uses and Facilities

3.2.060 Drive-up and Drive-through Uses and Facilities

User's Guide: Cities should discourage drive-up and drive-through facilities, such as at fast food restaurants, banks, and pharmacies, in downtowns, main streets, and other walkable centers. These uses create safety concerns for pedestrians and bicyclists. They can also create traffic operations problems on adjacent streets. Another option is to prohibit drive-up and drive-through uses, or limit them to properties where they already exist.

The model code recommends cities require conditional use permits for drive-up and drive-through facilities where the use is allowed. The following design standards are intended to mitigate traffic operations and safety concerns associated with these uses. The standards supplement the conditional use permit criteria of Chapter 4.4. See sample graphic.

- A. Purpose.** Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.
- B. Standards.** Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:
1. The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.
 2. The drive-up or drive-through facility shall not be oriented to street corner.
 3. The drive-up or drive-through facility shall not be located within [20] feet of a street right-of-way.
 4. Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.
 - [5. *In the [(name of zone or overlay)] district, no new drive-up or drive-through facility is allowed within [400] linear feet of another drive-up or drive-through facility, where the existing drive-up or drive-through facility lawfully existed as of the date of an application for a new drive-up or drive-through facility.*]

Article 4 – Application Review Procedures and Approval Criteria

Chapters:

- 4.1 General Review Procedures and Zoning Checklist
- 4.2 Site Design Review
- 4.3 Land Divisions and Property Line Adjustments
- 4.4 Conditional Use Permits
- 4.5 Modifications to Approved Plans
- 4.6 Amendments to the Zoning Map or Code
- 4.7 Adjustments and Variances
- 4.8 Master Planned Developments

4.1 – General Review Procedures | Purpose and Applicability

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, and City Planning Official's Duties

4.1.010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 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, except building permits, 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 lists the City’s land use and development approvals and corresponding review procedure(s).
- 1. Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Official, 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., there are clear and objective standards).
 - 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official 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, which 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 | Purpose and Applicability

Table 4.1.010 – Summary of Approvals by Type of Review Procedure		
Approvals*	Review Procedures	Applicable Regulations
Zoning Checklist Review <u>User's Guide: See comments on page 4-6.</u>	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 4.1.020.
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation	No permit, except when required by Chapter 4.7.	
Legal Lot Determination	Type I	Chapter 1.3
Master Planned Development Concept Plan Detailed Plan	Type III Type [I /III]	Chapter 4.8 Chapter 4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 4.5
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type [I /III]	Chapter 4.3 Chapter 4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3
Site Design Review	Type II or III	Chapter 4.2
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type [I /III]	Chapter 4.3 Chapter 4.3
Variance Zoning District Map Change	Type III Type III or IV	Chapter 4.7 Chapter 4.6

* 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.

10.01.0 SCOPE AND COMPLIANCE.

This section sets forth the procedures required for obtaining development approvals and Certificates of Occupancy. The powers and duties of City Officials and boards are specified herein insofar as administration of this Ordinance is concerned. Actions initiated under this Ordinance 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 Ordinance except as this Ordinance 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 Ordinance.
- 3) The requirements of this Ordinance 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 Ordinance.

10.02.0 FORMS OF PETITIONS, APPLICATIONS AND APPEALS

Petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the City. Applications shall contain the information described in **Section 10.02.1** 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 Ordinance.

Any land use applications, plan reviews, development permits, public hearings or other proceedings

- g) The location of landscaping, fences (indicating height and material), buffer areas, common property or required open spaces;
- h) The location, size, type, and illumination of existing and proposed signs;
- i) 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;
- j) The location of areas subject to flooding as defined in **Ordinance 343**, addressing Flood Damage Prevention;
- k) 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;
- l) 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;
- m) 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
- n) 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.

[4.1.070 Neighborhood Contact

User's Guide: The following provision is optional. It is intended to help applicants and residents work through potential design issues before the City begins processing a land use application and is subject to 120-day clock. While it is not necessary to have formally recognized neighborhood associations in order for the procedure to work, it will work best where such organizations exist, because they can organize public meetings and help ensure that residents' concerns are heard.

A. Purpose and Applicability. *Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than [one (1) acre] [and 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.*

User's Guide: The following notification radius of 100 feet (measured from parcel boundaries) is intended to be consistent with the minimum notice requirements for land use decisions. Cities may adopt a wider notification radius. In areas with large lots or low population densities, where few residents live within 100 feet of one another, a larger area may be warranted.

- 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 [100] feet of the site, at their addresses of record at the [County name] County Assessor's office, at least [14 days] before the meeting and at least [21 days] before submitting the application to the City. 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.]*

10.04.0 PROCESSING PROCEDURES

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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 Ordinance 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 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 **Section 10.06.0**. Applications shall be processed as follows:

1) Zoning Clearance.

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 various provisions of this Ordinance.

2) Certificate of Occupancy

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 Zoning Administrator has issued a Certificate of Occupancy as required by the Uniform Building Code.

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 Ordinance.

3) Variance.

An application for a variance to the specified provisions of this Ordinance shall be made following the procedure detailed in **Section 11**.

4) Conditional Use

An application for any Conditional Use allowed by this Ordinance shall be made following the procedures detailed in **Section 11**.

5) Temporary Use Permit

An application for any Temporary Use Permit allowed by this Ordinance shall be made following the procedures detailed in **Section 11**.

6) Amendments.

Amendments to either the text or maps of this Ordinance shall be made following the procedures detailed in **Section 12**. A petition for an amendment to the text of this Ordinance 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.

7) 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.

Any application which has not been declared complete by the Zoning Administrator within 6 months of the date of its submission shall be deemed withdrawn by the applicant and will be subject to the other conditions of this section.

- a) The time periods set forth in this Subsection may be extended for a reasonable period of time at the request of the applicant.
- b) The 120 day time period set forth in this Subsection does not apply to amendments of the Comprehensive Plan or Zoning Ordinance which have been forwarded to the Department of Land Conservation and Development pursuant to ORS 197.610.
- c) If the City does not take final action on an application which is subject to the requirements of this Subsection within the 120 day time period, set forth in this Subsection, 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.

10.05.0 PUBLIC HEARING PROCEDURES

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

- 1) The initial hearing on an application shall be held no sooner than 30 days nor later than 60 days of the date that the application is deemed complete.

4.1 – General Review Procedures | Time Limit; Consolidated Review; City Planning Official's Duties

4.1.060 Time Limit; Consolidated Review; City Planning Official's Duties

- A. Time Limit - 120-day Rule.** The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant with this Chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)
- 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.
- D. City Planning Official's Duties.** The City Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:
1. Prepare application forms based on in the provisions of this Code and applicable State law;
 2. Prepare required notices, and process applications for review and action;
 3. Assist Planning Commission and City Council in administering the hearings process;
 4. Answer questions from the public regarding the City's land use regulations.
 5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
 6. Prepare findings consistent with City decisions on land use and development applications;
 7. Prepare notices of final decisions, file the notices in the City's records and mail a copy of the notices to all parties entitled to notice under this Code; and
 8. Maintain and preserve the file and public record for each application.

- 2) 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.
- 3) 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.

10.05.1 TYPE OF HEARING

1) Quasi-judicial Hearings

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.

2) Legislative Hearings

Public hearings for requests to amend the text of this ordinance and rezoning or map changes affecting multiple properties in different ownership may be conducted as legislative proceedings notwithstanding Section 10.05.1(1).

10.05.2 NOTICE OF HEARING

- 1) Notice shall be published in a newspaper of general circulation in the County at least 10 days prior to the date of the hearing.
- 2) 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.
- 3) 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.
- 4) 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.

- 5) The notice of hearing shall contain the following information:
- a) The name and mailing address of the applicant(s);
 - b) The nature of the application and the proposed use or uses which could be authorized;
 - c) The applicable criteria from the Comprehensive Plan and implementing ordinance which will be applied to the decision;
 - d) The address or sufficient description of the subject property to establish its location;
 - e) The time, date and location of the hearing;
 - f) 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;
 - g) 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;
 - h) 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;
 - i) A general explanation of the requirements for submission of testimony and the procedure for conducting the hearing;
 - j) The name and telephone number of the City representative to contact for further information;
 - k) The requirements and limitations for appeal, including appeal to the Land Use Board of Appeals (LUBA).

10.05.3 CONDUCT OF HEARING

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

- 1) 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.
- 2) The Chairperson shall then open the public hearing. The Chairperson shall ask the decision-makers to declare any exparte 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).

- 3) 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.
- 4) 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.

10.05.4 MODIFICATION OF APPLICATION AT HEARING

- 1) 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.
- 2) 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.

10.05.5 RECORD OF HEARING AND DECISION

- 1) 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 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.
- 2) 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.
- 3) 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

- 4) 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.
- 5) In addition to the written decision described in paragraph 4) 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.

10.06.0 APPEALS

- 1) An interpretation, action, or ruling by the Zoning Administrator pursuant to this Ordinance may be appealed by an affected or 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.
 - 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 10.05.0**.
- 2) An action or ruling of the Planning Commission pursuant to this Ordinance may be appealed by an affected or 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 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.
- 3) 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)

1 SC (1) A person may appeal to the Planning Commission regarding a decision of the
2 Zoning Administrator. The appellant shall, within ten (10) days from the date the decision was
3 mailed, file written notice of appeal with the City, and shall follow the procedures set forth in
4 Section 10.06.0 of the Zoning Ordinance. The notice of appeal shall state in detail the nature of
5 the decision or requirement and the grounds for the appeal.

6 (2) A person may appeal to the City Council regarding a decision of the Planning
7 Commission. The appellant shall, within twenty (20) days from the date the written decision was
8 signed, file written notice of appeal with the City, and shall follow the procedures set forth in
9 Section 10.06.0 of the Zoning Ordinance. The notice of appeal shall state in detail the nature of
10 the decision or requirement and the grounds for the appeal.

11 (3) The Planning Commission or City Council shall hold a hearing on the appeal within
12 30 days from the time the appeal is filed. The Planning Commission or City Council may continue
13 the hearing for good cause. Following the hearing, the Planning Commission or City Council may
14 affirm, reverse, or modify the decision of the Zoning Administrator or Planning Commission.

15 (4) All appeals shall be considered as quasi-judicial proceedings and shall follow the
16 procedures set forth in Section 10.06.0 of the Zoning Ordinance. The review shall be limited to
17 specific issues raised by the notice of appeal. New or additional evidence can only be considered
18 on a showing that a consideration of the new evidence is required by the public interest or that the
19 evidence could not have been offered at the Planning Commission hearing in the exercise of due
20 diligence.

21 (5) Upon review at a public hearing, the City Council or Planning Commission may by
22 order affirm, reverse, modify, or remand in whole or part a determination or requirement of the
23 decision that is under review. When the hearing body modifies or renders a decision that reverses
24 a decision under appeal, the hearing body shall set forth its findings in writing and state its reasons
25 for taking the action encompassed in the order. When the hearing body remands the matter for
26 further consideration, it shall include a statement explaining the error that materially affected the
27 outcome of the original decision and the action necessary to rectify it.

28
29 (6) A City Council ruling may be appealed. Any appeal brought before the State Land
30 Conservation and Development Commission, the State Land Use Board of Appeals, or Circuit
31 Court shall be in accordance with state regulations regarding land use decisions. It shall be the
32 responsibility of the appellant to contact the appropriate state agency regarding the proper appeal
33 procedure (see ORS Chapter 197).

34
35 Section 54. Severability clause. The provisions of this ordinance are severable. If any
36 section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent
37 jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this
38 ordinance.
39

SECTION 14. FEES

14.01.0 FEES AND COSTS

- 1. The City Council shall establish fees by resolution.
- 2. No application shall 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.

- 1 Section 56. Fees and Costs.
- 2 (1) Non-refundable application fees are set by resolution of the City Council and
- 3 revised periodically.
- 4 (2) Fees shall be paid to the Zoning Administrator at the time an application for
- 5 partition, lot line adjustment, or subdivision is filed. No application shall be deemed complete
- 6 without being accompanied by the appropriate fee or fees. Applications that require multiple
- 7 actions and fees must be accompanied by all applicable fees. Any change or modification in
- 8 application that results in a new fee must be accompanied by the application fee.
- 9 (3) Any costs necessary to process an application in excess of the application fee(s)
- 10 shall be charged to the applicant and must be paid prior to final action on any land
- 11 use application. Processing costs may include, but are not limited to, staff,
- 12 consultant, engineering, and/or geologist reports or inspections.
- 13

SECTION 8. BUILDING AND PLACEMENT PERMITS

8.01.0 GENERAL PROVISIONS

All building construction and alteration requires a building permit as required by the Uniform Building Code.

8.02.0 AUTHORITY TO ISSUE PERMITS

1. The Zoning Administrator and the Building Inspector 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, shall be reviewed for compliance with the Zoning Ordinance 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 the Zoning Ordinance.

8.03.0 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 Inspector 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 Inspector, or the Planning Commission may require such additional plans, specifications and information as may be deemed necessary to make the required determination.

10.03.0 PURPOSE OF SITE PLAN REVIEW

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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.

10.03.1 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. Enlargement or alteration of an existing building or structure when such enlargement or alteration exceeds 100 square feet in floor area.
6. Development or alteration of any non-conforming lot or parcel of record.

To the extent possible, site plan review shall be coordinated with any plan or development application reviews required by this or other City Ordinance. Where other provisions of this Ordinance, 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 Ordinance, or other City Ordinance, the standards of this Section shall govern.

10.03.2 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 Ordinance. 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.

10.03.3 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 Ordinance. 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.

10.03.4 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 Section 10.06.0 of this Ordinance.

10.03.5 CRITERIA AND STANDARDS FOR SITE PLAN REVIEW

OAKLAND ZONING ORDINANCE #499

ZC

In addition to the other specific requirements of this ordinance 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 Flood Damage Prevention **Ordinance (Ord No. 343)** as amended 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.
- 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 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.

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10.03.6 DEDICATION AND IMPROVEMENT 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 Ordinance, 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.

10.03.7 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 10.03.2 (3)**, 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.

10.03.8 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.

10.03.9 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.

10.03.10 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 Ordinance.

10.03.11 SPECIAL ADDITIONAL SITE PLAN REVIEW FOR DEVELOPMENT IN THE HISTORIC OVERLAY ZONE

The purpose of the historic preservation site plan 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. Refer to **Ordinance 456**, Historic Preservation Ordinance, and any amendments thereto, for additional requirements and procedures.

SECTION 11. VARIANCES, CONDITIONAL USE PERMITS, AND TEMPORARY PERMITS

11.01.0 VARIANCES

A variance is an authorized relaxation of the terms of this Ordinance 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 11.01.1 through 11.01.4**

11.01.1 AUTHORIZATION 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 Ordinance 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 **Sections 10.05.0 through 10.05.5**. 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 11.01.2**.

23 Section 51. Variance Application. Application for a variance(s) shall be made by the
24 applicant on forms provided by the City pursuant to Section 11 of the Zoning Ordinance. The
25 application shall state fully the facts relied upon for the variance(s). Each variance requested may
26 only be granted when all of the following circumstances exist:

- 27 (1) Exceptional or extraordinary circumstances apply to the property that do not apply
28 generally to other properties in the same vicinity, and result from tract size or shape, topography,
29 or other circumstances over which the owners of property since enactment of this ordinance have
30 had no control.
- 31 (2) The variance is necessary for the preservation of a property right of the applicant
32 that is substantially the same as owners of other property in the same vicinity possess.
- 33 (3) The variance would not be materially detrimental to the purposes of this ordinance,
34 or to property in the same vicinity, or otherwise conflict with the objectives of any City plan or
35 policy.
- 36 (4) The variance requested is the minimum variance that would alleviate the hardship.

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38 Section 52. Planning Commission Action on Variances. In granting or denying a
39 variance, the Planning Commission shall make a written record of its decision, of its findings on
40 each of the criteria, and of the facts relied on in connection therewith, and shall describe the
41 variance granted and any conditions imposed. The City shall keep the decision and findings on
42 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.

11.01.2 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 to other property in the same zone or vicinity and result from lot size or shape, (legally existing prior to the date of this Ordinance), topography, or other circumstances over which the applicant has 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 Ordinance, 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.

11.01.3 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 10.02.1 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.

11.01.4 TIME LIMIT ON A VARIANCE APPROVAL

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

11.02.0 CONDITIONAL USE

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 ordinance. Once issued, Conditional Use Permits may be revoked pursuant to **Section 10.17.0**.

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 Ordinance 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.

11.02.1 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 **Sections 10.05.0 through 10.05.5**. 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 11.02.3** or **Section 11.02.4** as applicable.
2. Testimony & Supplemental Conditions. To supplement the general requirements of this Ordinance, 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 11.02.2** which it finds necessary to carry out the purpose of this Ordinance and to otherwise achieve the objectives of the Comprehensive Plan and other applicable policies of the City.

11.02.2 CONDITIONS OF APPROVAL

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

- a. Regulation of uses.
- b. Increased setbacks.
- c. Fences, walls, or screening.
- d. Design, location, and surfacing of parking areas.

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- e. Street dedications or improvements.
- f. Regulation of points of vehicular ingress or egress.
- g. Regulation of signs.
- h. Diking, berming, screening, or landscaping and maintenance thereof.
- i. Preservation of natural resources (trees, riparian vegetation, wildlife habitat, etc.) and maintenance thereof.
- j. Regulation of noise, vibration, odors, dust, heat, pollutant emissions, or other similar nuisances.
- k. Time-of-day restrictions for certain activities.
- l. Time period within which proposed use shall be developed.
- m. Duration of use.
- n. Decrease in building height or regulation of mechanical roof facilities.
- o. Reduced building size.
- p. Limitations on building location.
- q. Decreased lot coverage.
- r. Traffic and circulation conditions.
- s. Regulation of outdoor lighting.
- t. Require use of a Planned Development approach
- u. Require performance bonds, deed restrictions, or deed dedications

11.02.3 CRITERIA FOR CONDITIONAL USE PERMIT APPROVAL

Except as provided for in **Section 11.02.4**, 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 the Zoning Ordinance 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.

11.02.4 CRITERIA FOR CONDITIONAL USE APPROVAL OF 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:

- a. 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;
- b. 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;
- c. 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;
- d. 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;
- e. That the location, design, and size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working;
- f. That there is demonstrated intent and capability to provide the following objectives of a Planned Development:

- a) A choice in the types of environment, occupancy, tenure (e.g. cooperatives, individual ownership, condominiums, leasing, etc.), housing and accessory community facilities.
- b) Useable open space and recreation areas.
- c) Convenience in location of accessory commercial and service areas.
- d) 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.

11.02.5 APPLICATION PROCEDURE AND APPLICATION FEE

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 10.02.0** 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.

11.02.6 TIME LIMIT ON PERMIT

Authorization of a Conditional Use Permit shall be void after 6 months 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 6 months 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.

11.03.0 TEMPORARY USE PERMITS

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 11.03.1 through 11.03.5** of this section.

11.03.1 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 11.03.2**, 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 11.03.3** 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.

11.03.2 PERMITTED TEMPORARY USES

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

1. 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 11.03.3**;

- 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 feet, whichever is greater, and when placed in accordance with Section 10.03.3;
- c) as a temporary residence during the construction or repair of a permanent dwelling provided there is compliance with **Section 11.03.3**; and,
- d) All other requests of a temporary nature that do not fall within the limits of Paragraph 1 of this Section.

11.03.3 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~~ 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:

- (i) Except as provided in **Section 11.04.0 (1 and 2)**, the mobile/manufactured home shall be occupied by the owner of the lot on which the mobile/manufactured is located;
- (ii) 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
- (iii) 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:
- Meet all other requirements of the Zone in which they are located;
 - Meet all applicable health and sanitation requirements;
 - Meet all applicable Building Code requirements;
 - Be removed upon expiration of the Temporary Use Permit, unless renewed.

11.03.4 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 10.02.1** 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 11.03.2, 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 11.03.2, 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.

11.04.0 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 User Permits, and the Planning Commission shall attach conditions to the permit approval as necessary to mitigate adverse impacts on neighboring properties.

11.04.1 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.

11.04.2 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 13.22.0** of this Ordinance and the **Oakland Manufactured Home Ordinance No. 463**.

11.04.3 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 owners 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 13.22.0(8)** of this Ordinance and the Oakland Manufactured Home **Ordinance No. 463**;
 - 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 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.

11.04.4 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 10.05.2**. 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.

11.04.5 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.

SECTION 12. AMENDMENTS AND REZONINGS**12.01.0 AUTHORIZATION TO INITIATE AMENDMENTS**

Whenever public necessity, convenience or general welfare requires amendments to the provisions of this Ordinance 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 the Zoning Ordinance 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.

12.02.0 APPLICATION PROCEDURE AND FEE

An application for amendment by a property owner or his authorized agent shall contain the information described in **Section 10.02.1** 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.

12.03.0 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 Ordinance 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 10.05.0** of this Ordinance. 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 10.05.2**.
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 12.04.0**.
5. Records of amendments to the text and map of this Ordinance shall be maintained in a form convenient for use by the public.

12.04.0 CRITERIA FOR EVALUATING AN 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 ordinance 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.

12.05.0 ADDITIONAL PROCEDURES EFFECTING A ZONE CHANGE

It is the purpose and intent of **Section 12.05.1 through 12.05.3** 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.

12.05.1 RESOLUTION OF INTENT TO CHANGE ZONE

If from the report and recommendation of the Planning Commission as required by this Ordinance, 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.

12.05.2 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.

12.05.3 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.

13 Section 2. Scope of Regulations. Subdivision and land partition plats shall be approved by
14 the Planning Commission or City Council in accordance with these regulations. A person desiring to
15 subdivide or partition land shall submit the required City application, tentative plans, and final
16 documents for approval as provided in this ordinance and state law.

17 (1) In the event that an application for a partition or a subdivision is deemed incomplete
18 after 60 days from the date of submission of the application, the applicant shall be given 180 days to
19 provide any missing information. If the requested additional materials have not been provided after
20 180 days, the application shall be deemed withdrawn by the applicant and will not be subject to
21 further requirements of this ordinance.

22 23 24 Approval of Subdivisions

25 26 Section 3. Submission of Tentative Subdivision Plan.

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

33 (2) The Zoning Administrator will check the application and required additional materials
34 for completeness, and notify the applicant within 30 days of any missing information.

35 (3) Upon submission of all required or additional information, the Zoning Administrator
36 shall deem the application as being complete. The City shall have 120 days to approve or deny a
37 tentative subdivision plan.

38
39 Section 4. Scale. The tentative plan of a subdivision shall be drawn on a sheet 18 by 27
40 inches in size with at least a 3-inch margin for binding, or a multiple thereof, at a scale of 1 inch
41 equals 100 feet or, for areas over 100 acres, 1 inch equals 200 feet. Black India ink or another
42 medium of sufficient clarity should be used to allow reproduction.

43
44 Section 5. General Information. The following general information shall be shown on the
45 tentative plan of a subdivision:

46 (1) Proposed name of the subdivision. This name shall not duplicate nor resemble the
47 name of another subdivision in the county and shall be approved by the Planning Commission. Names
48 such as "estate," "town," "City," "place," "court," etc., may be duplicated.

49 (2) Date, north arrow, and scale of drawing.

50 (3) Appropriate identification of the drawing as a tentative plan.

- 1 SC (4) Location of the subdivision sufficient to define its location and boundaries, and a legal
2 description of the tract boundaries.
3 (5) Names and addresses of the owner, applicant, and engineer or surveyor.
4 (6) A deed showing ownership and all parties whose consent is necessary, their interest in
5 the premises, and all encumbrances, covenants, and other restrictions pertaining to the subject
6 property.
7

8 Section 6. Existing Conditions. The following existing conditions shall be shown on the
9 tentative plan:

- 10 (1) The location, widths, and names of both opened and unopened public or private streets
11 within or adjacent to the tract, or restrictions on these streets, together with easements and other
12 important features, such as section lines, section corners, City boundary lines, and monuments.
13 (2) Contour lines related to some established bench mark or other datum approved by the
14 City Engineer and having minimum intervals as follows:
15 (a) For slopes of less than 5 percent: show the direction of the slope using arrows
16 or other suitable symbols, together with not less than four spot elevations per acre, evenly
17 distributed.
18 (b) For slopes averaging 5 percent to 15 percent: five feet.
19 (c) For slopes averaging 15 percent to 20 percent: 10 feet.
20 (d) For slopes averaging over 20 percent: 20 feet.
21 (3) The location of at least one temporary bench mark within the subdivision boundaries.
22 (4) The location and direction of watercourses and the location of areas subject to
23 flooding, as defined in Ordinance 343, which addresses Flood Damage Prevention.
24 (5) Natural features, such as rock outcroppings, marshes, wooded areas, and preservable
25 trees.
26 (6) Existing uses of the property and location of existing structures to remain on the
27 property after platting.
28

29 Section 7. Proposed Plan of Subdivision. The following information shall be included on
30 the tentative plan of a subdivision:

- 31 (1) The location, width, names, approximate grades, and curve radii of proposed streets.
32 Proposed streets shall be shown to the point of connection with the existing street system within 600
33 feet. Show the relationship of proposed streets to projected streets if no development plan is
34 complete to assure adequate vehicular, pedestrian, and bicycle traffic circulation. For the purpose of
35 this section, a proposed street means a street that is part of the proposed tentative plan of subdivision,
36 and a projected street is a street that could be connected to the subdivision by future development
37 that is not part of this subdivision.
38 (2) The location, width, and purpose of proposed easements.
39 (3) The location and approximate dimensions of proposed lots, and the proposed lot and
40 block numbers.
41 (4) Proposed sites, if any, allocated for purposes other than single-family dwellings.
42

43 Section 8. Partial Development. For any proposal for a subdivision that pertains to only part
44 of the tract owned or controlled by the applicant, the Planning Commission shall require a build-out
45 concept plan for the unsubdivided portion in order to determine if the proposed development is
46 compatible with future infill of the property. The build-out concept plan shall include the following
47 information:

- 48 (1) Proposed future lot pattern that meets the requirements of the zoning district, any
49 special overlay districts, and all relevant portions of this Ordinance, including street connectivity
50 requirements.

1 SC (2) Locations and specifications of future infrastructure improvements and easements,
2 including public and private streets, utilities, and storm drainage, to be developed in accordance with
3 this Ordinance.

4 (3) Indication of how a proposed driveway can be converted to a through street in the
5 future.
6

7 Section 9. Explanatory Information with Tentative Plan. Any of the following information
8 may be required by the Planning Commission. If it cannot be shown practicably on the tentative plan
9 of a subdivision, it shall be submitted in separate statements accompanying the plan.

10 (1) A vicinity map showing existing subdivisions and unsubdivided land ownerships
11 adjacent to the proposed subdivision, and showing how proposed streets and utilities may be
12 extended to connect to existing streets and utilities.

13 (2) Proposed covenants and deed restrictions, if any, in outline form.

14 (3) The location within the subdivision and in the adjoining streets and property of existing
15 sewer, water mains, culverts, drain pipes, and electric lines, and elevations of sewers at points of
16 probable connections.
17

18 Section 10. Supplemental Proposals with Tentative Plan. Any of the following may be
19 required of the applicant by the Planning Commission, at the applicant's expense, to supplement the
20 plan of the subdivision:

21 (1) Approximate center line profiles with extensions for a reasonable distance beyond the
22 limits of the proposed subdivision, showing the finished grade of streets and the nature and extent of
23 street construction.

24 (2) A plan for domestic water supply lines and related water service facilities adequate for
25 fire protection and domestic use.

26 (3) Proposals for sewage disposal, storm water drainage and flood control, including
27 profiles of proposed drainage ways.

28 (4) If lot areas are to be graded, a plan showing the nature of cuts and fills and
29 information on the character of the soil.

30 (5) Proposals for other improvements, such as electric utilities and street lighting.

31 (6) Curbs and gutters.

32 (7) Fire hydrants.

33 (8) Expert's written report assessing the suitability of steep slopes within the Steep Slope
34 Overlay Zone for development, as required under Section 6.13 of the Zoning Ordinance.

35 (9) Expert's written report assessing impact of development located within the flood plain
36 or areas subject to flooding, as defined in Ordinance 343, which addresses Flood Damage Prevention.
37

38 Section 11. Preliminary Review of Tentative Plan. Upon receipt of a completed application
39 for subdivision and tentative plan, the Zoning Administrator shall furnish one copy of the tentative
40 plan and supplementary material to the City Engineer and such other agencies or special districts as
41 are known to be affected. Other agencies believed to have an interest shall be provided notice of the
42 proposal. These officials and agencies shall be given 30 days to review the plan and suggest revisions
43 that appear to be in the public interest. Completeness of application and tentative plan shall be
44 determined by the requirements of Section 3 (1), (2), (3) of this Ordinance.
45

46 Section 12. Approval of Tentative Subdivision Plan.

47 (1) State law defines the approval or denial of a subdivision as a limited land use decision
48 In accordance with state law, ORS Chapter 197, the City shall provide written notice to owners of
49 property within 200 feet of the proposed subdivision. The list shall be compiled from the most recent
50 property tax assessment roll. The notice shall be mailed at least 21 days prior to the Planning

1 Commission meeting at which the tentative plan will be reviewed. The written notice shall provide
2 for a 14-day period for submission of written comments, and shall include the following information:

- 3 (a) State that issues that may provide the basis for an appeal to the State Land Use
4 Board of Appeals shall be raised in writing prior to the expiration of the comment period.
5 Issues shall be raised with enough detail for each decision maker to respond to the issue;
6 (b) List by section number the criteria used in making the decision;
7 (c) The street address or other easily understood geographical description of the
8 property;
9 (d) The place, date, and time written comments are due;
10 (e) State that copies of all evidence relied on by the applicant are available for
11 review, and that copies can be obtained at cost;
12 (f) The name and phone number of a City contact person;
13 (g) State that notice of the decision shall be sent to the applicant and any person
14 who submits written comments. The notice of decision shall include an explanation of appeal
15 rights; and
16 (h) A brief summary of the City's process for the land use application decision
17 being made.

18 (2) Within 60 days of the receipt of a complete application and tentative subdivision plan,
19 the Planning Commission shall hold a public hearing at which it will evaluate the application materials
20 and tentative plan against the applicable requirements and standards of this ordinance, the Zoning
21 Ordinance, and the Comprehensive Plan. The Planning Commission shall also consider the staff
22 report, if one is available; written comments submitted by property owners; comments of other
23 affected agencies or special districts; and oral and written testimony and evidence provided at the
24 public hearing. If it determines that approval requires changes to the tentative plan, the Planning
25 Commission may delay its decision until a revised tentative subdivision plan has been submitted and
26 reviewed by all participants.

27 (3) If the Planning Commission requires a revised tentative subdivision plan, an extension
28 of the 120-day time frame in which the City issues a decision may occur with concurrence of the
29 applicant.

30 (4) Based on its evaluation of the tentative subdivision plan and related materials, the
31 Planning Commission shall approve the tentative plan as submitted, or as modified or conditioned, or
32 it shall deny approval of the tentative subdivision plan. The Planning Commission shall make findings
33 as appropriate for its decision, which shall be noted in the record of the decision.

34 (5) Prior to final approval of the tentative subdivision plan, all materials shall be forwarded
35 to the City Council for review and concurrence. The City Council may approve the tentative
36 subdivision plan as modified or conditioned by the Planning Commission, approve the tentative plan
37 with additional modifications or conditions, or deny approval of the tentative subdivision plan.

38 (6) After the City Council has concurred with the Planning Commission's action on the
39 tentative plan, the City's final approval of the tentative subdivision plan shall be noted on two (2)
40 copies of the tentative plan. The notation shall include the date of final approval and specifically
41 reference any attached documents describing the conditions of approval. One copy shall be returned
42 to the applicant and one copy retained by the City.

43 Subdivision Plat

44
45
46 Section 13. Submission of the Subdivision Plat. Within one year after approval of the
47 tentative plan, the applicant shall cause the subdivision or any part thereof to be surveyed and a plat
48 prepared in conformance with the approved tentative plan. The applicant shall submit the original
49 drawing, seven (7) copies, and any supplementary information to the City. If the applicant wishes to

1 proceed with the subdivision after the expiration of the one-year period following the ^{SC} approval of the
2 tentative plan, he or she must reapply for tentative subdivision plan approval.
3

4 Section 14. Information on Plat. In addition to that required for the tentative plan, or
5 otherwise specified by law, the following information shall be shown on the plat:

6 (1) Reference points of existing surveys identified, related to the plat by distances and
7 bearings, and referenced to a field book or map as follows:

8 (a) Stakes, monuments, or other evidence found on the ground and used to
9 determine the boundaries of the subdivision.

10 (b) Adjoining corners of adjoining subdivisions.

11 (c) Other monuments found or established in making the survey of the subdivision
12 or required to be installed by provisions of this ordinance.

13 (2) The exact location and width of streets and easements intercepting the boundary of the
14 tract.

15 (3) Tract, block, and lot boundary lines and street right-of-way and center lines, with
16 dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings.
17 Normal high water lines for any creek or other body of water. Tract boundaries and street bearings
18 shall be shown to the nearest 30 seconds, with basis of bearings. Distances shall be shown to the
19 nearest 0.01 feet. No ditto marks shall be used.

20 (4) The width of the portion of streets being dedicated and the width of existing right-of-
21 way. For streets on curvature, curve data shall be based on the street center line. In addition to the
22 center line dimensions, the radius and central angle shall be indicated.

23 (5) Easements denoted by fine dotted lines, clearly identified and, if already of record,
24 their recorded reference. If an easement is not definitely located of record, a statement of the
25 easement shall be given. The width of the easement, its length and bearing, and sufficient ties to
26 locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated
27 by the map, it shall be properly referenced in the owner's certificates of dedication.

28 (6) Lot numbers beginning with the number "1" and numbered consecutively in each
29 block.

30 (7) Block numbers beginning with the number "1" and continuing consecutively without
31 omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and
32 thickness to stand out, and so placed as not to obliterate any figure. Block numbers in an addition to
33 a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

34 (8) Identification of land to be dedicated for any purpose, public or private, to distinguish
35 it from lots intended for sale.

36 (9) The following certificates, which may be combined where appropriate:

37 (a) A certificate signed and acknowledged by all parties having any record title
38 interest in the land, consenting to the preparation and recording of the plat.

39 (b) A certificate signed and acknowledged as above dedicating all land intended
40 for public use, except land intended for the exclusive use of the lot owners in the subdivision,
41 their licensees, visitors, and tenants.

42 (c) A certificate with the seal of and signed by the engineer or surveyor
43 responsible for the survey and final plat.

44 (d) Other certifications now or hereafter required by law.
45

46 Section 15. Supplemental Information with Plat. The following data shall accompany the
47 plat:

48 (1) The most recently recorded deed showing ownership, all parties whose consent is
49 necessary and their interest in the premises, and all encumbrances, covenants, and other restrictions
50 pertaining to the subject property.

1 and void if the plat is not recorded within ninety (90) days after the date of the last required SC
2 approving signature has been obtained. A plat must be filed with the Douglas County Surveyor and
3 recorded with the Douglas County Clerk and City Zoning Administrator. Unless otherwise provided
4 by state law, no person shall submit a plat of a subdivision for recording until all the requirements of
5 ORS Chapter 209 and the plat requirements of the Subdivision Ordinance have been met. No person
6 shall commence preliminary development until the final plat has been recorded with the Douglas
7 County Clerk.

8
9 Section 19. Substantial Completion. The applicant shall, within one year of approval of the
10 subdivision plat, have achieved substantial completion of the installation of required infrastructure
11 improvements, and shall be in compliance with the warranty agreement set forth between the
12 applicant and the City. If the City determines that substantial completion has not been reached within
13 one year, it may serve notice to the applicant stating intent to revoke approval of the subdivision plat.
14 A public hearing shall be held prior to revocation.

15 16 Approval of Partitions

17 18 Section 20. Land Partition - Creation of a Public Street Outside a Subdivision.

19 (1) The creation of a public street and the resultant separate land parcels shall be in
20 conformance with requirements for subdivision; except, however, the Planning Commission may
21 approve the creation of a public street to be established by deed without full compliance with the
22 regulations applicable to subdivisions, provided any of the following conditions exist:

23 (a) The establishment of the public street is initiated by the City Council or Board
24 of County Commissioners and is declared essential for the purpose of general traffic
25 circulation, and the partitioning of land is an incidental effect rather than the primary objective
26 of the street.

27 (b) The tract in which the street is to be dedicated is a partition within an isolated
28 ownership, either of not over 1 acre or of such size and characteristics as to accommodate no
29 more than three dwelling units without a variance.

30 (2) In those cases where approval of a public street is to be without full compliance with
31 the regulations applicable to subdivision, the street and resulting partition may be approved under
32 Section 22 of this Ordinance, Land Partition Procedures.

33 34 Section 21. Land Partition - Creation of Private Street Outside a Subdivision.

35 A street created in order to allow the partitioning of land for the purpose of transfer of ownership or
36 building development, whether immediate or future, shall be in the form of a street in a subdivision or
37 as provided in Section 20 of this Ordinance, except that a private street to be established by deed
38 without full compliance with these regulations maybe approved by the Planning Commission in
39 accordance with Section 22 of this Ordinance, Land Partition Procedures, provided it is the only
40 reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant
41 partitioning may be provided with access.

42 43 Section 22. Submission of Tentative Partition Plan

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

16 Section 50. Exceptions in Case of Large-Scale Development. The Planning Commission
17 may modify the standards and requirements of this ordinance if the subdivision plat includes a
18 planned unit development, a large-scale shopping center, or a planned industrial area. The
19 Planning Commission shall determine that such modifications are not detrimental to the public
20 health, safety, and welfare, and that adequate provision is made within the development for traffic
21 circulation, open space, and other features that may be required in the public interest.

1 SC (2) The Zoning Administrator shall check the application and required additional materials
2 for completeness, and shall notify the applicant within 30 days of any missing information.

3 (3) Upon submission of all required or additional information, the Zoning Administrator
4 shall deem the application as being complete. The City shall have 120 days to approve or deny a
5 tentative partition plan.

6
7 Section 23. Scale. The tentative partition plan shall be 18 x 27 inches in size, with a 3-inch
8 margin for binding. Black India ink or another medium of sufficient clarity should be used to allow
9 reproduction.

10
11 Section 24. General Information. The following general information shall be shown on the
12 tentative partition plan:

13 (1) An identifying name or title of the partition, which shall include the words "Tentative
14 Partition Plan."

15 (2) A vicinity map locating the proposed partition, accompanied by the appropriate
16 quarter-section, Donation Land Claim, township, and range identifiers.

17 (3) The date, north arrow, and scale.

18 (4) The name and address of the record owner(s), mortgagee, if any, and person who
19 prepared the tentative plan.

20 (5) A certificate signed and acknowledged by all parties having any record title interest in
21 the land to be partitioned, consenting to the partition.

22 (6) The names and addresses of all adjacent property owners.

23 (7) Approximate acreage of the land under a single ownership or, if more than one
24 ownership is involved, the total contiguous acreage of the landowners directly involved in the
25 partitioning.

26 (8) Comprehensive Plan designation and Zoning classification.

27 (9) A plan of the proposed partition showing tract dimensions, distance and bearings of all
28 lines, the proposed parcel sizes and layout, and their relationship to existing or proposed streets and
29 utility easements.

30
31 Section 25. Existing Conditions. The following existing conditions shall be shown on the
32 tentative partition plan:

33 (1) For land adjacent to and within the tract to be partitioned, the locations, names, and
34 widths of existing streets; locations, widths, and purpose of existing easements; location and size of
35 existing sewer and water lines and drainage ways; and location of existing power poles.

36 (2) Depiction of all proposed public or private streets, reserve strips at the end of stubbed
37 streets, utility or other easements and any limitations thereof, water supply and sewage disposal,
38 storm water drainage, areas subject to flooding, contours as called for on subdivision plans, and
39 significant natural features, in sufficient detail for review and evaluation.

40 (3) Outline and location of existing buildings to remain, and their distance from proposed
41 or existing property lines.

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

44
45 Section 26. Partial Development. If any proposal for a partition pertains to only part of the
46 tract owned or controlled by the applicant, the Planning Commission shall require a build-out concept
47 plan for the undivided portion in order to determine if the proposed development is compatible with
48 future infill of the property. The build-out concept plan shall include the following information:

- 1 SC (1) Proposed future lot pattern that meets the requirements of the zoning district, any
2 special overlay districts, and all relevant portions of this Ordinance, including street connectivity
3 requirements.
4 (2) Locations and specifications of future infrastructure improvements and easements,
5 including public and private streets, utilities, and storm drainage, to be developed in accordance with
6 this Ordinance.
7 (3) Indication of how proposed a driveway can be converted to a through street in the
8 future.
9

10 Section 27. Preliminary Review of Tentative Partition Plan. The applicant shall submit the
11 tentative partition plan to those special districts and agencies specified by the City or otherwise
12 requested. Those special districts and agencies shall be given 30 days to review the tentative partition
13 plan.
14

15 Section 28. Approval of Tentative Partition Plan.

16 (1) State law defines the approval or denial of a partition as a limited land use decision. In
17 accordance with state law, ORS Chapter 197, the City shall provide written notice to owners of
18 property within 200 feet of the proposed land partition. The list shall be compiled from the most
19 recent property tax assessment roll. The notice shall be mailed at least 21 days prior to the Planning
20 Commission meeting at which the tentative plan will be reviewed. The written notice shall provide
21 for a 14-day period for submission of written comments, and shall include the following information:

22 (a) State that issues that may provide the basis for an appeal to the State Land Use
23 Board of Appeals shall be raised in writing prior to the expiration of the comment period.
24 Issues shall be raised with enough detail for each decision maker to respond to the issue;

25 (b) List by section number the criteria used in making the decision;

26 (c) The street address or other easily understood geographical description of the
27 property;

28 (d) The place, date, and time written comments are due;

29 (e) State that copies of all evidence relied on by the applicant are available for
30 review, and that copies can be obtained at cost;

31 (f) The name and phone number of a City contact person;

32 (g) State that notice of the decision shall be sent to the applicant and any person
33 who submits written comments. The notice of decision shall include an explanation of appeal
34 rights; and

35 (h) A brief summary of the City's process for the land use application decision
36 being made.

37 (2) A public hearing is not required. However, if an application for variance is submitted,
38 a public hearing is necessary.

39 (3) Within 60 days of receipt of a complete application for partition and tentative partition
40 plan, the Planning Commission shall evaluate the application materials and tentative partition plan
41 against the applicable requirements and standards of this ordinance, the Zoning Ordinance, and the
42 Comprehensive Plan. The Planning Commission shall also consider the staff report, if one is
43 available; written comments submitted by property owners; and comments of other affected agencies
44 or special districts. If it determines that approval requires changes to the tentative plan, the Planning
45 Commission may delay its decision until a revised tentative partition plan has been submitted and
46 reviewed by all participants.

47 (4) If the Planning Commission requires a revised tentative partition plan, an extension of
48 the 120-day time frame in which the City issues a decision may occur with concurrence of the
49 applicant.

1 SC (5) If the parcel of land to be partitioned exceeds 2 acres, and within a year is being
2 partitioned into more than two parcels, any one of which is less than 1 acre, full compliance with all
3 requirements for subdivision may be required if the Planning Commission should determine, based on
4 the applicant's build-out concept plan, that the entire parcel being partitioned is in the process of
5 being divided into small parcels.

6 (6) Based on its evaluation of the tentative partition plan and related materials, the
7 Planning Commission shall approve the tentative plan as submitted, or as modified or conditioned, or
8 it shall deny approval of the tentative partition plan. The Planning Commission shall make findings as
9 appropriate for its decision, which shall be noted in the record of the decision. The Planning
10 Commission may require dedication of land or easements for drainage, access, utilities, and other
11 suitable purposes as necessary. In no event, however, shall the Planning Commission require greater
12 dedications or conditions than could be required if the tract were subdivided.

13 (7) The decision of the Planning Commission shall be noted on two (2) copies of the
14 tentative partition plan. The notation shall include the date of approval and specifically reference any
15 attached documents describing the conditions of approval. One copy shall be returned to the
16 applicant and one copy retained by the City.

17 Partition Plat

18 Section 29. Submission of Final Partition Plat.

19 (1) After all required modifications to the tentative partition plan have been made, and the
20 applicant has prepared written evidence of compliance with the conditions of tentative approval, the
21 applicant shall submit a final partition plat for Planning Commission approval. The final partition plat
22 shall be prepared by a professional land surveyor registered with the State of Oregon, in conformance
23 with standards set forth by the Douglas County Surveyor. The final partition plat shall comply with
24 all applicable survey, monumenting, and documentation requirements of ORS Chapter 209 and ORS
25 Chapter 92, in addition to other pertinent state laws. Partition plats shall include a signature block for
26 all required approval signatures, including the Chair of the Planning Commission and the Douglas
27 County Surveyor.
28

29 (2) In addition to depicting the necessary survey monuments and measurements to define
30 legal boundaries and tie the parcels to existing County surveys, the plat shall contain a written legal
31 description of each parcel created. The plat shall contain all the information required on the tentative
32 partition plan, as updated or modified by the Planning Commission, and a copy of covenants and
33 documents, if any, that will be placed on the partition or related to the establishment and maintenance
34 of private facilities, common areas, and easements, including the volume and page of recording with
35 the Douglas County Clerk.
36

37 Section 30. Supplemental Information with Plat. A warranty agreement between the
38 applicant and City shall accompany the plat, in which the applicant guarantees all materials and
39 satisfactory installation of infrastructure improvements, to City standards, for one year from the date
40 of the City's final inspection and approval of the completed installation of each infrastructure element.
41

42 Section 31. Technical Plat Review.

43 (1) The City Council shall review any offers of dedication, and follow this and other
44 applicable ordinances or laws in accepting such offers. If a dedication of right-of-way or other land
45 to the public is required before, or in conjunction with, the land partition, the City Council must first
46 pass a motion to accept a deed transferring the land before the final partition plat can be approved and
47 recorded. If a land dedication to the public is judged essential by the Planning Commission, but is not
48 required immediately to create a street or to otherwise accomplish the partition, the Planning
49 Commission may require the applicant to execute an Irrevocable Offer to Dedicate prior to approval
50 of the final partition plat. In either case, the final partition plat shall contain a notarized certificate,

SC

1 signed and acknowledged by all parties having any record title interest in the property, dedicating all
2 land intended for public use and common improvements, including, but not limited to streets, roads,
3 parks, sewage disposal, and water supply systems, the donation of which was a condition of the
4 approval of the tentative partition plan.

5 (2) Before approving the final partition plat, the Zoning Administrator or Planning
6 Commission shall complete a Certificate of Improvement Guarantee, which shall be attached to, and
7 recorded with or indicated on, the plat. The Certificate shall state that one or more of the following
8 has been completed to the City's satisfaction:

9 (a) All improvements have been installed in accordance with the requirements of
10 these regulations, and all conditions of approval imposed by the Planning Commission to the
11 tentative partition plan have been complied with; or

12 (b) An Agreement for Improvements as specified in Section 36 of this Ordinance,
13 and a Bond as specified in Section 37 of this Ordinance, have been filed with the Zoning
14 Administrator; or

15 (c) A waiver agreement that runs with the land has been signed by the property
16 owner and filed with the Zoning Administrator. The waiver agreement shall bind the present
17 and future property owners to sign any and all waivers, petitions, consents, and all other
18 documents necessary to obtain the improvements under any proposed or adopted
19 improvement act or LID. Under the agreement, the property owners must waive all rights to
20 remonstrate (protest or object) against such improvements, but not the right to protest the
21 amount and manner of spreading the assessment thereof. The specific language of any
22 agreement created under this option must be approved by the Planning Commission.
23

24 Section 32. Approval of Partition Plat. The Planning Commission shall evaluate the final
25 partition plat to determine whether it conforms to the approved tentative partition plan, and whether
26 all required modifications have been made and conditions met. The Planning Commission shall
27 approve the final partition plat if there has been no change in the plan of the partition, if all
28 supplemental documents and provisions for required improvements are satisfactory, if the City
29 Council has already passed a proper motion to accept the proposed dedications of land, and if the
30 applicant has complied with the requirements of this ordinance. If the Planning Commission does not
31 approve the plat, it shall advise the applicant in writing of the reasons therefor, and provide the
32 applicant with an opportunity to make any necessary changes. Approval of the final partition plat
33 shall be indicated by the dated signature of the Chair of the Planning Commission.
34

35 Section 33. Filing of Partition Plat.

36 (1) The applicant shall, without delay, submit the approved partition plat to the Douglas
37 County Surveyor for the signatures of other public officials required by law. Approval of the final
38 partition plat shall be null and void if the plat is not recorded within ninety (90) days after the date of
39 the last required approving signature. The plat must be submitted to the Douglas County Surveyor
40 and recorded with the Douglas County Clerk and the Zoning Administrator. Unless otherwise
41 provided by state law, no person shall submit a plat of a partition for recording until all the
42 requirements of ORS Chapter 290 and the plat requirements of the partition have been met. No
43 person shall commence preliminary development until the final plat has been recorded with the
44 Douglas County Clerk.

45 (2) Upon filing the final partition plat, the applicant shall submit one print of the signed
46 and recorded final partition plat to the Planning Commission.
47

48 Section 34. Substantial Completion. The applicant shall, within one year of approval of the
49 final partition plat, have achieved substantial completion of the installation of required infrastructure
50 improvements, and shall be in compliance with the warranty agreement set forth between the

1 applicant and the City. If the City determines that substantial completion has not been reached within
 2 one year, it may serve notice to the applicant stating intent to revoke approval of the subdivision plat.
 3 A public hearing shall be held prior to revocation.

5 SECTION 35 LOT LINE ADJUSTMENTS AND CONSOLIDATIONS

- 6
 7 35.010 Generally
 8 35.020 Authority
 9 35.030 Application
 10 35.040 Standards for Approval
 11 35.050 Exceptions
 12 35.060 Procedure
 13 35.070 Recording of Final Plat and Deed
 14 35.080 Prohibition of Sale

15
 16 **35.010 Generally.** The lot line adjustment procedure described in this Section provides a legal
 17 mechanism for relocating or consolidating a common boundary line between abutting lots or parcels.
 18 A lot line adjustment as described in this section has the effect of replatting the lots involved,
 19 necessitating the services of a licensed land surveyor.

20
 21 **35.020 Authority.** Lot line adjustments and consolidations shall be approved or denied by the
 22 Zoning Administrator. The decision of the Zoning Administrator may be appealed to the Planning
 23 Commission.

24
 25 **35.030 Application.** A completed application shall be filed with the Zoning Administrator, along
 26 with the correct application fee set by City Council resolution. The Zoning Administrator shall
 27 review the application for completeness, notify the applicant within 30 days of any missing
 28 information, and give the applicant an opportunity to submit the missing information. After the
 29 application has been deemed complete, it shall be evaluated by the Zoning Administrator. In
 30 accordance with state law, the City shall have 120 days to render a decision on the application after it
 31 has been deemed complete. An application shall include all of the following information:

- 32
 33 A. A completed City application form containing a brief statement explaining the reason for the
 34 adjustment or consolidation.
 35
 36 B. A vicinity map locating the proposed lot line adjustment or consolidation in relation to
 37 adjacent land parcels and roadways. The vicinity map may be incorporated within the
 38 tentative plan.
 39
 40 C. One (1) original and seven (7) copies of a tentative plan of the proposed lot line adjustment
 41 or consolidation, prepared by a licensed land surveyor, drawn to scale on 18-inch by 27-inch
 42 drafting paper or mylar. The plan shall depict all affected lots and identify them by
 43 Township, Range, Section, and Tax Lot number, and show bearings and distances of both
 44 existing and proposed boundaries, parcel dimensions, and resulting areas of each parcel. In
 45 addition, the tentative plan shall show the following:
 46
 47 1) North arrow, scale, and date;
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 49 2) The names and addresses of the property owners and the licensed land surveyor who
 50 prepared the tentative plan;

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- 3) An identifying name or title of the tentative plan; SC
 - 4) All abutting streets or roads, both public and private;
 - 5) All existing structures with dimensions and distances from existing and proposed property lines;
 - 6) Existing and proposed driveways and the location of existing utilities and easements (sewer, water, electricity, access, drainage, and any others), with appropriate dimensions;
 - 7) Land or easements to be conveyed or dedicated, if any, indicating dimensions, location, purpose, and affected agencies;
 - 8) A notarized statement, signed and acknowledged by all parties having any record title interest in any 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;
 - 9) 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

26 **35.040 Criteria for Approval.** The lot line adjustment or consolidation shall be approved if the
27 Zoning Administrator finds that:

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- A. The application information required by subsection 35.030 of this section has been provided;
 - B. The standards and criteria of the Comprehensive Plan, applicable land use ordinances, and the zoning district in which the adjustment is made have been met;
 - C. No additional unit of land is created;
 - ~~D.~~ 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;
 - E. 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;
 - F. No substandard lots are created;
 - G. The adjustment will not affect or impede the public right-of-way, private street or driveway access, or any recorded easement; and
 - H. A survey of the proposed lot line adjustment has been made by a licensed land surveyor and depicted on the tentative plan as follows:
 - 1) The survey has established monuments to mark the adjusted boundary line; and

2) A survey map has been prepared that complies with ORS Chapter 209.

(a) The survey map shows all structures within 10 feet of the adjusted line; and

(b) The survey map has been properly filed with the Douglas County Surveyor.

35.050 Exceptions. The survey and monumenting requirements of subsection 35.040 (H) of this section shall not apply to:

- A. Any resulting lot or parcel greater than 10 acres;
- B. A lot line adjustment where the property line is adjusted a distance of even width along the entire lot line; or
- C. 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.

35.060 Procedure. The following procedures shall be followed in the review of a proposed lot line adjustment or consolidation.

- A. 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 35.050 of this Ordinance), the tentative plan may serve as the final map, provided it is clearly identified as such and contains all the information required by subsection 35.030; 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.
- B. 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:
 - 1) **Preliminary Approval.** The Zoning Administrator shall notify the applicant in writing of whether the proposal conforms with the requirements of this section.
 - 2) **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 35.030 and the survey map as required by this section and state law.

1 SC 3) **Final Approval.** After receiving the prepared final map of the resulting lots or parcels,
2 the Zoning Administrator shall review it for compliance with the relevant requirements.
3 If the map is approved, the Zoning Administrator shall indicate final approval by signing
4 and dating the original and each copy of the final map. The Zoning Administrator shall
5 also notify the applicant in writing of the final approval. The City shall keep one signed
6 copy of the final map, and return the original and remaining copies to the applicant.
7

8 **C. Filing Requirements.** Following final map approval by the Zoning Administrator, the
9 applicant shall submit the signed final map to the Douglas County Surveyor, together with
10 any required filing fee. When the map is filed with the County Surveyor, it shall indicate the
11 filing information on the face of the map. The final map shall be approved and signed by
12 such other County officials as state and county law requires. One copy of the final map,
13 signed by all required officials and bearing the book and page number of the recording, shall
14 be returned to the City.
15

16 **35.070 Recording of Final Map and Deed.** Within thirty (30) days after a lot line adjustment or
17 consolidation is approved, the signed final map conforming to the approval shall be recorded with the
18 Douglas County Clerk.
19

20 **35.080 Effective Date.** An approved lot line adjustment or consolidation shall be effective when
21 the final map has been signed by the Zoning Administrator, filed with the Douglas County Surveyor,
22 and recorded with the Douglas County Clerk.
23

24 **35.090 Prohibition of Sale.** No person shall sell any adjusted lot or parcel before the tentative plan
25 creating the same has been approved by the Zoning Administrator, and the final map and deed have
26 been recorded with the Douglas County Clerk.
27

28 Improvement Guarantee

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31 Section 36. Agreement for Improvements. Before Planning Commission approval of a
32 subdivision plat or partition plat, the applicant shall either make improvements required as conditions
33 of tentative plan approval and repair existing streets and other public facilities damaged in the
34 development of the property or execute and file with the Zoning Administrator an agreement between
35 himself or herself and the City, specifying the period within which required improvements and repairs
36 shall be completed. The agreement will provide that, if the work is not completed within the period
37 specified, the City may complete the work and recover the full cost and expense, together with court
38 costs and attorney fees necessary to collect said amounts from the applicant. The agreement shall
39 also provide for reimbursement to the City for the cost of inspection by the City, which shall not
40 exceed 10 percent of the cost of the improvements to be made.
41

42 Section 37. Bond.

43 (1) The applicant shall file one of the following with the Agreement for Improvements to
44 assure his or her full and faithful performance:

45 (a) A surety bond executed by a surety company authorized to transact business in
46 the State of Oregon in a form approved by the City Attorney.

47 (b) A personal bond cosigned by at least one additional person, together with
48 evidence of financial responsibility and resources of those signing the bond sufficient to
49 provide reasonable assurance of ability to proceed in accordance with the agreement.

50 (c) Cash.

1 SC (2) The assurance of full and faithful performance shall be for a sum approved by the
2 Zoning Administrator as sufficient to cover the cost of the improvements and repairs, including
3 related engineering and incidental expenses, and to cover the cost of City inspection. A post-
4 monumentation bond for interior lot marking shall be posted as stated in ORS Chapter 92.

5 (3) If the applicant fails to carry out provisions of the agreement and the City has
6 unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash
7 deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense
8 incurred by the City, it shall release the remainder to the depositor. If the amount of the bond or cash
9 deposit is less than the cost and expense incurred by the City, the applicant shall be liable to the City
10 for the difference.

11 (4) If the guarantee of completion required is not sufficient to compensate the City for
12 expenses necessary to fulfill the obligation, and the applicant cannot comply with (3) above, the
13 amount due to the City for the obligation shall become a lien in favor of the City upon the real
14 property subject to the obligation.

15 (5) Any lien shall attach to the property upon entry in the County records of the claim
16 notice, and upon fulfillment of all statutory procedures for such action. The lien may be foreclosed in
17 the manner prescribed by law for foreclosing other liens on real property.
18

OAKLAND ZONING ORDINANCE #499

ZC

AN ORDINANCE OF THE CITY OF OAKLAND RELATING TO PLANNING AND ZONING, ESTABLISHING ZONING REGULATIONS FOR LAND USE AND DEVELOPMENT AND CREATING UNIFORM ZONES IN WHICH COMPATIBLE USES ARE ALLOWED, PRESCRIBING STANDARDS AND DENSITY CONTROLS FOR EACH ZONE, ESTABLISHING PROCEDURES AND STANDARDS FOR GRANTING CONDITIONAL USE PERMITS AND VARIANCES, SETTING OFF-STREET PARKING AND LOADING REQUIREMENTS, SPECIFYING PROCEDURES FOR ADMINISTRATION, APPEAL AND AMENDMENT, SPECIFYING ENFORCEMENT AND PENALTIES, REPEALING ORDINANCE NO. 337, AND DECLARING AN EMERGENCY.

The City of Oakland ordains as follows:

SECTION 1. TITLE

1.01.0 TITLE

This ordinance shall be known as the “**Zoning Ordinance**” of the City of Oakland, Oregon. The official zoning map, City of Oakland, Oregon, referred to herein, is hereby adopted and made a part of this ordinance. Said zoning map shall be signed by the Mayor and attested by the Recorder and shall refer by number to this ordinance.

SECTION 2. PURPOSE AND COMPOSITION

2.01.0 PURPOSE AND COMPOSITION

This ordinance, 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.

SECTION 3. DEFINITIONS

General. For the purpose of this ordinance, 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.

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.

Administrator That official designated by this ordinance 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.

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Apartment House See Dwelling, Multiple-Family.

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.

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. ORD. 438

Billboards A sign advertising goods or services not available on the premises on which said sign is located.

Boarding (Lodging or Rooming) House A building, or portion thereof, other than a hotel, where lodging and/ or meals for five of more persons, but not more than 20 persons, are provided for compensation and without individual cooking facilities.

Building A structure having a roof, but excluding all forms of vehicles even though immobilized. Where this ordinance requires or where special authority granted pursuant to this ordinance requires that a use shall be entirely enclosed within a building this definition shall be qualified by adding “and enclosed on all sides.”

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.

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.

Building Inspector That official designated, from time to time, by the City Council as the official 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, Main A structure in which is conducted the main use of the lot on which the structure is located.

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)

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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 County or City Building Official having jurisdiction over the property.

City Council The Common Council of The City of Oakland.

Clearing Removal of trees, but not removal of grass, weeds, shrubs, brush or other vegetation.

Commission The City of Oakland Planning Commission.

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.

Church A building designed or used for public worship by any religious body.

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.

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.

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Easement A grant of the right to use a strip of land for specific purposes.

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.

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.

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.

Gross Floor Area The total area of all floors of a building measured from exterior walls.

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.

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.

Kennel Any lot on which four (4) or more dogs or cats six (6) months or older, are bred or boarded.

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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.

Lot 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, 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, 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 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 relocation of a common boundary between lots or parcels or the elimination of a common boundary between lots or parcels.

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 Width The mean width of the lot measured at right angles to its depth.

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

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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.

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.

Non-Conforming Use An activity using land, structures and/or signs for purposes which were allowable prior to the effective date of this Ordinance, subsequent amendments, or successor ordinances, and which would not be permitted to be established as a new use in the zone in which it is located by the regulations of this Ordinance, subsequent amendments, or successor ordinances.

Non-Conforming Structure A building or structure legally established prior to the effective date of this Ordinance, subsequent amendments, or successor ordinances, which does not fully comply with the zone Regulations, parking, and roadway access or similar ordinance 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).

Non-Conforming Lot Any validly recorded lot which, at the time it was recorded, fully complied with all applicable laws and ordinances, which has continuously remained in ownership separate from any abutting lots, but which does not fully comply with the requirements of this Ordinance concerning lot characteristics, such as minimum lot size or width.

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.

Occupancy Permit See Certificate of Occupancy.

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.

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Person A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any other group 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.

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.

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.

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.

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.

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. (ORD. 405)

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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.

Screened Concealed or cut off from visual access.

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.

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.

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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 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.

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.

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, 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.

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Street, Unimproved A street that has been platted but is not in conformance with city standards and specifications for an improved street.

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. (ORD 236)

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. (ORD 236).

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. (ORD 236)

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.

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.

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 Ordinance, whether or not fixed or fitted with wheels or runners.

Yard An open space on a property that is unobstructed from the ground upward, except for architectural projections or as otherwise allowed in this Ordinance.

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.

Zone A land use area established by the City Council of the City of Oakland for designated purposes.

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Accessible. Two meanings are possible depending on the specific code provision. In general, accessible means approachable by pedestrians, vehicles, or other transportation modes, 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.

E. Human-Scale Design, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;

AN ORDINANCE PROVIDING FOR SUBDIVISION AND LAND PARTITIONING STANDARDS AND PROCEDURES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The City of Oakland ordains as follows:

Section I. Definitions. As used in this ordinance, the following words and phrases shall mean:

(1) 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.

(2) Alley. A public or private right-of-way that provides secondary means of access to a property.

(3) 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.

(4) Building line. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.

(5) City. The City of Oakland.

(6) 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.

(7) Easement. A grant of the right to use a strip of land for specific purposes.

(8) 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.

(9) 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.

(10) Lot. A unit of land created by a subdivision of land.

(11) Lot, corner. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

(12) 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.

(13) Lot, through. A lot having frontage on two parallel or approximately parallel streets other than alleys.

(14) 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.

(15) Parcel. A unit of land that is created by a partitioning of land.

(16) Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

1 SC (17) Partition land. To divide an area or tract of land into two or three parcels within a
2 calendar year, when such area or tract of land exists as a unit or contiguous units of land under single
3 ownership at the beginning of such year. "Partition land" does not include divisions of land resulting
4 from lien foreclosures; divisions of land resulting from the creation of cemetery plots; and divisions of
5 land made pursuant to a court order, including but not limited to court orders in proceedings
6 involving testate or intestate succession. "Partition land" does not include any adjustment of a lot line
7 by the relocation of a common boundary where an additional parcel is not created and where the
8 existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of
9 the zoning ordinance.

10 (18) Pedestrian way. A right-of-way for pedestrian or bicycle traffic.

11 (19) Person. A natural person, firm, partnership, association, social or fraternal
12 organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or
13 combination acting as a unit.

14 (20) Planning Commission. The Planning Commission of the City of Oakland.

15 (21) Plat. The final map, diagram, drawing, replat, or other writing containing all the
16 descriptions, locations, specifications, dedications, provisions, and information concerning a
17 subdivision or land partition.

18 (22) Preservable tree. An existing tree over six (6) inches in diameter measured four (4)
19 feet above ground level.

20 (23) Private drive. A private right-of-way that provides primary access to a limited number
21 of residential properties, generally serving up to 12 lots and having low traffic volumes (less than 120
22 ADT). (24) Right-of-way. The area between boundary lines of a street or other easement.

23 (25) Residential boulevard. A street characterized by a center median or turn lane, which
24 provides access from neighborhoods to the major street network and accommodates all forms of
25 transit.

26 (26) Reserve strip. A strip of land usually 1 foot wide located at the end of and
27 perpendicular to a street or right-of-way, owned or controlled by the City, and reserved or held for
28 future street extension or widening or other public purpose.

29 (27) Roadway. The portion of a street right-of-way developed for vehicular traffic.

30 (28) Sidewalk. A pedestrian walkway with permanent surfacing.

31 (29) Site plan. A diagram or map, prepared to scale, showing accurate and complete
32 dimensions of all the uses and improvements proposed for a specific parcel(s) of land.

33 (30) Site plan review. The process by which the Planning Commission, Zoning
34 Administrator, or City Council evaluates a proposed development by comparing a site plan and its
35 supporting documents with the regulations and standards applicable to the development.

36 (31) Street. The entire width between boundary lines of any platted public or private way
37 that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of
38 land and including the terms "road," "highway," "lane," "avenue," "drive," "boulevard," "alley," or
39 similar designations.

40 (32) Street, arterial. A street of considerable continuity that is primarily a traffic artery for
41 intercommunication among large areas.

42 (33) Street, collector. A street supplementary to the arterial street system and a means of
43 intercommunication between this system and smaller areas, used to some extent for access to abutting
44 properties.

45 (34) Street, dead-end. A short street with one end open to traffic and the other end
46 terminated by a vehicle turn-around.

47 (35) Half street. A portion of the width of a street, usually along the edge of a subdivision,
48 where the remaining portion of the street could be provided in another subdivision.

49 (36) Street, improved. A gravel or paved street constructed in accordance with City
50 standards and specifications for an improved street.

- 1 SC (37) Street, local. A street intended primarily for access to abutting properties.
2 (38) Street, marginal access. A local street parallel and adjacent to a major arterial street,
3 providing access to abutting properties, but protected from through traffic.
4
5 (39) Street, unimproved. A street that has been platted but is not in conformance with City
6 standards and specifications for an improved street.
7 (40) Subdivide land. To divide an area or tract of land into four or more lots within a
8 calendar year when such area or tract of land exists as a unit or contiguous units of land under a
9 single ownership at the beginning of such year.
10 (41) Subdivision. Either an act of subdividing land or an area or tract of land subdivided as
11 defined in this section.
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3.6 – Public Facilities | Performance Guarantee and Warranty

3.6.100 Performance Guarantee and Warranty

User's Guide: This section should be refined based on input from your city's public works and engineering staff.

- A. Performance Guarantee Required.** The City at its discretion may approve a final plat or building permit when it determines that at least [75] percent of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the state of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.
- B. Determination of Sum.** The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs. The assurance shall not be less than [110] percent of the estimated improvement costs.
- C. Itemized Improvement Estimate.** The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. Agreement.** A written agreement between the City and applicant shall be signed recorded. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:
1. The period within which all required improvements and repairs shall be completed;
 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
 3. The required improvement fees and deposits.
- E. When Applicant Fails to Perform.** In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.
- F. Termination of Performance Guarantee.** The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.
- G. Warranty Bond.** A warranty bond good for [two] years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal [15] percent of the total cost of improvements and begin upon acceptance of said improvements by the City.