CITY OF COBURG DEVELOPMENT CODE

MAY, 2018 (Amended November, 2019)

ORDINANCE NO. A-200-I

TABLE OF CONTENTS

		Page
ARTICLE I	**TITLE**	**1**
ARTICLE II	**PURPOSE**	**1**
ARTICLE III	**ESTABLISHMENT OF DISTRICTS**	**1**
ARTICLE IV	**RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**	**2**
ARTICLE V	**APPLICATION OF DISTRICT REGULATIONS**	**3**
ARTICLE VI	**NON-CONFORMING USES**	**4**
ARTICLE VII	**DISTRICT REGULATIONS**	**8**
A.	Traditional Residential District (TR)	8
B.	Traditional Medium Residential (TMR)	14
C.	Central Business District (C-1)	19
D.	Highway Commercial District (C-2)	24
E.	Light Industrial District (LI)	35
F.	Campus Industrial (CI)	40
G.	Parks, Recreation, Open Space District (PRO)	43
H.	Flood Plain Sub-district (FP)	45
I.	Mobile Home PUD District	46
ARTICLE VIII	**SUPPLEMENTARY DISTRICT REGULATIONS**	**52**
A.	Access Management and Visions Control Regulations	52
B.	Parking Regulations	52
C.	Pedestrian Access & Circulation	58
D.	Sign Regulations (Also See Sign Ordinance)	60
E.	Street, Alleys and Other Public Way Standards	60
F.	Other Public Improvements	72
G.	Exception to Height Regulations	74
H.	Fences and Walls	74
I.	Screening Standards for Multi-Family, Comm. and Ind. Development	74
J.	Cottage Housing	76
K.	Accessory Dwelling Units (ADUs)	78

L.	Design Standards and Guidelines	79
M.	Mixed Use	91
N.	Mobile Food Vending	93
O.	Home Occupation Standards	95
P.	Wireless Communication Facilities	97
Q.	Drive-through facility standards	100
ARTICLE IX	**SPECIAL DISTRICTS**	**103**
A.	Architecturally-Controlled Areas	103
B.	Site Review Permit	103
ARTICLE X	**TYPES OF REVIEW PROCEDURES**	**104**
A.	Purpose and Applicability of Review Procedures	104
B.	Type I Procedure	106
C.	Type II Procedure	107
D.	Type III Procedure	111
E.	Type IV Procedure	118
F.	General Provisions Applicable to All Reviews	123
G.	Special Procedures – Expedited Land Divisions	128
H.	Neighborhood Meetings	129
I.	Traffic Impact Studies	129
ARTICLE XI	**LAND USE REVIEW AND SITE DESIGN REVIEW**	**133**
A.	Purpose	133
B.	Applicability	133
C.	Land Use Review Procedure and Approval Criteria	135
D.	Site Design Review - Application Review Procedure	137
E.	Site Design Review - Application Submission Requirements	137
F.	Site Design Review Approval Criteria	140
G.	Bonding and Assurances	141
H.	Development in Accordance With Permit Approval; Modifications; Permit Expiration	141
ARTICLE XII	**LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS**	**144**
A.	Purpose and Applicability	144
B.	General Requirements	144
C.	Tentative Approval	149
D.	Final Plat Approval (Partition and Subdivision)	154
E.	Performance Guarantee	155
F.	Filing and Recording	156
G.	Re-platting and Vacation of Plats	157

H. Property Line Adjustments 158

ARTICLE XIII CONDITIONAL USE PERMITS 160

A. Purpose
B. Approvals Process 160
C. Application Submission Requirements 160
D. Criteria, Standards and Conditions of Approval 160
E. Additional Development Standards 162

ARTICLE XIV MASTER PLANNED DEVELOPMENTS 163

A. Purpose 163
B. Applicability 164
C. Review and Approvals Process 164
D. Modification of District Regulations and Supplementary District Regulations (Design Standard) 165
E. Overlay Zone and Concept Plan Submission 166
F. Overlay Zone and Concept Plan Approval Criteria 167
G. Administrative Procedures 168
H. Detailed Development Plan Submission Requirements 168
I. Detailed Development Plan Approval Criteria 169
J. Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals 170

ARTICLE XV MODIFICATIONS OF APPROVAL PLANS AND CONDITIONS OF APPROVAL 171

A. Modifications - Purpose 171
B. Modifications - Applicability 171
C. Major Modifications 171
D. Minor Modifications 173

ARTICLE XVI LAND USE DISTRICT MAP AND TEXT AMENDMENTS 174

A. Purpose 174
B. Legislative Amendments ` 174
C. Quasi-Judicial Amendments 174
D. Conditions of Approval on Quasi-Judicial Amendments 175
E. Record of Amendments 175
F. Transportation Planning Rule Compliance 175

ARTICLE XVII CODE INTERPRETATIONS 178

A. Purpose 178

B. Procedure 178

ARTICLE XVIII MISCELLANEOUS PERMITS 179

A. Temporary Use Permits 179
B. Home Occupation Permits 182

ARTICLE XIX VARIANCES 184

A. Purpose 184
B. Applicability 184
C. Variance Procedure 184

ARTICLE XX BOUNDARY CHANGES 187

A. Annexation and Withdrawal Procedures and Criteria 187
B. Extraterritorial Extension of Water, Storm water and Sewer Service 191
C. Definitions 194

ARTICLE XXI ZONE CHANGES 198

A. Zone Change Procedures and Criteria 198

ARTICLE XXII COMPREHENSIVE PLAN AMENDMENTS 200

A. Zone Change Procedures and Criteria 200
B. Plan Amendment Criteria 200

ARTICLE XXIII VACATION 201

A. Vacation Procedures and Criteria 201

ARTICLE XXIV PENALTIES FOR ZONING CODE VIOLATIONS 202

A. Penalties for Violations 202
B. Nuisance Procedures 202

ARTICLE XXV: DEFINITIONS 211

A. Integration 211
B. Definitions 211

ARTICLE XXVI: SEVERABILITY CLAUSE 227

ARTICLE I. TITLE

This code shall be known as the “Coburg, Oregon Zoning Code” and the map herein referred to shall be known as the “Official Zoning Map of the City of Coburg, Oregon.”

ARTICLE II. PURPOSE

The several purposes of this Code are to encourage the most appropriate use of land; conserve and stabilize the value of property; aid in the rendering of fire and police protection; provide adequate open space for light and air; lessen congestion on streets; promote orderly growth in the city; prevent undue concentrations of population; implement the comprehensive plan; facilitate adequate provision for community utilities and facilities such as water, sewage disposal, transportation, schools, parks and other public requirements; and promote the public health, safety, convenience and general welfare.

ARTICLE III. ESTABLISHMENT OF DISTRICTS

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which together with all explanatory matter thereon is hereby declared to be part of this Code.

If, in accordance with the provisions of this Code and ORS 227, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Code. The Official Zoning Map shall be kept in the office of the City Recorder and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

ARTICLE IV. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. 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;

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

G. 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 subsections A through F above, the Planning Commission shall interpret the district boundaries.

H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line into the remaining portion of the lot.

I. If land is annexed into the City and the intent of the City and applicant is to zone the annexed land the same as the existing Comprehensive Plan zoning designation, it automatically is zoned as such.

ARTICLE V. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

The regulations set by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

1. to exceed the height or bulk;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area;
4. to have narrower or smaller rear yards, front yards, side yards, or other open space than herein required; or in any other manner contrary to the provisions of this Code.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading similarly required for any other building.

D. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

E. The City may attach such conditions as are necessary to carry out the provisions of this Code, and other applicable ordinances and regulations. Such conditions of approval shall be based upon the Code criteria, Comprehensive Plan, or applicable ordinance or regulation.

ARTICLE VI. NON-CONFORMING USES

A. **Intent** - Within the districts established by this Code or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Code and future amendment. It is the intent of this Code to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Code that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures of uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Code to be incompatible with permitted uses in the districts involved. A non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. **Non-Conforming Lots of Record** - In any district in which single family dwellings are permitted, a- single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Code, notwithstanding limitations imposed by other provisions of this Code.

This provision shall apply even though such lot fails to meet the requirement for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Planning Commission.

C. **Non-Conforming Uses of Land (or Land with Minor Structures Only)** - Where, at the time of passage of this Code, lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no individual structure with a replacement cost exceeding $1,000, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;

2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code;

3. If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

4. No additional structure not conforming to the requirements of this Code shall be erected in connection with such non-conforming use of land.

D. **Non-Conforming Structures** - Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more that 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. **Non-Conforming Uses of Structures or of Structures and Premises in Combination** - If lawful use involving individual structures with a replacement cost of $1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code, that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful) subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Code in the district in

which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

F. **Repairs and Maintenance** - On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use

becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. **Uses Under Special Exception Provisions Not Non-Conforming Uses** - Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Planning Commission action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VII. DISTRICT REGULATIONS

District regulations are set forth in the following Schedule of District Regulations:

A. <u>Traditional Residential District (TR)</u>

1. Purpose: The Traditional Residential District is intended to provide a livable neighborhood environment, preserve the small town and historic character of the traditional core of Coburg, ensure architectural compatibility, and provide for a variety of residential housing choices and other associated uses as determined to be desirable and/or necessary.

2. Uses and Structures

a. Permitted Principal Uses and Structures

(1) Residential

(i) Single-family detached dwellings
(ii) Duplexes located on a corner parcel with each primary entry oriented to a different street
(iii) Group home, not to exceed five unrelated individuals
(iv) Manufactured homes on individual lots
(v) Residential Homes as defined by ORS 197.660-670
(vi) Residential Facilities, as defined by ORS 197.660-670, subject to locational standards in Section 11(b).
(vii) Cottage housing, subject to the standards in ARTICLE VIII.J.

(2) Home Occupations as provided in ARTICLE VIII.O.

(3) Public and Institutional

(i) Places of Worship subject to the locational standards in Section 11.
(ii) Public and private schools subject to the locational standards in Section 11.

(4) Bed and Breakfast Inns, subject to the locational standards in Section 11.

(5) Child care center providing care to six or fewer children. Child care centers with 7-12 children are permitted subject to the locational standards in Section 11.

b. Permitted Accessory Uses and Structures

(1) Accessory buildings and uses, such as garages, carports, or sheds, are permitted.

(2) One accessory dwelling unit, as provided in ARTICLE VIII.K.

c. Conditional Uses. The following uses require a conditional use permit under the procedure, criteria, and standards of ARTICLE XIII.

(1) Boarding, lodging or rooming house
(2) Child care center-providing care to thirteen or more children
(3) Nursing homes
(4) Public parks, playgrounds and community centers
(5) Public and semi-public buildings
(6) Public, private and parochial schools that do not meet the locational standards in Section 11
(7) Places of worship that do not meet the locational standards in Section 11
(8) Agricultural uses and crop cultivation subject to Nuisance Ordinance criteria and Section 10 requirements
(9) Gardens and greenhouses for commercial purposes
(10) Mixed-use development (a residential use with another permitted use or commercial use), subject to locational and design standards in Article VIII, Section M.

d. Prohibited Uses

(1) All uses not listed as permitted, accessory, or conditional

3. Driveway Limitations in the Traditional Residential District

a. In the Traditional Residential District, driveways shall be limited to a maximum of one (1) per dwelling. One driveway shall be allowed for each unit of a duplex. A single driveway cannot be used by more than one dwelling.

Exception: A single driveway can serve one dwelling in addition to an approved accessory dwelling unit.

4. Minimum Lot Requirements

a. For properties not served by sanitary sewers, the minimum lot requirements shall be as follows:

Number of Units	Sq. Ft./lot	Min. Width	Max. Lot. Coverage.
Single Family Duplexes	10,000	50 ft., 55 ft. for corner lots	30%

b. For properties served by sanitary sewers, the minimum lot requirements shall be as listed below:

Number of Units	Sq. Ft./lot	Min. Width	Max. Lot. Coverage.
Single Family detached and Manufactured home on a lot	6,000	50 ft.; 55 ft. for corner lots.	40%
Duplex	7,000	65 ft.	50%

c. The approval body may grant a 15% modification to the lot area and/or lot dimension standards, provided that:

(1) The modification is necessary to address physical constraints, such as topography, existing development, significant trees, and other natural and built features; and
(2) The overall density requirements of the subdivision are satisfied; and
(3) Where the proposed subdivision abuts an existing subdivision with standard or larger than standard sized lots, the proposed lots abutting the lots in the existing subdivision shall be at least the minimum lot size for the proposed subdivision.

Where substandard lots abut standard or larger sized lots, the approval body may require screening or other transitions to provide a buffer between uses.

5. Residential Density Standards

The following density standards apply to all new development where sanitary sewer is available. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing.

a. The maximum density permitted on any parcel in the Traditional Residential District shall be 7.5 dwelling units per acre. The maximum density limitation does not apply to accessory dwelling units, cottage housing, or residential uses as part of a mixed-use development.

b. When lots are created through a land division, or site development is proposed for four or more dwelling units, a minimum density of 60 percent of the maximum density (or 5.4 dwelling units per acre) is required. (Minimum density calculations are based on net density. See density calculations definition.) This standard does not apply to the following developments:

(1) Partitions;
(2) Subdivisions of parcels totaling 20,000 square feet or less;
(3) Lot line adjustments;
(4) Bed and Breakfast inns; and

(5) Development on physically constrained sites, where lot configuration, access limitations, topography, significant trees, wetlands or other natural features prevent development at the minimum density.

c. The density standards may be averaged over more than one development phase (i.e., as in a master planned development).

d. Duplexes used to comply with the density standard shall be so designated on the final subdivision plat.

6. Minimum Yard Requirements.

a. Front yards.

(1) Setbacks shall be a minimum of 15 feet, with the following exception~~s~~:

(i) Garages, carports, and sheds shall be set back a minimum of 20 feet from the front property line and shall be set back a minimum of 5 feet from the longest wall of the front façade of the house.

(2) Steps are permitted within the front yard setback.

(3) In any required front yard, no fence or wall shall be permitted that materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted that materially impedes vision across such yard between the heights of 30 inches and 10 feet.

(4) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Planning Official may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

(5) In the case of corner lots that do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

(6) In the case of the reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

(7) In the case of corner lots with more than two frontages, the Planning Official shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; (2) No other front yard on such lots shall have less than half the full depth required generally.

b. Side yard setbacks shall be seven feet from any property line, except:

(1) Corner lots shall have a side yard next to the street of 10 feet.

c. Rear yard. Primary structures shall be set back not less than 10 feet from the rear property line. Accessory structures that require a building permit shall be set back not less than five feet from the rear property line.

d. Schools. Schools shall provide and maintain setbacks of 50 feet from side and rear property lines, except on the street side of a corner lot where a setback of at least 25 feet shall be required. Alleys contiguous to or within the property being used for school purposes may be included in the required setback. This provision does not apply to residences used for home schooling.

e. All structures, including but not limited to buildings, fences, decks, and stairways, shall be a minimum of one foot from the Coburg Loop Path right-of-way.

7. Maximum Height Standards

a. Residential Buildings. The maximum height shall be 35 feet.

b. Accessory Buildings, including accessory dwellings. The maximum structural height shall be 15 feet. The maximum height may be 25 feet if a living unit is provided on the second floor.

c. Garages. Garages shall not exceed the maximum height of the primary structure. Where an ADU is located above a garage, the maximum height may be 35 feet.

d. All other buildings shall not exceed 35 feet.

e. Mixed Use. The maximum height shall be 45 feet.

8. Parking and Access Requirements

See ARTICLE VIII for parking and access requirements.

9. Sign standards

See Sign Ordinance and ARTICLE VIII for requirements.

10. Standards for Agriculture and Livestock Uses

a. The total maximum number of animals permitted on a lot shall be as follows. (Area computation may be utilized one time only for allowable animal count):

Type of Animals Allowed	Minimum Square Feet Required	Square Feet per Animal Required
Honey Bee Colonies (per hive)	10,000	10,000
Fowl (not including roosters, Rabbits)	4,000	2,000;(maximum of 10 on 40,000 square feet)

11. Locational Standards

Buildings and uses subject to this section may be located only where they are:

a. Adjacent to the Central Business District or Highway Commercial District or Light Industrial, either by sharing a property line or across a street or alley; and

b. Abutting a collector or arterial street.

12. Compliance with Design Standards and Guidelines

a. All uses, structures and development in this district are subject to the applicable design and development standards in ARTICLE VIII.

B. Traditional Medium Residential District (TMR)

1. **Purpose:** The Traditional Medium Residential District is intended to provide for medium density housing in a livable neighborhood environment, preserve the small town and historic character of the traditional core of Coburg, ensure architectural compatibility, and provide for a variety of residential housing choices and other associated uses as determined to be desirable and/or necessary.

2. **Uses and Structures**

a. Permitted Principal Uses and Structures

(1) Residential

(i) Single-family detached dwellings
(ii) Single-family attached dwellings (townhomes) subject to the design standards of ARTICLE VIII
(iii) Cottage housing, subject to the standards in ARTICLE VIII.J
(iv) Duplexes
(v) Multi-family dwellings subject to the design standards of ARTICLE VIII.I and L(4)
(vi) Group homes
(vii) Manufactured homes on individual lots as provided in ARTICLE VIII.L(4)J
(viii) Manufactured dwelling parks
(ix) Residential Homes and Residential Facilities, as defined by ORS 197.660-.670

(2) Mixed-use development (a residential use with another permitted use or a commercial use identified in ARTICLE VII.C.2.a(1) and (5) subject to the standards in ARTICLE VIII.M
(3) Home occupations as provided in ARTICLE VIII.O
(4) Public and Institutional

(i) Places of worship, subject to the locational standards in Section 10

(5) Child care center providing care to six or fewer children. Child care centers with 7-12 children are permitted subject to the locational standards in Section 10.

b. Permitted Accessory Units and Structures

(1) Accessory buildings and uses, such as garages, carports, or sheds
(2) One accessory dwelling unit, as provided in ARTICLE VIII.K

c. Conditional Uses. The following uses require a conditional use permit under the procedure, criteria, and standards of ARTICLE X.III.

(1) Boarding, lodging or rooming house
(2) Child care center-providing care to thirteen or more children
(3) Nursing homes
(4) Public parks, playgrounds and community centers
(5) Public and semi-public buildings
(6) Public, private and parochial schools that do not meet the locational standards in Section 10
(7) Places of worship that do not meet the locational standards of Section 10
(8) Agricultural uses crop cultivation and animal husbandry (including bee colonies) subject to Nuisance Ordinance criteria and Section 9 requirements

(i) Gardens and greenhouses for non-commercial purposes

d. Prohibited Uses

(1) All uses not listed as permitted, accessory, or conditional uses.

3. Minimum Lot Requirements and Maximum Residential Density

a. For areas not served by sanitary sewers, the minimum lot requirements shall be as follows:

Number of Units	Sq. Ft./lot	Min. Width	Max. Lot. Coverage
Single Family	10,000	60 ft.	30%
Two-Family	8,000	70 ft.	60%
Three-Family	10,000	80 ft.	60%
Four-Family	12,000	90 ft.	60%

b. For areas served by sanitary sewers, the minimum lot requirements shall be as listed below.

Housing Type	Min. Sq. Ft./lot[1]	Min. Width[1]	Max. Lot. Coverage
Single Family Detached	3,350	40 ft.	40%
Duplex	6,700	60 ft.	60%
Single Family Attached	3,500	30 ft.	45%
Multiple Family	10,000	80 ft.	60%

c. The approval body may grant a 15% modification to the lot area and/or lot dimension standards, provided that:

(1) The modification is necessary to address physical constraints, such as topography, existing development, significant trees, and other natural and built features; and
(2) The overall density requirements of the subdivision are satisfied; and
(3) Where the proposed subdivision abuts an existing subdivision with standard or larger than standard sized lots, the proposed lots abutting the lots in the existing subdivision shall be at least the minimum lot size for the proposed subdivision.

Where substandard lots abut standard or larger sized lots, the approval body may require screening or other transitions to provide a buffer between uses.

4. Residential Density Standards

The following density standards apply to all new development where sanitary sewer is available. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing.

a. The maximum density permitted on any parcel shall be 13 dwelling units per acre. The maximum density limitation does not apply to accessory dwelling units, single-family attached dwellings, cottage housing, or residential uses as part of a mixed use development.

b. When lots are created through a land division, or site development is proposed for four or more dwelling units, a minimum density of 80 percent of the maximum density (or 10.4 dwelling units per acre) is required. Minimum density is calculated based on Net Density. See Density Calculation Definition. This standard does not apply to the following developments:

(1) Partitions;
(2) Subdivisions of parcels totaling 20,000 square feet or less;
(3) Lot line adjustments;
(4) Bed and Breakfast inns; and
(5) Development on physically constrained sites, where lot configuration, access limitations, topography, significant trees, wetlands or other natural features prevent development at the minimum density.

c. The density standards may be averaged over more than one development phase (i.e., as in a master planned development).

d. Duplexes and townhomes used to comply with the density standard shall be so designated on the final subdivision plat.

5. Minimum Yard Requirements.

a. Front yard setbacks shall be a minimum of 15 feet, with the following exceptions:

(1) Garages shall be set back a minimum of 20 feet from the front property line and shall be set back a minimum of 5 feet from the longest wall of the front façade of the house. Garages shall comply with the applicable standards in Article VIII.
(2) Steps are permitted within the front yard setback.
(3) See ARTICLE VII.A.6.a(3) through (7) for additional standards to front yard setbacks.

b. Side yard. Setbacks shall be five feet from any property line, except:

(1) Corner lots shall have a side yard next to the street of 10 feet.

c. Rear yard. Primary structures shall be set back not less than 10 feet from the rear property line. Accessory structures that require a building permit shall be set back not less than five feet from the rear property line.

d. Setback Exceptions: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 2 feet.

Porches, decks and similar structures not exceeding 2 feet in height may encroach into setbacks by no more than 2 feet, subject to front yard setback provisions.

e. All structures, including but not limited to buildings, fences, decks, and stairways, shall be a minimum of one foot from the Coburg Loop Path right-of-way.

6. Maximum Height Standards

a. Residential Buildings. The maximum height shall be 35 feet.

b. Accessory Buildings, including accessory dwellings. The maximum structural height shall be 15 feet. The maximum height may be 25 feet if a living unit is provided on the second floor.

c. Garages. Garages shall not exceed the maximum height of the primary structure. Where an ADU is located above a garage, the maximum height may be 35 feet.

d. Mixed Use. The maximum height shall be 45 feet.

e. All other buildings shall not exceed 35 feet.

7. Parking and Access Requirements

See Article VIII for parking and access requirements.

8. Sign standards

See Sign Ordinance for requirements.

9. Standards for Agriculture and Livestock Uses

a. The total maximum number of animals permitted on a lot shall be as follows. (Area computation may be utilized one time only for allowable animal count):

Type of Animals Allowed	Minimum Square Feet Required	Square Feet per Animal Required
Bee Colonies (per hive)	10,000	10,000
Fowl (not including roosters, Rabbits)	4,000	2,000; (maximum of 10 on 40,000 square feet)

10. Locational Standards.

Buildings and uses subject to this section may be located only where they are:

a. Adjacent to the Central Business District or Highway Commercial District or Light Industrial, either by sharing a property line or across a street or alley; and

b. Abutting a collector or arterial street.

11. Compliance with Design Standards and Guidelines

All uses, structures and development in this district are subject to the applicable design and development standards in ARTICLE VIII.

C. Central Business District (C-1)

1. **Purpose.** The Central Business District is intended to preserve and enhance the downtown area as the historic heart of the community. Coburg's downtown is the community's central location for commercial services, civic functions and mixed use. The district regulations are intended to ensure the downtown reflects the small town and historic character of Coburg, and provides an attractive, pedestrian-oriented setting.

2. **Uses and Structures**

   a. Permitted Principal Uses and Structures (subject to Site Design Review provisions in ARTICLE XI)

      (1) Business and Professional Offices
      (2) Civic uses and facilities such as government offices and facilities, libraries, community centers and fire stations
      (3) Clubs, Lodges, Fraternities and similar uses
      (4) Mixed-use development (a residential use with another permitted use), subject to standards in Article VIII.M
      (5) Personal services (e.g., childcare, catering/food services, restaurants, dry cleaners, barbershops and salons, and similar uses) up to a 10,000 square-foot footprint.
      (6) Public parking lots and structures
      (7) Public parks, playgrounds and recreational facilities
      (8) Retail and Wholesale Stores and Shops, provided that:

         (i) Yard setbacks and other open areas shall not be used for the storage of business inventory, merchandise, equipment, or building materials, or for any scrap or salvage operation, storage or sale.
         (ii) The footprint of the building is no larger than 10,000 square feet.
         (iii) For wholesale uses: The ground floor facing the principal commercial street shall be used only for commercial sales or business or professional offices.

      (9) Banks, lending and financial institutions, without drive-up facilities
      (10) Existing agricultural, horticultural, and livestock uses (no new uses). Agricultural, horticultural, and livestock uses in operation on the effective date of this Code shall be deemed nonconforming uses and shall continue to operate subject to the provisions of ARTICLE VI of this Code.
      (11) Single-family Dwellings on individual lots with frontage on a local or collector street, or on individual lots with frontage on an arterial street

where the single-family dwelling existed before January 1, 2018.

(12) Except as prohibited under subsection c. below, multi-family dwellings subject to the design standards of ARTICLE VIII.L.4

(13) Mobile food carts, subject to obtaining a business license and certain standards in ARTICLE VIII.N

b. Permitted Accessory Uses and Structures

(1) All accessory uses normal and incidental to the uses permitted in this district.

c. Conditional Uses. The following uses require a conditional use permit under the procedure, criteria, and standards of ARTICLE X.III.

(1) Amusement establishments
(2) Clinics and laboratories, including animal clinics except that animals may be boarded overnight only when being medically treated in the clinic
(3) Places of worship and accessory activities and facilities, except rescue missions or temporary revivals, which are prohibited
(4) Small-scale manufacturing or processing, provided that the front 25 feet of the building's ground floor facing the principal commercial street shall be used for commercial uses or business or professional offices
(5) Farmers' markets
(6) Drive-up, drive-in and drive-through uses not related to food service or alcoholic beverage sales, which are prohibited; subject to the standards in ARTICLE VIII.Q.
(7) Alteration or demolition of identified historical resource as listed in the Coburg Comprehensive Plan and/or in Article IX
(8) Drinking Establishments not including restaurants and alcohol beverage sales

d. Prohibited Uses

(1) New Manufactured Dwelling Parks
(2) New agricultural, horticultural, and livestock uses
(3) New vehicle service and gasoline stations
(4) Drive-up, drive-in and drive-through facilities related to food service or alcoholic beverage sales
(5) Schools
(6) Any permitted or conditional use that creates odor, dust, smoke, noise, or vibration that is perceptible beyond the property boundaries
(7) Ground-floor multi-family dwellings facing Willamette Street
(8) All uses not listed as permitted, accessory, or conditional uses

3. Building or Structural Height Standards

a. All buildings in the C-1 district are permitted to be up to 35 feet in height.

4. Lot Dimensions

a. The minimum lot frontage shall be 25 feet.

b. The minimum lot size shall be 1,500 sq. feet.

5. Maximum Lot Coverage

a. One hundred percent coverage is allowable when minimum loading space, landscaping, setbacks and parking are provided.

6. Minimum Yard Requirements. All setbacks shall comply with applicable standards of the Uniform Building Code and Uniform Fire Code.

a. Front Yards

(1) Front yards shall not be required except where specified setbacks are established for road widening purposes.
(2) The maximum setback for a building façade shall be 15 feet. For non-residential uses on Willamette Street, this standard is met when at least 80 percent of the building frontage is placed within the maximum setback. For commercial uses along other streets, the minimum building frontage that shall be placed within the maximum setback shall be at least 50 percent of the lot frontage.

b. Side Yards - Side yards shall not be required except:

(1) Where specified setbacks are established for road widening purposes.

c. Rear Yards

(1) Rear yards shall not be required, except that where a non-residential use abuts the Residential District, a 10-foot rear yard shall be required.
(2) No structural improvements, except road surfacing, shall be allowed within 10 feet of the centerline of an alley.

d. Fences, Hedges, Walls, and Other Structures
See ARTICLE VIII.H and I for screening standards for multi-family, commercial, and industrial development

e. All structures, including but not limited to buildings, fences, decks, and stairways, shall be a minimum of one foot from the Coburg Loop Path right-of-way.

7. Parking and Access Requirements

See ARTICLE VIII.A through C for other parking and access requirements.

8. Street Standards

See ARTICLE VIII.E for Street Standards

9. Pedestrian Amenities.

All new development shall be required to provide a minimum of two of the following pedestrian amenities:

a. Outdoor seating options, e.g., benches, or tables with chairs.

b. Extra wide sidewalks or courtyards that can be used as small plazas. These may be combined with water features and/or benches to create attractive public spaces.

c. Planters, garden areas, and pocket parks that include:

(1) Sitting space

d. Weather protection, e.g., pedestrian-scaled awnings or canopies

e. Other opportunities for open spaces, e.g. in rooftop courtyards, entranceways

10. Building Orientation

All buildings shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

a. Compliance with the setback standards in Section 6.

b. All buildings shall have their primary entrance(s) oriented to the street. "Oriented to the street" means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway not exceeding 60-feet in length. Streets used to comply with this standard are public streets or private streets that contain sidewalks and street trees.

c. Off-street parking, drives or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard.

d. On corner lots, buildings and entrances shall be oriented to the street with the higher functional classification; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

11. Historic Building Design

The following historic building exterior design elements are required for all new construction and major renovations in order to maintain and improve the historic storefront character of the downtown. Historic Structures are also subject to the conditional use criteria in Article XIV.

a. Decorative doors, transom and clerestory windows.

b. Windows with trim comparable in style to that commonly used on other historic buildings in the C-1 district.

c. 40-80 percent of ground floor façade facing the street, measured horizontally, shall have windows. The lower edge of these windows shall be no more than 30 inches above the sidewalk.

d. The pitch and style of rooflines shall be comparable to existing historic rooflines, such as a 4 in 12 pitch.

e. Surface detailing is required for blank walls (permitted on non-street facing facades only) and shall include offsets, windows, siding, murals, or other similar features.

f. Weather protection for pedestrians (awnings or canopies). Lighted or bubble awnings are not allowed.

D. Highway Commercial District (C-2)

1. Purpose

The purpose of the C-2 District is to provide goods and services that primarily serve the traveling public and regional market. The C-2 District is intended to promote a high quality of life through a diverse economy and strong tax base, transition between higher and lower intensity uses, encourage bicycle and pedestrian access for employees and customers, and allow appropriately scaled commercial uses that fit the small town, historic character of the community.

2. Uses and Structures

a. Permitted Principal Uses and Structures:

(1) Commercial retail and service businesses, including automobile service and automobile-dependent uses.
(2) Commercial uses requiring outdoor storage, display, or customer service areas, such as vehicle sales, rental and repair, retail lumberyards, greenhouses, and retail building supply.
(3) Institutional uses, including religious, human care, educational and social institutions and public and semi-public buildings.
(4) Offices for professional services, professions and administrative uses.
(5) Service and gasoline stations in compliance with ARTICLE VII.D.14.
(6) Eating Establishments.
(7) Existing agricultural, horticultural and livestock uses (no new uses after September 30, 2005).
(8) Existing manufactured dwelling parks, mobile home parks, and other residential uses (no new residential uses), except per subsection (12).
(9) Existing warehouse and wholesale distribution uses (no new uses after September 30, 2005).
(10) Residential structures and uses for on-site security and/or management personnel in conjunction with and as part of another permitted use, up to 1,000 square feet total floor area.
(11) Residential uses, provided they are part of a mixed-use building and all residential uses are on an upper floor (no ground floor residential use).
(12) Transportation facilities, consistent with the City's Transportation System Plan and Parks and Open Space Master Plan.
(13) Mobile food carts, subject to obtaining a business license and certain standards in ARTICLE VIII.N.6.
(14) Hotel
(15) Motel

b. Permitted Accessory Uses and Structures
Customary accessory uses to the permitted and conditional uses in subsections a and c, provided that structures must be in compliance with

the Uniform Building Code and may require a building permit.

c. Conditional Uses. The following uses are permitted with a conditional use permit pursuant to ARTICLE XIII:

(1) Commercial recreation facilities including indoor theaters, bowling alleys, indoor skating rinks or similar uses that are conducted wholly within a fully enclosed building that is set back at least 75 feet from any property line shared with the Residential District.
(2) Ambulance service.
(3) New warehouse uses located on the south side of Delaney Street as noted in City Resolution 90-14.
(4) Truck stops on parcels or lots west of Interstate 5 that are at least 5,000 feet from an existing truck stop and do not share more than 75 feet of a property line with the Residential Zone. Truck stops east of Interstate 5 are not permitted.
(5) Drive-through and drive-up facilities in conjunction with a permitted or other conditional use, subject to the standards in ARTICLE VIII.Q.

d. Prohibited Uses

(1) All uses not listed as permitted, accessory, or conditional.

3. Lot Requirements

a. For parcels not served by public sewer:

(1) The minimum lot area shall be 10,000 square feet.
(2) The minimum average lot width shall be 100 feet.
(3) The maximum allowable lot coverage is 60 percent

b. For parcels served by public sewers:

(1) No minimum lot area or width is required.
(2) The maximum allowable lot coverage is 80 percent.
(3) A minimum of 15 percent of the total area of the site shall be landscaped in accordance with ARTICLE VIII, Supplementary District Regulations.

4. Minimum Yard Requirements (measured from the building foundation to the respective property line.)

a. Front yard setbacks shall be a minimum of 5 feet and a maximum of 20 feet. No parking or loading areas shall be located within the front yard setback.

b. Interior side yards and rear yards: 10 feet minimum

c. A 25-foot horizontal buffer zone shall be required between development and any adjacent Residential District. This buffer is in addition to any required yard setbacks. This area shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries. The buffer may contain pedestrian seating. Any pedestrian pathways shall not contain off-street parking, or storage of equipment, materials, vehicles, etc. Landscaping shall be in accordance with ARTICLE VIII.H and I.

d. Water quality treatment areas may be provided within setback yards, subject to City approval.

e. Additional setbacks on public street frontages may be required to provide for planned widening of an adjacent street.

f. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above.

g. Construction of pathways and fence breaks in yard setbacks may be required to provide pedestrian connections to adjacent neighborhoods or uses, or other districts, or public pathways, consistent with the City's Transportation System Plan, Parks Plan or other applicable Comprehensive Plan policies and Zoning Code provisions.

5. Maximum Height and Ground Floor Size Standards

a. For parcels located west of Interstate 5, the maximum structural height is 35 feet for buildings within 250 feet of land in a residential zoning district (TR, TMR). The height limit applies only to the portion of a building that is within 250 feet of the residential district. The maximum structural height for buildings, or portions of buildings, farther than 250 feet from residential zoning districts is 45 feet.

b. For parcels located east of Interstate 5, the maximum structural height is 45 feet.

c. The ground floor space of each building shall not exceed 50,000 square feet.

6. Compliance with Design Standards and Guidelines

a. All uses, structures and development in this district are subject to the applicable design and development standards in ARTICLE VIII, Supplementary District Regulations.

7. **On-Premise and Off-Site Signs**
See Sign Ordinance for requirements.

8. **Parking and Access Requirements**
See ARTICLE VIII, Supplementary District Regulations.

9. **Vision Clearance**
See Article VIII, Supplementary District Regulations.

10. **Street and Path Standards**
New development shall conform to the City's Street and Path Standards, as set forth in ARTICLE VIII, Sections C & E.

11. **Building Orientation and Location of Parking**

    a. The intent of this section is to provide for the development of pedestrian-friendly commercial settings that fit the small-town, historic character of the community by regulating the placement of buildings and parking.

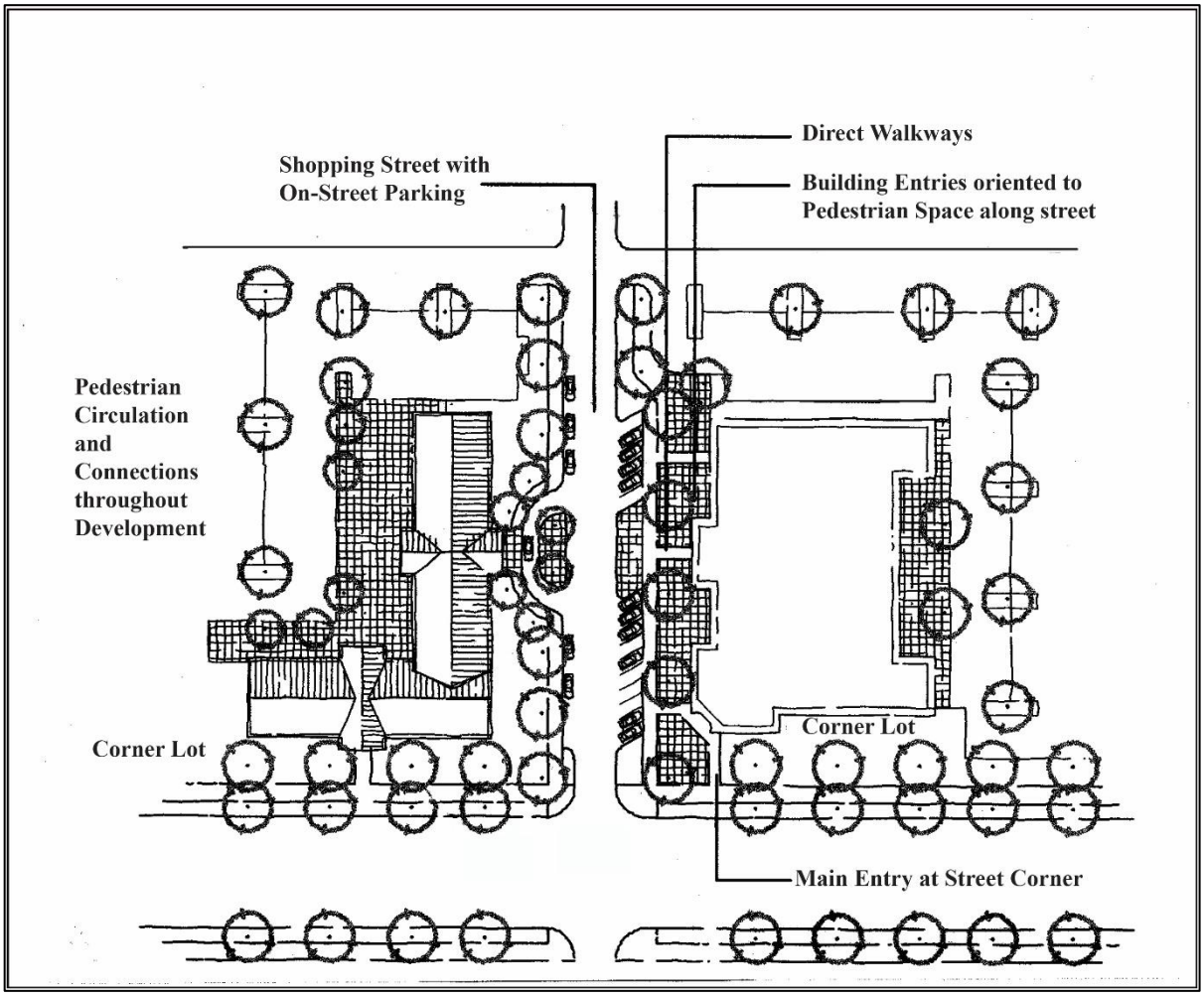
    b. The primary entrance to a building shall be oriented to the street. "Oriented to the street" means that the building entrance faces the street. Streets used to comply with this standard are public streets, private streets, or drive aisles with street-like features ("shopping street" – see Figure VII.D.11). Streets used to comply with these standards must include sidewalks, curbs, and street trees.

    c. Off-street parking shall not be placed between buildings and streets. Parallel and angled parking that is located on a drive aisle designed with street-like features (i.e., sidewalks, curbs, and street trees) to function like a street is considered on-street parking.

    d. Building entrances on or within 30 feet of a public or private street shall connect to the street system and transit facilities through separated pedestrian pathways that comply with the federal Americans With Disabilities Act (ADA) and City regulations.

    e. When the only street abutting a development is an arterial street, the building's entrance(s) may be oriented to an internal drive with street-like features (i.e., sidewalks, curbs, and street trees) when impractical to orient towards the street. The internal drive or street shall have a raised, ADA-compliant pathway connecting the building entrance(s) to the street right-of-way.

Figure VII.D.11



12. Building Design Standards

a. All new commercial buildings shall have exterior wall articulation every 20 horizontal feet and shall include varied exterior treatment, e.g., varied materials, painting, etc. along the entire façade.

b. All new commercial buildings shall have display windows on the primary frontage, occupying at least 50% of horizontal linear dimension of wall and located not more than three feet above the finished grade. Windows mounted on the exterior façade, non-transparent glass, and non-glass materials covering the inside or outside of any portion of the display window are prohibited.

13. Standards for Service Stations

In addition to meeting the design and development standards in Article VIII,

Service Stations shall comply with the additional standards below:

a. Locational Standards

(1) The minimum distance from the service station site (defined in ARTICLE XXV) to a residential zoning district, or an existing residential use, school, park, playground, church, or museum, shall be 200 feet.
(2) Not more than two service stations shall be located west of Interstate 5; and not more than two service stations shall be located east of Interstate 5.
(3) West of Interstate 5, no more than one service station shall be located north of E. Pearl Street or Van Duyn Road, and no more than one service station shall be located south of E. Pearl Street or Van Duyn Road.
(4) Truck stops, defined in ARTICLE XXV, are not service stations and are not subject to the provisions of this section.

b. Site Design

(1) A minimum of 15 percent of the service station site shall be landscaped in accordance with Article VIII. Existing specimen trees, mature ornamental shrubs, and ground cover shall be preserved whenever possible.

(2) Perimeter Buffering

(i) A fence, hedge or wall shall be erected on all interior property lines.
(ii) Such a fence, hedge or wall shall be a minimum of five feet and a maximum of seven feet in height, except within 40 feet of street rights- of-way, where it may be no higher than three feet in height.
(iii) No portion of any fence, hedge or wall shall be within 15 feet of a street right-of-way.
(iv) The fence, hedge or wall shall screen 70 percent of the view between the service station and adjacent property.
(v) These perimeter buffering requirements does not apply to service stations built as part of a shopping center or other commercial development, or where the service station site shares a property line with another commercial use or development.

(3) Each landscaped and planted area shall be serviced by an underground irrigation system that is remotely operated, unless the applicant submits professional certification that the proposed

plant species are drought-tolerant for Coburg's climate and the site conditions. Planted areas must remain living after planting and shall be continuously maintained by the property owner. If the vegetation fails to survive or is otherwise not maintained in good condition, the property owner shall replace them with an equivalent species and size within 180 days.

c. Access

(1) A service station shall be permitted not more than two curb cuts for each arterial street frontage under City jurisdiction.
(2) Access on County roads and State highways shall be determined by Lane County and the Oregon Department of Transportation, respectively.

d. Signs

See Sign Ordinance for requirements.

e. Exterior Lighting

(1) Freestanding lighting fixtures shall not exceed a height of 20 feet.
(2) Lighting fixtures shall be shielded and not shine or glare off the property.

f. Operations

(1) All service stations must comply with all applicable state and federal rules and regulations.

14. Residential Frontage Area Standards

a. Purpose

The purpose of the residential frontage area standards is to create a pedestrian-friendly atmosphere in the C2 zoning district that is compatible with adjacent residential development, transitions between higher and lower intensity uses, and fosters appropriately scaled commercial uses that fit the small town, historic character of the community.

b. Applicability

(1) These standards apply to properties in the C2 zoning district that are across a public right-of-way from a property zoned residential (TR or TMR), and specifically those portions of C2 properties that are within 250 feet of a property zoned residential, as measured from the

residential side of the public right-of-way and generally indicated in Figure VII.D.14.b.

(2) If the Residential Frontage Area Standards conflict with standards elsewhere in this Code, the Residential Frontage Area Standards shall supersede.

Figure VII.D.14.b

c. Lot requirements

(1) The minimum lot frontage shall be 25 feet.
(2) The minimum lot size shall be 1,500 feet.
(3) One hundred percent coverage is allowable when minimum loading space, landscaping, setbacks, and parking are provided.

d. Yard Requirements for Properties Fronting Pearl Street

(1) Front yard setbacks: 5 feet maximum, no minimum.
(2) Interior side yards: no minimum.
(3) Exterior side yard: 5 feet maximum, no minimum.
(4) Rear yard: no minimum.

e. Yard Requirements and Shopping Street Design for Properties Fronting North Coburg Industrial Way

(1) Front yard: The front yard shall have no setback from the right-of-way and shall contain a shopping street that is parallel to North Coburg Industrial Way, and separated from the right-of-way by a landscape strip with street trees (See Figure VII.D.14.e.). The shopping street shall contain on-street parking and a sidewalk adjacent to the buildings on the east side of the street.
(2) Interior side yards: no minimum.
(3) Exterior side yard: 5 feet maximum, no minimum.
(4) Rear yards: no minimum.

Figure VII.D.14.e

f. Building Orientation and Location of Parking

In addition to the standards in Section 11 (Building Orientation and Location of Parking), the following standards shall be met:

(1) Buildings shall abut the sidewalk, except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved through site design review.
(2) The primary entrance of buildings shall face the shopping street.
(3) Except for on-street spaces located on the shopping street, all required parking shall be located behind buildings.
(4) Parking areas located behind buildings may be accessed via walkways between buildings.

g. Building Design

Buildings shall comply with the following design standards:

(1) Pedestrian Entrances: Ground level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
(2) Windows: The front/street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character. Storefront windows shall consist of framed picture or bay windows, which may be recessed. At least 60 percent of the ground floor, street-facing elevation(s) of all buildings shall be transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 84 inches above the sidewalk grade.
(3) Upper story definition: Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, or fenestration. Upper floors may have less window area than ground floors, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

(4) Pedestrian shelter: Permanent awnings, canopies, recesses, or similar pedestrian shelters (except lighted or bubble awnings, which are not allowed) shall be provided along at least 75 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area; except that the City Planning Official, through Site Design Review, may reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above standards do not apply where a building has a ground floor dwelling, as in a mixed-use development or live-work building, and the dwelling has a covered entrance.

(5) Rooftops: Rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City Planning Official may approve painting of mechanical units in lieu of screening; such painting shall use colors that make the equipment visually subordinate to the building and adjacent buildings.

E. Light Industrial District (LI)

1. Purpose

The purpose of the LI District is to provide areas for manufacturing, assembly, packaging, wholesaling, related activities, and limited commercial uses that support local industry and are compatible with the surrounding commercial and residential districts. The LI District is intended to promote a high quality of life through a diverse economy and strong tax base, transition between higher and lower intensity uses, encourage multi-modal forms of transportation that utilize bicycle and pedestrian access for employees and customers, and appropriately scaled non-polluting industrial uses that fit the small town, historic character of the community.

2. Uses and Structures

a. Permitted Principal Uses and Structures

(1) Commercial and Service

(i) Office(s) provided the office(s) are integral to a primary industrial use (e.g., administrative offices). Retail and service commercial uses up to 5,000 square feet in gross floor area (e.g., convenience markets, restaurants, banks, dry cleaners, retail sales of products made on-site, and similar uses)

(2) Manufacturing and assembly, and associated sales of products manufactured or assembled on-site

(i) Boat building and repairs
(ii) Cabinet and sash and door shop
(iii) Electrical and electronic equipment
(iv) Food products, except the rendering or refining of fats or oils and meat packing plants
(v) Furniture manufacture and assembly
(vi) Ice
(vii) Paint shop
(viii) Plumbing supplies
(ix) Pottery
(x) Soft drinks
(xi) Trailers, campers and recreational vehicles
(xii) Upholstery
(xiii) Vehicle maintenance and repair facilities
(xiv) Recreational vehicles sales lots, including sales of vehicles manufactured off-site

(3) Processing

(i) Greenhouses
(ii) Laundry cleaning and dyeing plants, including rugs and carpets
(iii) Printing and publication

(4) Utilities

(i) Distribution plant
(ii) Service yard
(iii) Substation

(5) Except where prohibited under subsection c(2) below, wholesaling, warehousing and storage not exceeding 250,000 square feet

(i) Building material storage yards
(ii) Cold storage
(iii) Contractor's storage yard
(iv) Distribution agencies
(v) Household and consumer goods
(vi) Vehicles, boats, aircraft
(vii) Warehousing of manufacturing products
(viii) Wholesale businesses and sales room
(ix) Storage

(6) Agricultural, horticultural, and livestock uses that were legally established Prior to September 30, 2005

(7) Other

(i) Accessory buildings and uses normal and incidental to the uses permitted in this district
(ii) Animal hospitals and clinics
(iii) Public parking areas and structures
(iv) Residential structures and uses for on-site security and/or management personnel in conjunction with and as a part of a Light Industrial District permitted use not exceed 1,000 square feet in total area.

(8) Transportation facilities, consistent with the City's Transportation System Plan and Parks and Open Space Master Plan

(9) Mobile food carts subject to obtaining a business license and certain standards in ARTICLE VIII.N.

b. Conditional Uses. The following uses require a conditional use permit in accordance with ARTICLE X.III, conditional use procedures and criteria:

(1) Public and semi-public buildings--including, but not limited to, fire stations and reservoirs--essential to the physical, social and economic welfare of an area.
(2) Service stations, subject to the standards in ARTICLE VII.D.13.
(3) Stone yards and marble works.
(4) Agricultural, horticultural, and livestock uses that were legally established prior to September 30, 2005.
(5) Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities, in conformance with the Federal Telecommunications Act of 1996 and the provisions of ARTICLE VIII.P.
(6) Resource extraction, including, but not limited to, the operation of mineral and aggregate quarries. The conditional use permit shall include an approved site reclamation plan, submitted by the applicant, which complies with applicable requirements of State natural resource regulatory agencies.

c. Prohibited Uses

(1) All uses not listed as permitted, accessory, or conditional
(2) Wholesaling, warehousing, and storage on properties located on the east side of Interstate 5

3. Maximum Height Standards

The maximum structural height shall be 45 feet, except as follows:

a. Increased height may be approved for Wireless Communication facilities, subject to the provisions of ARTICLE VIII.P

4. Lot Requirements

a. For parcels not served by public sewer:

(1) The minimum lot area shall be 10,000 square feet.
(2) The minimum lot width shall be 100 feet.
(3) The maximum allowable lot coverage is 60 percent.

b. For parcels served by public sewers:

(1) The minimum lot area for properties lying east of Interstate 5 shall be 20 acres. Otherwise, no minimum lot area or width is

required.

(2) The maximum allowable lot coverage is 80 percent

(3) A minimum of 15 percent of the total area of the site shall be landscaped in accordance with ARTICLE VIII, Supplementary District Regulations. Water quality treatment areas may be incorporated into required landscape area.

5. Minimum Yard Requirements (measured from the building foundation to the respective property line.)

a. Front Yards: 20 feet minimum; within which there shall be landscaping that conforms to the provisions of Article VIII. Front setback yards may contain roof overhangs (roof drains required), awnings, canopies, pedestrian seating and pedestrian pathways but shall not contain any storage of equipment, materials, vehicles, etc. Landscaping shall be in accordance with ARTICLE VIII.I of this Code.

b. Side and Rear Yards Adjacent to Streets: See Front Yards.

c. Interior Side Yards and Rear Yards: 10 feet minimum.

d. Where an industrial use abuts a residential district, a 25 foot setback is the minimum area that shall be required between any development and any adjacent Residential District. Additional setback up to 200 feet may be required where the proposed activity would have a significant impact on adjacent residential property in the form of noise, dust, smoke, vibration or other negative impact that is perceptible beyond the property boundaries. A 25-foot landscaped horizontal buffer zone shall be required between development and any adjacent Residential District. This buffer shall be included within any required yard setbacks. This area shall provide landscaping to screen buildings, parking, and service and delivery areas. The buffer may contain pedestrian seating and pedestrian pathways but shall not contain any off-street parking, or storage of equipment, materials, vehicles, etc. Landscaping shall be in accordance with ARTICLE VIII.H of this Code.

e. Water quality treatment areas may be provided within setback yards, subject to City approval.

f. Construction of pathways and fence breaks in yard setbacks may be required to provide pedestrian connections to adjacent neighborhoods or uses, or other districts.

g. Additional setbacks on public street frontages may be required to provide for planned widening of an adjacent~~,~~ street consistent with the City's Transportation System Plan and Parks and Open Space Master

Plan.

h. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above.

6. Compliance with Design Standards and Guidelines

a. All uses, structures and development in this district are subject to the applicable design and development standards in ARTICLE VIII.

7. Parking and Access Requirements

See ARTICLE VIII Supplementary District Regulations, Sections B and C.

F. Campus Industrial District (CI)

1. Purpose

The purpose of the Campus Industrial District (CI) is to provide areas for high employment centers, including but not limited to research and development, manufacturing, assembly, packaging, related activities, and limited industrial-supportive commercial uses in an attractive, campus setting. The CI District is intended to promote a high quality of life through a diverse economy and strong tax base, encourage multi-modal forms of transportation that utilize bicycle and pedestrian access for employees and customers, and appropriately scaled, non-polluting industrial uses that fit the small town, historic character of the community.

2. Uses and Structures

a. Permitted Principal Uses and Structures

(1) Commercial and Service

(i) Office(s)
(ii) Retail and service commercial uses, provided that no individual use exceeds 5000 square feet in gross floor area.

(2) Manufacturing and Assembly, ~~and~~ including Associated Sales, where the use does not require a permit from an air quality public agency and where any industrial activity occurs within an enclosed building.
(3) Transportation facilities, consistent with the City's Transportation System Plan and Parks and Open Space Master Plan

(4) Other

(i) Accessory buildings and uses normal and incidental to the uses permitted in this district.
(ii) Animal hospitals and clinics
(iii) Public parking areas and structures
(iv) Residential structures and uses for on-site security and/or management personnel in conjunction with and as a part of a Campus Industrial District permitted use, not to exceed 1,000 square feet in total area

(5) Uses similar to those listed in subsections 1-4, above, as determined through a Type II Administrative Review
(6) Mobile food carts subject to obtaining a business license and certain standards in ARTICLE VIII.N

b. Conditional Uses. The following uses require a conditional use permit in accordance with ARTICLE X.III, conditional use procedures and criteria:

(1) Public and semi-public buildings--including, but not limited to, fire stations and reservoirs--essential to the physical, social and economic welfare of an area

c. Prohibited Uses.

(1) Distribution Centers and Warehouses
(2) Automobile-dependent and automobile service uses. See Definitions.
(3) All uses not listed as permitted, accessory, or conditional uses

3. Maximum Height

The maximum structural height shall be 45 feet.

4. Lot Requirements

a. For parcels **not** served by public sewer:

(1) The minimum lot area shall be 10,000 square feet.
(2) The minimum lot width shall be 100 feet.
(3) The maximum allowable lot coverage is 60 percent.

b. For parcels served by public sewer:

(1) The minimum lot area for properties lying east of Interstate 5 shall be 20 acres. Otherwise, no minimum lot area or width is required.
(2) The maximum allowable lot coverage is 60 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures but not including pedestrian pathways. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.
(3) A minimum of 40 percent of the total area of the site shall be landscaped in accordance with Article VIII, Supplementary District Regulations. Water quality treatment areas may be incorporated into required landscape area.

5. Minimum Yard Requirements (measured from the building foundation to the respective property line.)

a. Front Yards: 20 feet minimum; within which there shall be landscaping and pedestrian amenities that conform to the provisions of ARTICLE VIII.H. Front yards may contain roof overhangs (roof drains required), awnings, canopies,

pedestrian seating and pedestrian pathways but shall not contain any storage of equipment, materials, or vehicles. Landscaping shall be in accordance with ARTICLE VIII.H and I of this Code.

b. Street Corner Yards: Same as for Front Yards

c. Interior Side Yards and Rear Yards: 0 feet minimum for common wall development, and 10 feet minimum for all other development, subject to applicable building and fire codes

d. Water quality treatment areas may be provided within setback yards.

e. Construction of pathways and fence breaks in yard setbacks may be required to provide pedestrian connections to adjacent neighborhoods or uses, or other districts.

f. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above.

g. Additional setbacks on public street frontages may be required to provide for planned widening of adjacent streets consistent with the City's Transportation System Plan and Parks and Open Space Master Plan.

6. Compliance with Design Standards and Guidelines

All uses, structures and development in this district are subject to the applicable design and development standards in ARTICLE VIII.

7. Parking and Access Requirements

See ARTICLE VIII Supplementary District Regulations, Section B & C

G. Parks, Recreation and Open Space District (PRO)

1. Purpose and Applicability

a. It is the purpose of this zone to preserve and protect park, recreation and open space lands that contribute to the general welfare and safety, the full enjoyment or the economic well-being of persons who reside, work or travel in, near or around them.

b. This zone may be established when found necessary in order:

(1) To preserve any existing open land type of use which has been established or proposed to encourage development around it, such as golf courses, country clubs, park and recreation facilities, etc. and investments which have been or will be made in reliance upon the retention of such use.

(2) To buffer an otherwise incompatible use or zone.

(3) To preserve and maintain natural drainage ways, lakes (natural or artificial), areas unsuitable for intensive development by virtue of physical limitations and environmental control areas for the protection of resource areas and wildlife habitat.

(4) To preserve a valuable scenic resource or vista or an area of historical significance.

(5) To preserve and protect existing vacated easement or rights-of-way for recreational use and/or open space conservation (e.g., the Coburg Loop Path)

c. When establishing this district, due regard shall be given to the percentage of a total holding being zoned, the investment made or proposed to be made by private or public interests in reliance upon the retention of the open space, the proper balancing of public and private interests which are affected by such action.

d. When used as a buffer, the land being zoned as a PRO district shall be part of the holding which creates the need for the buffer.

e. In each instance when this district is established, the Planning Commission must establish the findings and purpose for the establishment of the zone or the values to be obtained, encouraged or preserved.

2. Uses and Structures

a. Permitted Principal Uses and Structures

(1) Public parks and playgrounds.

(2) Golf courses and country clubs, if compatible with the state purpose of adoption.

(3) Historical areas, structures, interpretive signs and monuments.
(4) Natural features and vistas unique to the Urban Growth Area.
(5) Accessory buildings and uses normal and incidental to uses permitted in this section.
(6) Agricultural uses, crop cultivation or truck gardens and animal husbandry per special conditions of ARTICLE VII.A.10.

b. Conditional Uses and Structures
Conditional Use Permits may be granted under requirements of ARTICLE XIII.C.

(1) Private recreation uses involving no above ground structure except dressing rooms, swimming pool covers, recreation shelters and comfort stations.
(2) Cemeteries, provided the only accessory buildings are chapels, administration and maintenance buildings, and the only interment facilities are at ground level or below, and no mounds are above ground level.
(3) Public and semi-public buildings related to health and safety services--fire stations1 substations, reservoirs, and wastewater treatment facilities-- essential to the physical, social and economic welfare of the area;
(4) Equestrian arenas, trails and paths and support facilities.

c. Prohibited Uses

(1) All uses not listed as permitted, accessory, or conditional.

3. Criteria and Standards

a. Requirements for height limits, minimum yard requirements, minimum area and dimensions, lot coverages and off-street parking and loading areas shall be specified as a condition of approval during site plan review.

b. Signs
None, except as specified as a condition of approval for a Conditional Use Permit as defined in ARTICLE XIII.C.

H. Flood Plain Sub-district

1. Description and Purpose

The Flood Plain Sub-district designation may be applied in any zone hereinafter set forth where the area is subject to inundation by flooding or surface water. The area subject to flooding shall be as determined by the Federal Flood Insurance Program's most recent data, designating the area subject to a one percent or 100-year flood. Its purpose is to minimize property loss, danger to injury and health hazards. To accomplish such purposes, floor elevations will be established by Lane County prior to issuing any building permits.

a. The Flood Plan Sub-district establishes special concern requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding surface water in order to safeguard the life and health of people in the area and of the general public.

b. The Flood Plain Sub-district shall be any Zoning District in combination with the symbol "/FP" as an overlay district of special concern. (For example, R/FR means a Residential District Zone with combining ''Flood Plain Sub-district" regulations.)

c. The regulations governing the "FP" Sub-district shall be the same as the Zoning District which the "FP" is combined and with the other provisions of this ordinance applicable to the development.

d. The intent of the establishment of this Sub-district is to ensure that the proposed development will not during potential future flooding be so inundated by flood water as to result in injury or serious danger of injury to property or to the health, safety or welfare of residents or potential residents of the immediate area.

2. Conditional Uses and Buildings Permitted

Conditional Use Permits (CUP) may be granted by the Planning Commission under requirements of ARTICLE X.C. for uses permitted in the underlying zone and the provisions of this section.

3. Site Investigation Report

The site investigation report shall provide information on the site of the development and adjacent land that is likely to be affected. The site investigation report shall provide topographic information of the area in sufficient detail to assess accurately potential flooding elevations based on the recognized definition of area flood potential; identify existing natural drainage ways and potential drainage ways; and other characteristics of the area and their significance as related to the proposed development flooding potential. The report also may serve to refine boundaries shown on the Comprehensive Plan and/or Zoning Map that

classify land areas within the Flood Plain Sub-district. The report shall comply with the standards for the kind of area being investigated and the kind of development being proposed.

4. Qualifications to Conduct a Site Investigation Report

The site investigation report shall be prepared by a person or team of persons qualified by experience and training to assemble and analyze the physical conditions in a flood potential area. The person or team shall be employed by the applicant but shall be subject to approval as to the qualifications by the Planning Commission.

5. Criteria and Standards

Permits may be issued by the Planning Commission when, and only when, the Planning Commission has determined:

a. All new construction, enlargement, relocation or substantial improvements of structures within the "FP" areas shall have the lowest floor (including basement) elevated to or above the level of the 100-year flood plain. Non-residential structures may be flood-proofed in lieu of the elevation of the lowest floor. Flood proofing plans shall be prepared by an engineer licensed by the State of Oregon to practice civil or structural engineering.

b. No improvements are proposed that will have a serious tendency to change the flow or surface water during potential flooding so as to endanger the health, welfare and safety of residents or potential residents or other property in the area.

c. That adequate provision has been made or is available for accessibility during potential future flooding so as to insure ingress and egress of emergency vehicles and services during potential future flooding.

d. That emergency vehicles such as ambulances, police and fire will have access to the site during occurrence of any such flooding, for the purpose of evacuating residents or inhabitants of any residential structure or living quarters within the Flood Plain area.

I. <u>Mobile Home Planned Unit Development District</u>

1. Purpose and Application

a. The purpose of PUD approval is to encourage comprehensive site-planning and flexibility of design and development. Emphasis is placed on the relationship between buildings, uses and open space and the most efficient use of both natural and development resources. The MH-PUD Overlay Zone is intended to provide flexibility in the Residential Zone in the application of certain regulations in a manner consistent with the Comprehensive Plan for the City of Coburg and the City of Coburg Zoning Ordinance.

b. The minimum area of a MH-PUD shall be at least one (1) acre and shall not exceed three (3) acres.

c. Application for a MH-PUD shall be made on forms prescribed by the Planning Commission.

d. The MH-PUD shall provide unit arrangement and landscaping to promote pleasant relationships between units and between the MH-PUD and existing development.

2. Regulations

a. The space provided for each mobile home may be less than 10,000 square feet. The measurement of each mobile home space excludes roadway areas, facilities structures, parking spaces, park walkways and other spaces provided for the common uses of residents.

b. No mobile home shall occupy more than 40 percent of the space provided for it.

c. No additions or outbuildings shall be constructed or added to or placed upon a mobile home space or lot which does not conform in all aspects to the Coburg City Building Code. No accessory building or addition shall exceed 13 feet or the roofline of the mobile home, whichever is greater in height.

d. The space provided for each mobile home shall have adjacent to and parallel to it, one or more patio slabs of concrete, asphalt, flagstone or similar material which singly or in combination, total not less than 120 square feet. Such patio space may not be used for the parking of vehicles.

e. The roadways in the park shall be covered with well-drained paving material and shall be at least 20 feet in width, if no parking is permitted on the roadways, or at least 30 feet in width, if parking is permitted on the roadways.

f. The space provided for each mobile home shall be equipped with running water and electrical and sewerage connections.

g. The total number of vehicle and bicycle parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall equal not less than two vehicle parking spaces per mobile home unit and not less than one bicycle parking space per mobile home unit. Vehicle parking spaces shall be paved with asphalt, concrete or similar material. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six feet long, two feet side, and seven feet height.

Bicycle parking shall not interfere with pedestrian circulation.

[Adopted A-133L 10/5/99]

h. No mobile home shall be placed on any lot until arrangements have been made to connect the mobile home to a septic tank system or sewer system approved by the Building Inspector or Sanitary Officer of the City, and no mobile home shall be occupied until such connection is made.

i. A mobile home permitted in the park shall contain not less than 650 square feet of space, as determined by measurement of the exterior of the unit, exclusive of any trailer hitch device. It shall contain its own water closet, lavatory and shower or tub which are connected to running water and a drain system and which are located in a room or rooms which afford privacy to the occupant. It shall also contain a kitchen room or space containing a sink which is supplied with hot and cold running water and which is connected to a drain system. Said drain system shall be connected to the septic tank or sewer system.

j. Any mobile home located in the City shall have the Oregon "Insigne of Compliance," as provided for by Oregon state law. In substitute therefore, upon submission of evidence indicating substantial compliance with the standards required for an "Insigne of Compliance", the City's Building Official may waive the "Insigne of Compliance" requirement for units manufactured prior to September, 1969.

k. A mobile home permitted in the park shall contain integral electrical wiring which supplies connection to convenience outlets in each room of the mobile home. If there is no separate kitchen, room, at least one convenience electrical outlet shall be located in the kitchen space which is in addition to outlets in other parts of the room in which the kitchen space is located. Outlets provided in the ceiling or wall which are intended for lighting purposes shall not be counted as convenience outlets.

l. The wheels of a mobile home located within the City shall be removed and the unit placed on and securely anchored to a foundation having the permanence and strength equal to that provided by a cement or concrete block foundation. Unless the foundation is continuous, the unit shall have a continuous skirting of non-decaying, non-corroding, fireproof material, extending at least six inches into the ground or into an impervious surface. A skirting or continuous foundation shall have adequate ventilation and access to the space under the unit but such opening shall be secured against the entrance of animals. If required, said skirting shall be completed within 90 days after the placement of the mobile home upon the lot within the City.

m. That portion of the park which is used for common storage parking

purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge which shall be maintained in a neat appearance.

n. All mobile homes located in a MH-PUD must conform to conditions and criteria required by this Code and all applicable conditions attached to the approval of that MH-PUD.

o. If space provided for a mobile home or permanent structure in the park is located more than 500 feet from a public fire hydrant, the park shall be provided with hydrants so that no space or structure within the park shall be more than 500 feet from a hydrant. Each hydrant shall be located on a vehicular way within the park and shall conform in design and capacity to the public hydrants in the City.

p. A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 6 feet from any accessory building or closer than 5 feet from the property boundary line of the MH-PUD.

q. A MH-PUD may not be placed adjacent to an existing MH-PUD within two years from the completion of the latter development.

3. MH-PUD Application Submittal Requirements

a. An applicant shall submit eight (8) copies of a preliminary development plan to the Planning Commission for study, at least ten (10) days prior to the meeting at which it will be discussed. The preliminary plan shall include the following information:

(1) Proposed land uses, population densities and building locations;
(2) Proposed circulation pattern, indicating both public and private streets;
(3) Proposed parks, playgrounds and other open spaces;
(4) Delineation of the units to be, constructed in progression, if any;
(5) Relation of the units to future land use in surrounding area and Comprehensive Plan;
(6) Proposed method of water supply and sewage disposal;
(7) Proposed bicycle, pedestrian and drainage ways; and
(8) Proposed landscaping, fencing or screening.

[Adopted A-133L 10/5/99]

4. MH-PUD Approval Procedure

a. The procedure for processing an application for approval of a PUD shall be as set forth in ARTICLE X of the Coburg Zoning Ordinance.

b. Any PUD, as approved, shall be subject to all conditions imposed.

5. MH-PUD Findings Required

In order to approve a MH-PUD, the Planning Commission shall find the following:

a. That construction on the project will begin within one year from the date of full approval and will be completed within one year of commencement of the project or as per an approved "schedule of development."

b. That the proposed development conforms to the Comprehensive Plan.

c. That all residential development will result in an intensity of land utilization no higher than the standards of open space and at least as high as permitted or as otherwise specified, for the zone in which this development occurs.

d. The Planning Commission shall give particular attention to the "schedule of development," having in mind that the project may advance in stages or may be abandoned when only partially completed. The project shall be balanced at all times in relation to the construction of required or necessary facilities.

6. Planning Commission MH-PUD Actions

The Planning Commission may deny, approve or conditionally approve an application for a PUD.

a. Any conditions imposed by the Planning Commission may include: the time within which the project must begin and be completed, project boundary changes, uses permitted, specification of minimum development standards, specified street dedication and improvement, utilities to be furnished and a list or limit of variances permitted.

b. Application for and approval of a PUD, wherein variances from the standard regulations are approved or wherein uses normally requiring Use Permits are permitted, shall be deemed to be in compliance with all the necessary procedures for securing or granting a variance or a Use Permit.

c. Where completed drawings are considered, approval of a PUD shall be deemed to be and include "Site Design Review," as provided for in ARTICLE IX.B. of the Coburg Zoning Ordinance.

d. Extensions of time limitations may be granted by the Planning Commission upon finding that no change of conditions has occurred in relation to the

property since the approval and/or that the approval is still valid with respect to any changed conditions. Application for any extension must be filed in the Planning Commission offices not less than 60 days prior to the expiration date. Within 45 days after receipt of such application, the Planning Commission shall hold a public hearing, as provided for in ARTICLE X, and take action thereon, and if any extension is granted, the Planning Commission may impose additional conditions, if such are found to be necessary.

7. Enforcement and Abatement

See ARTICLE XXIV.

ARTICLE VIII. SUPPLEMENTARY DISTRICT REGULATIONS

A. Access Management and Vision Control Regulations

1. Visibility at Intersections and Access from Driveways

a. On a corner lot in any district nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2-1/2 and 10 feet above the center line grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and a line joining points along said street right-of-way lines, 20 feet from the point of the intersection.

b. Residential driveways shall be located to optimize intersection operation and, where possible, to provide access from the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a collector, the driveway shall provide access from the local street if the driveway can be located a sufficient distance from the intersection.

2. Structures and Properties to Have Access

Every building hereafter erected or moved shall be on a lot fronting or abutting on a public street or with access to a public street over an approved private street or easement of record, 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. Properties that abut only collector or arterial streets should share access with neighboring properties where feasible.

B. Parking Regulation

1. Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

2. Off-Street Parking Requirements.

a. Parking Area Design.

(1) All public or private parking spaces, except those required in conjunction with a single-family or two-family dwelling on a single lot, shall be designed and laid out to conform with the requirements of this Code and the Planning Commission.

(2) Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movements or other

maneuvering of a vehicle within a street, other than an alley, shall be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrians, bicycles, and vehicular traffic on the site.

b. Parking Space Required

The number of off-street parking spaces required shall be no fewer than as set forth below

Table VIII(B)(2)(b): Parking Space Required	
Residential Types	
Dwelling, single-family	One for each dwelling unit on a single lot
Dwelling, two-family or multiple family	One for each dwelling unit; where fractioned next highest full unit
Hotels, motels, motor hotels, etc.	0.75 for each guest room
Rooming or boarding houses	One for each guest room
Accessory dwelling unit	One for each dwelling unit
Institutional Types	
Hospitals	One for each bed; where fractioned, highest full unit, plus 2 for each nurses' station
Churches, clubs, lodges	1 for every 75 square feet of main assembly area
Libraries, museums, art galleries	1 for each 300 square feet of gross floor area
Nursing homes, homes for the aged	One for each six beds for the aged, group care homes, asylums, etc.
Schools	
Elementary or junior high schools	1 for each teaching station
High schools	1 for each teaching station
Commercial Types	
Retail establishments except as otherwise specified in this Code	1 for each 400 square feet of retail floor area, except one space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales)
Barber and beauty shops	1 for each 200 square feet of floor area
Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys)	One for every 300 square feet of floor area
Office buildings, businesses and professional offices	One for every 500 square feet of floor area
Recreational or entertainment establishments	
Spectator type auditoriums, assembly halls, theaters, stadiums, places of public assembly, etc.	One for each six seats
Participating skating rinks, dance halls, etc.	One for each 300 square feet of floor area
Establishments for the sale and consumption on the premise of food and beverage	One for each 200 square feet of floor area

c. Calculations

(1) In the event the calculation produces a fractional number, one parking space shall be required for a fractional unit of .50 or above; no space shall be required for fractional unit of less than .50.
(2) Where multiple uses are proposed on site, the number of spaces required for each individual use is determined, rounded if necessary, and added to the number of spaces, after rounding, required for the other use(s)
(3) When square feet are specified, the area measured shall be the gross floor area related to the use. Area not primarily related to the use are excluded from the measurement
(4) When the number of employees are specified, the number shall reflect the maximum number of employees on the premises at one time during peak season

d. Exceptions and Reductions to Off-Street Parking Requirements

(1) The Central Business District (C1) is exempt from the minimum parking requirements of Section 2(b), except that off-street parking shall be provided for employees and work vehicles that are stored on site, as follows:

(i) All new commercial development, including change of use, in the C-1 district that requires one or more employees shall provide a number of on-site parking spaces equal to the greatest number of employees that will be on site at any particular time. The Planning Official shall determine the number of required off-street parking spaces for a proposed use, or expansion of a use, based on information submitted by the applicant.
(ii) One off-street parking space shall be provided for each work vehicle. "Work vehicles" are those vehicles associated with the business that are stored on-site or that are parked on-site for any period of time during regular work hours.
(iii) The determination by the Planning Official of the number of spaces required under subsection (i) and (ii) shall be provided in writing, based on written evidence submitted by the applicant.
(iv) The Planning Official may waive or reduce off-street parking requirements in accordance with Section 2(d)(3).

(2) Accessory dwelling units may be exempt from the minimum parking requirements of Section 3(b) if the applicant demonstrates that an equal number of on-street parking spaces are available within 800 feet of the site.

(3) The Planning Official may waive or reduce off-street parking requirements in any one or more of the following circumstances:

(i) The applicant demonstrates, based on a parking analysis prepared by a qualified professional, that the proposed use will not generate a need for the required parking;

(ii) Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a 20% reduction to the standard number of automobile parking spaces;

(iii) Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces;

(iv) Site has more than the minimum number of required bicycle parking spaces: Allow up to a 10% reduction to the standard number of automobile parking spaces;

(v) An equal number of alternate parking spaces are provided off-site through a joint use agreement subject to the following criteria:

(aa) The alternate parking is no more than 800 feet from the building or use required to provide parking;

(bb) There is no substantial conflict between the principal operating hours of the uses on the property providing the alternate parking and the building or use for which the parking is required (i.e., the applicant must demonstrate that the alternate parking spaces will be available when needed).

(cc) The joint use agreement is evidenced by a signed written document, approved by the City Attorney as to form and content, and duly recorded with Lane County, with true copies thereof filed with the City Recorder.

(vi) A bus stop is located within 800 feet of the site: Allow up to 20% reduction to the standard number of parking spaces.

3. Parking Requirements for Uses Not Specified

The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable building or use specified herein.

4. Common Facilities for Mixed Uses

a. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-

street parking facilities for one use shall not be considered as providing facilities for, any other use except as provided in subsection b, below, Joint Use of Parking Facilities.

b. Joint Use of Parking Facilities. The Planning Official may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

(1) The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
(2) The parking facility for which joint use is proposed is not further than 800 feet from the building or use required to have provided parking; and the parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this Code, shall be recorded in the office of the Lane County Recorder and copies thereof filed with the City Recorder.

5. Bicycle Parking

a. Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, changes of use, and building expansions and remodels that require a building permit, as follows:

(1) Multi-Family. Every residential use of three or more multi-family dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure, or similar cover.
(2) Non-Residential Parking. There shall be a minimum of one bicycle space for every seven motor vehicle spaces. At least half of all bicycle parking spaces shall be sheltered. Bicycle parking provided in outdoor areas shall be located near the building entrance, similar to vehicle parking spaces, unless existing development on site precludes that option. Fractions shall be rounded to the nearest whole number.

b. Bicycle Parking Facilities Design Standards

(1) Bicycle parking facilities shall either be stationary racks which accommodate bicyclist's locks securing the frame and both wheels, or lockable rooms or enclosures in which the bicycle is stored.

(2) Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six feet long, two feet wide, and seven feet high. Upright bicycle storage structures are exempted from the parking space length standard.
(3) A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
(4) Bicycle racks or lockers shall be anchored to the surface or to a structure.
(5) Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. The cover shall leave a minimum 7- foot overhead clearance and shall extend over the entire parking space. If a bicycle storage area is provided within a building, a sign shall be placed at the area indicated that it is for bicycle parking only.
(6) Bicycle parking shall not interfere with pedestrian circulation.

[Adopted A-133L 10/5/99]

6. Vehicular Parking Area Improvements

All public or private parking areas, which contain four or more parking spaces, and outdoor vehicles sales areas, shall be improved according to the following:

a. All vehicular parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, or other approved materials as specified by the Planning-Official.

(1) Vehicular parking areas as a part of a proposed development shall incorporate driveway designs and methods that reduce storm water run-off. Design methods include, but are not limited to: porous concrete, turf pavers, plastic grid systems, or ribbon driveways.

b. All vehicular parking areas, except those in conjunction with a single-family or duplex dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

c. All vehicular parking areas, except those required in conjunction with a single family or two family dwelling, shall provide a substantial bumper or curb stop which will prevent cars from encroachment on abutting private or public property.

d. All vehicular parking areas and service drives shall be enclosed along any interior property which abuts any residential district, with a 70 percent opaque, site- obscuring fence, wall or hedge not less than three (3) feet nor more than six (6) feet in height, but adhering to the visual clearance and

front and interior yard requirements established for the district in which it is located. If the fence, wall or hedge is not located on the property line, said area between the fence, wall or hedge and the property line shall be landscaped with lawn or low-growing evergreen ground cover. All plant vegetation in this area shall be adequately maintained by a permanent irrigation system, and said fence, wall or hedge shall be maintained in good condition. Screening or plantings shall be of such size as to provide the required degree of screening within 24 hours after installation. Adequate provisions shall be maintained to protect wall, fences, or plant materials from being damaged by vehicles using said parking areas. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.

e. Any lights provided to illuminate any public or private parking area or vehicular sales area shall be shielded and so arranged as to reflect the light away from any abutting or adjacent property or public right of way.

f. All vehicular parking spaces shall be appropriately and substantially marked. [Adopted A-133L 10/5/99]

C. <u>Pedestrian and Bicycle Access and Circulation</u>

1. Internal pedestrian circulation shall be provided within new commercial office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, or similar technique.

Within the CI zone, pedestrian walkways shall be provided for ingress and egress from the public street(s) and primary frontage sidewalk to all primary building entrances in the form of a continuous separated pathway of at least 5 feet in width. A continuous separated pedestrian walkway of at least 5 feet in width shall also be provided for pedestrian access from parking lots to buildings in the development.

2. Pedestrian access to transit facilities shall be provided from new commercial, employment, and multi-family residential development while existing developments shall provide safe and accessible pedestrian access to transit facilities when a site changes uses or is retrofitted.

If development proposed in the CI zone or on LI-zoned property east of Interstate 5 is located within 250 feet of an existing or proposed transit stop, the applicant shall work with the Lane Transit District to locate a transit stop and shelter directly adjacent or as close as possible to the main building entrance. Any required proposed transit stops shall conform to the standards of the Lane Transit District.

3. **Internal pedestrian and bicycle systems** shall connect with external existing and planned systems, including local and regional travel routes and activity centers such as schools, commercial areas, parks and employment centers.

4. **Coburg Loop Path Standards.**
Where development occurs on land abutting or within the existing or proposed alignment for the Coburg Loop Path, the City may require that the land within the alignment be reserved for the Path. Such reservation shall be accomplished by dedication to the City, by creation of a permanent public access easement, or by other means deemed acceptable to the City. The land subject to the dedication or public access easement shall include land adequate to accommodate the full 16-foot wide right-of-way, and shall be shown on the final plat, if required, or approved site plan, where final plat is not required.

   a. The Path shall meet all Americans with Disabilities Act (ADA) and American Association of State Highway and Transportation Officials (ASHTO) engineering standards and shall be approved by the City Engineer.

   b. Path Width. Paved Path width shall be 10 feet. Exceptions may be made for areas with significant constraints such as slope, sensitive natural resources, or large trees. Any exception area shall not result in a path that is less than 8 feet wide.

   c. Lateral and Vertical Clearance.

      (1) A 2-foot or greater shy or clear distance shall be required on both sides of the Path. This area shall be clear of vertical objects such as signs, posts, and trees. Exceptions may be made in cases where existing large trees would otherwise need to be removed.
      (2) Overhead clearance shall be maintained at 10 feet.

   d. Setbacks from Roads and Alleyways.

      (1) Where the path is parallel or adjacent to a road or alleyway, a 5-foot separation from the edge of the roadbed is required.
      (2) Landscaping is required within the setback area in accordance with respective district regulations.
      (3) Setback exceptions may be made through the variance process (ARTICLE XIX) for areas with significant constraints, such as sensitive natural resources, street trees, structures, or utilities. In cases where a 5-foot setback is unattainable, a physical barrier such as a fence or wall shall be erected between the roadway and the Path edge to provide separation between path users and vehicles. The barrier must be between 42 and 54 inches in height, unless the required height creates a hazard. Openings in the railing must not exceed 6 inches in width. No chain link fencing is allowed.

e. Surfacing.

(1) The Path shall be constructed from Portland cement concrete with a minimum thickness of 5 inches set on 6 inch compacted aggregate base.
(2) A 2-foot aggregate apron shall be placed on both sides of the hard-surfaced Path.
(3) Saw cut joints should be located every 6-8 feet to help prevent cracking.
(4) Where the Path is crossed by a driveway or where regular vehicle crossing will occur, the pathway shall be reinforced with steel mesh, re-bar, or other reinforcing material to prevent cracking.

f. Grades and Cross-slope.

(1) The maximum grade shall be 5 percent. Steeper grades are allowed for up to 500 feet not to exceed 8 percent grade providing there is ample horizontal alignment and sight distance.

D. <u>Sign Regulations</u>

See Coburg Sign Ordinance A-155 (reprinted 01/30/01)

E. <u>Streets, Alleys and Other Public Way Standards</u>

1. Improvements to City Streets shall conform to the standards as set forth in this section.

a. **Dedication of Street Right-of-Way.** City may require dedication of additional public right-of-way in order to meet street standards.

b. **Street Design Standards** for public streets and the current and future functional classification plan for all streets within Coburg, including those owned by Lane County.

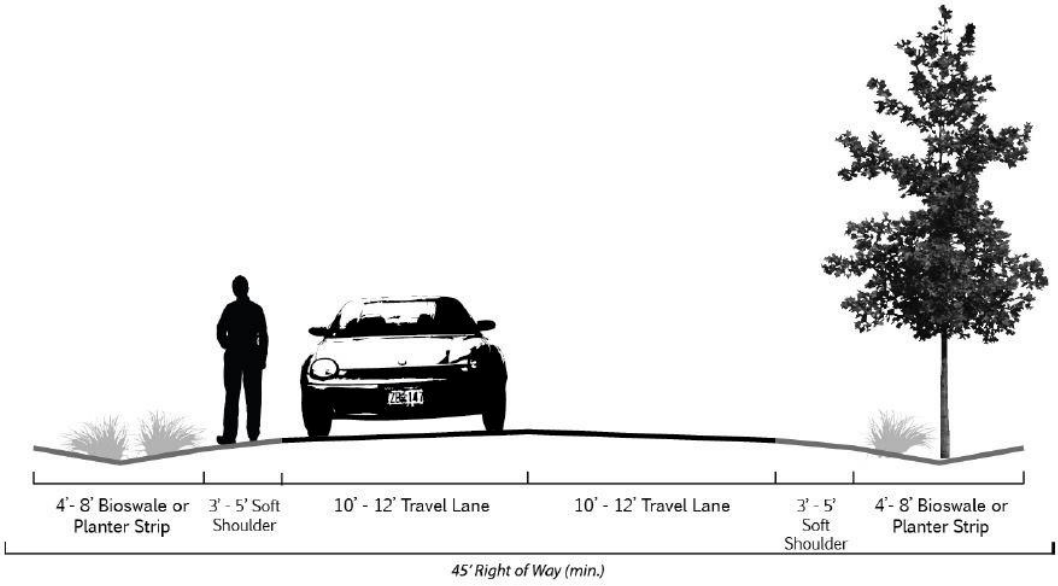
(i) Street Design Standards Table VIII(E)(1)(b)(i):

Table VIII(E)(1)(b)(i): Coburg Street Design Standards

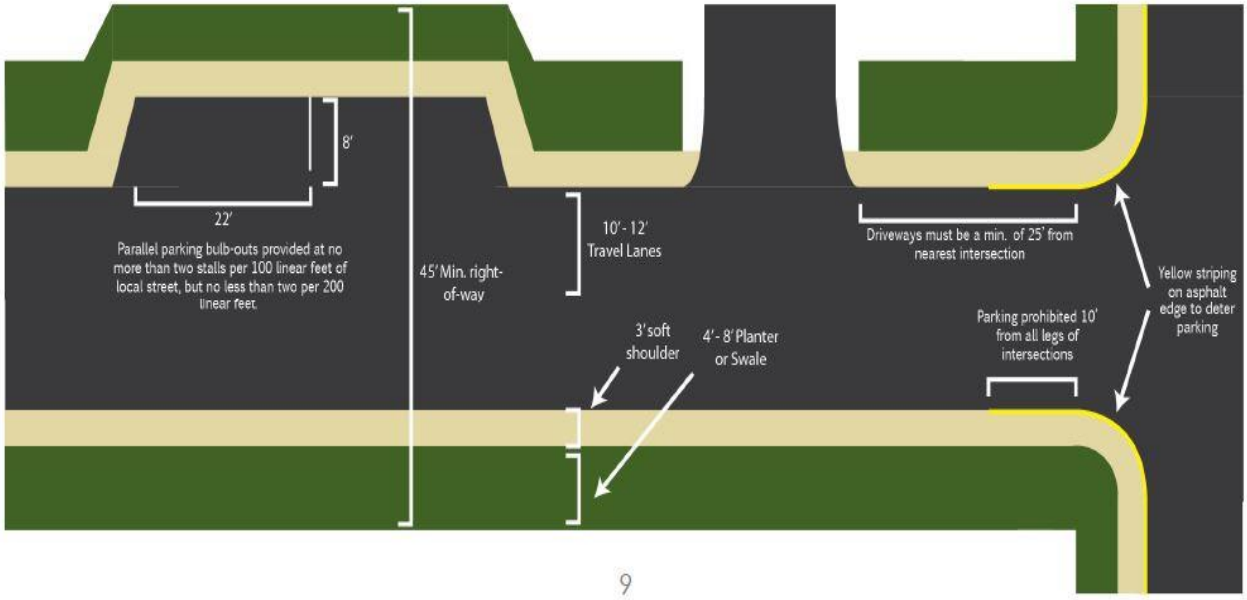
Functional Class	Min. ROW Width	Travel Lanes	Planter with Street Trees or Swale with Street Trees	On-Street Parking	Sidewalks, Curbs and Gutters	Soft Shoulder	Bicycle Lanes
Alley	16'	12' min. paved width	none	Prohibited	None	None	None
Local Access	45'	10' min., 12' max.	Swale - 4' min., 8' max., both sides	Max: 2 per 100 l.f., Min: 2 per 200 l.f.	None	3' min., 5' max., one side min. (striped)	None
Highway Commercial and Industrial Local Street	51'	11' min., 12' max.	Planter- 6' min.	7', one side	5' min. sidewalk; curb and gutter both sides,	None	None
Collector	55'	11' min., 12' max.	Planter - 4' min., 8' max., both sides	7' min., if required	5' min. sidewalk; curb and gutter both sides,	None	Required in Commercial and Industrial Zones and per the City's TSP and Parks and Open Space Master Plan. If required, 5' min.
Coburg Loop Off-road Paths	16'	10' min., paved width	None	N/A	N/A	2' gravel, each side	N/A

** Note: these design standards are proposed for Coburg-owned facilities. Lane County owns and operates several collector and arterial streets within Coburg and Lane County Street Standards apply to these county owned facilities*

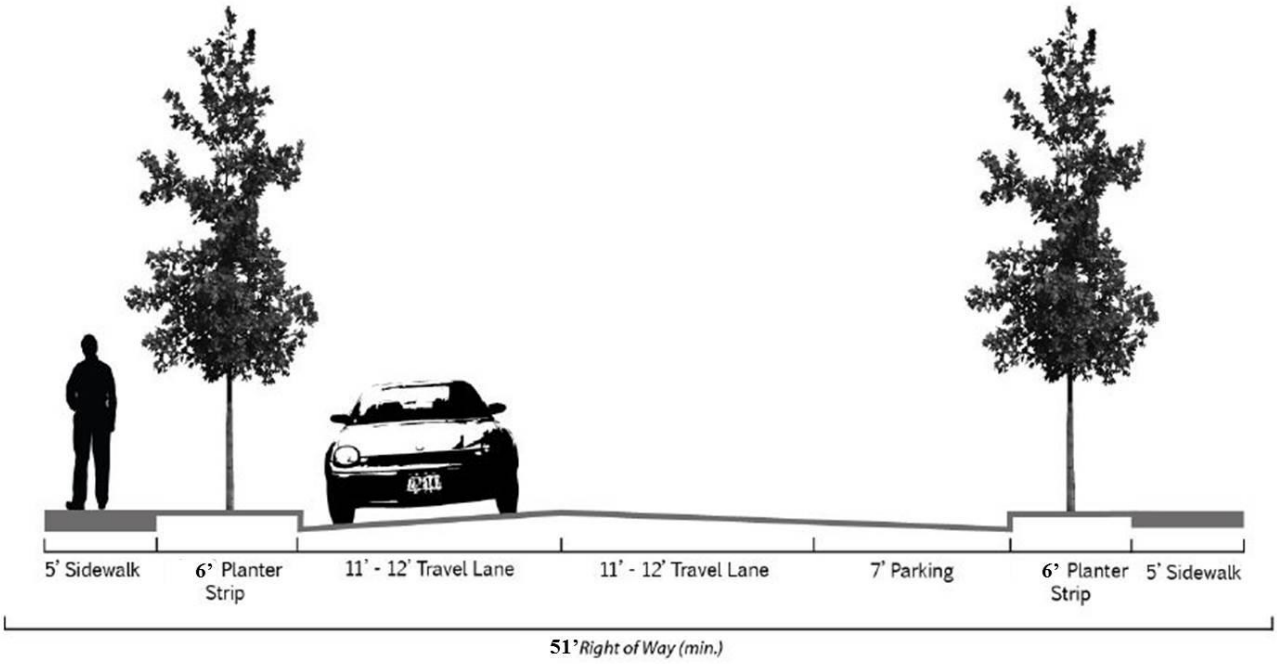
(ii) Local Street Standards



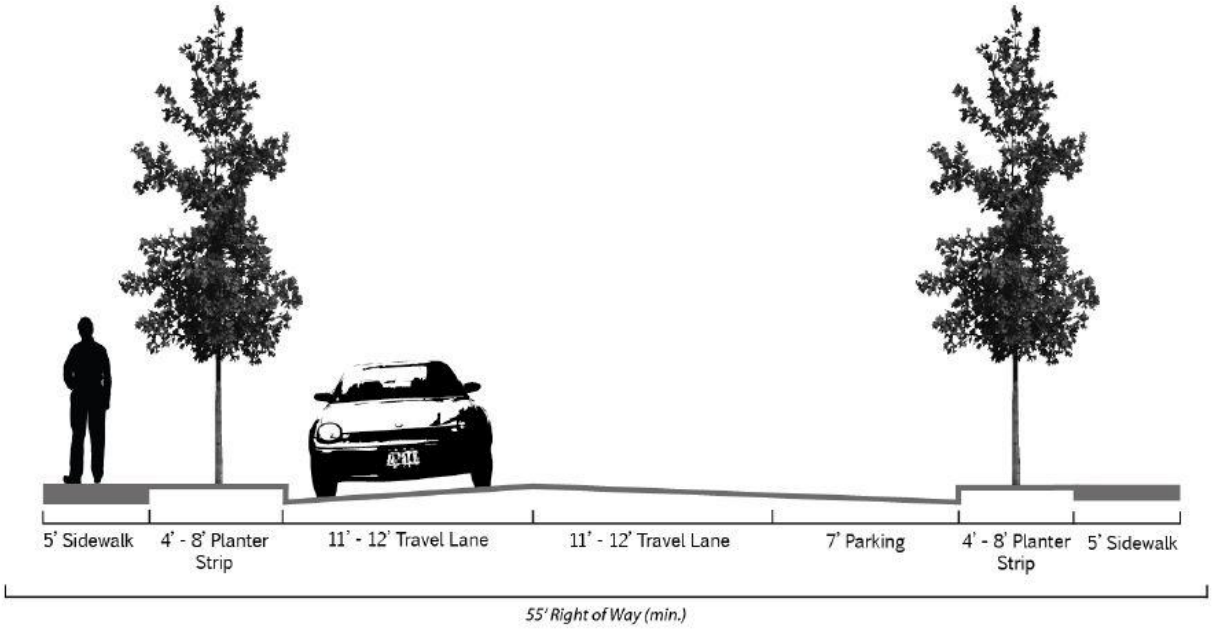
(iii) Local Street Detailed Standards



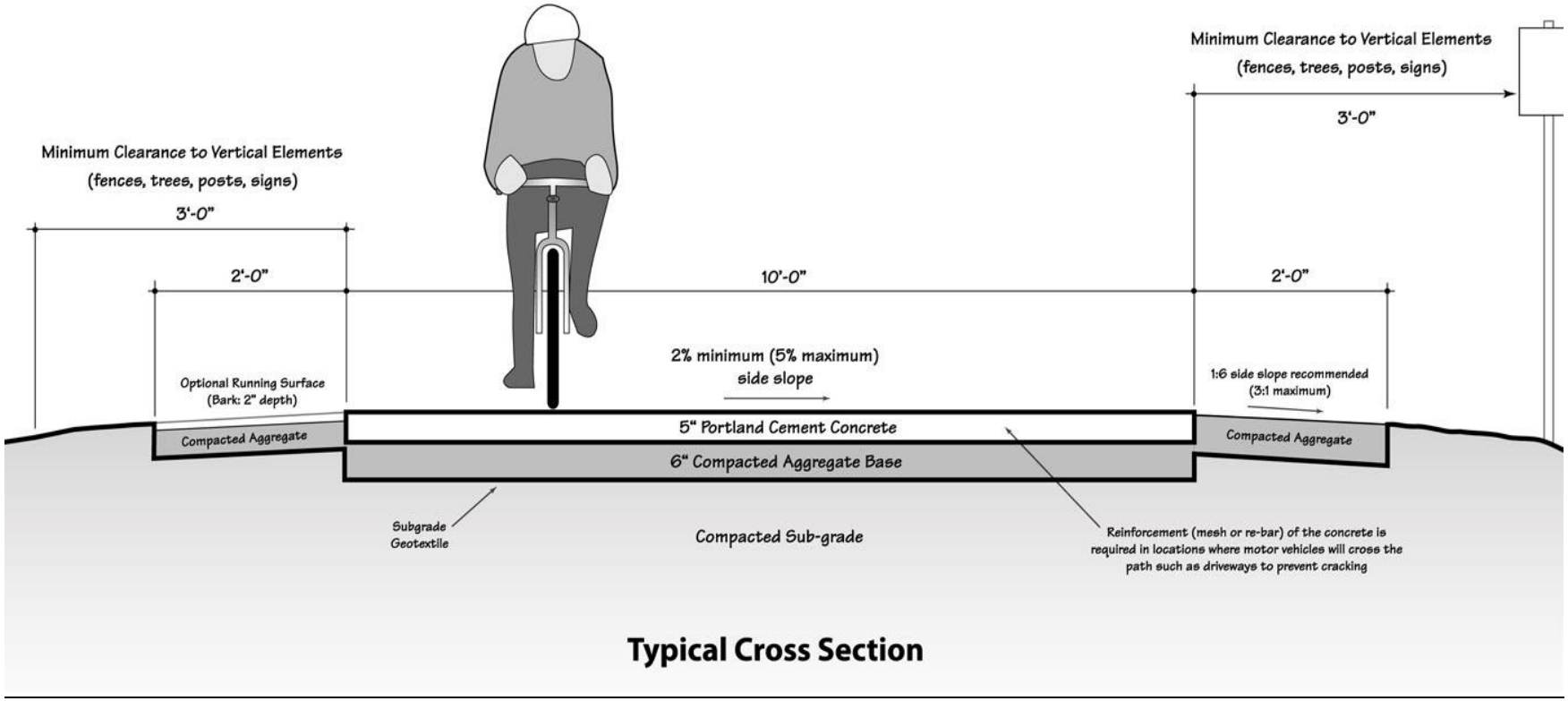
(iv) Commercial and Industrial Street Standards



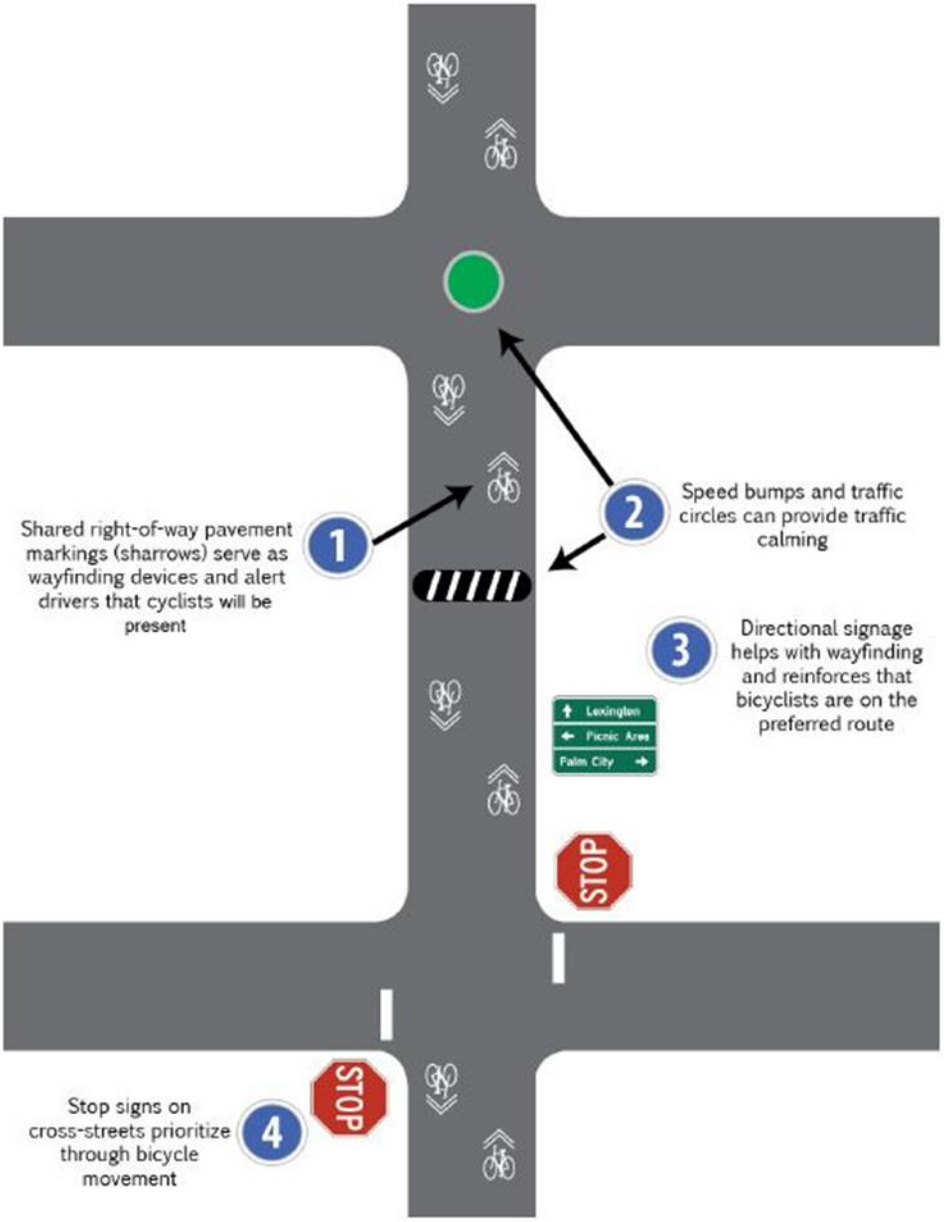
(v) Collector Street Standards



(vi) Coburg Loop Path Standards



(vii) Bicycle Boulevards. Streets designated as Bicycle Boulevards in the Parks and Open Space Master Plan shall be improved with a combination of signage, traffic calming, crossing treatments, and street markings. Sharrows, shown as ①in the graphic below, and stop signs, shown as ④in the graphic, are required. Speed bumps, traffic circles, and directional signage, shown as ② and ③ are optional.



d. Landscaping. See ARTICLE VIII.H & I for standards.

e. Access and Spacing Requirements.

(1) When new approach roads are planned or constructed near the interchange, unless no alternative exists, the nearest intersection on a crossroad shall be no closer than 1,320 feet from the I-5 interchange. Measurement is taken from the ramp intersection or the end of a free flow ramp terminal merge lane taper.

f. Street Connectivity.

(1) No dead-end streets will be permitted, unless topographic or environmental constraints require a dead-end. If a street dead-ends, pedestrian and cyclist accessways must be provided. The dead-end must be a “hammer head” or equivalent design for emergency vehicle access and turn-around, and must be built to fire code.
(2) Streets that are planned to connect through when adjacent developments are constructed may temporarily dead-end, provided a “hammer head” or equivalent turn-around, built to fire code, is provided in the interim period.
(3) The City may require additional pedestrian and bike connections adjacent to new residential development.

2. Street trees shall be provided along streets according to the following standards and in compliance with City of Coburg Public Works Department recommended list of street trees.

a. Street trees are required for all new development, and shall be maintained by the adjacent property owner.

b. Tree wells at a minimum of five feet in width shall be installed next to the curb or edge of pavement.

c. The minimum caliper or diameter breast height at planting shall be 2 inches, based on the American Association of Nurserymen Standards.

d. Trees shall be planted no more than 25 feet apart, except where this spacing would conflict with existing trees, retaining walls, curb cuts, utilities, or similar permanent physical barriers.

e. Plant species must be native or not require irrigation once established.

Underground irrigation shall be provided for trees that are not drought-tolerant. If the plantings fail to survive or are otherwise not maintained in good condition, the property owner shall replace them with an equivalent species and size within 180 days.

f. The use of large canopy trees is encouraged.

g. Nothing contained herein shall be deemed to impose any liability upon the City, its officers, or employees, nor to relieve the owner of any private property from the duty to keep any tree or shrub upon his or her property or under his or her control from constituting a hazard or public nuisance.

3. Additional Street Standards

a. Street and sidewalk design must be in compliance with American Association of State Highway and Transportation Officials (AASHTO) standards, National Association of City Transportation Officials (NACTO) standards, Manual on Uniform Traffic Control Devices (MUTCD), Oregon standard drawings and specifications, and City of Coburg standards.

b. Grades and curves.

(1) Grades shall not exceed five percent on minor arterials, 10 percent on collector streets or 12 percent on other streets. Center line radii of curves shall not be less than 200 feet on minor arterials and collectors streets 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Official may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least one percent.

(2) A minimum required 100 foot tangent section at all intersections shall be required.

c. Blocks.

(1) General. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

(2) Size. Minimum block length for new local streets is 400 feet and maximum block length is 600 feet, unless topographic or environmental constraints are present.

(3) Easements.

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

(ii) Water courses – if a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

d. Intersections of Streets, Alleys, and Paths.

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

e. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Official.

f. Public access ways. When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways to connect cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other public areas, of such design, width and location as reasonably required to facilitate public use.

g. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Official. All street signs and

street lights shall be installed by the City and the cost of such installation and materials shall be assessed to the developer of the land division or partition.

h. Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof, staggered street alignment resulting in "T" intersections shall, whenever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 125 feet.

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

j. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision of partition when in conformity with the other requirements of these regulations and when the Planning Official finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

k. Streets Adjacent to Railroad Right-of-way. Wherever the proposed land division contains or is adjacent to a rail road right -of-way, provision may be required for a street approximately parallel to and on each side of such right-of -way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

l. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Official may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

m. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off -street parking and loading facilities are approved by the Planning Official. The corners of alley inter sections shall have a radius of not less than 12 feet

F. Other Public Improvements

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

2. **Procedures.** Public improvements installed by any person or entity that is not the City shall comply with the following procedures:

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

   b. Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason it shall not be resumed until after the City is notified.

   c. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

   d. Underground utilities installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

   e. A map showing improvements as built shall be filed with the City upon completion of the improvements.

3. **Specifications for Improvements.** Public improvements and private streets shall also be consistent with public works design standards and standard specifications as adopted by the Public Works Director.

4. **Dedications.** As a condition of any development, the City may require dedication and improvement of public ways for automobile, bicycle and pedestrian use; easements for water, wastewater, and stormwater infrastructure; easements for utilities; dedication of open space; and dedication for other public purposes.

5. **Sewage.** All buildings within the city limits must connect to the city sewer system.

6. **Water Supply.** All lots and parcels in any land division shall be served by the Coburg water system.

Water lines and fire hydrants serving each building site in a subdivision and connecting the subdivision to city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision and adequately grid the city system.

If water mains are required to directly serve property outside the subdivision, the City will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of ten years from the time of installation of the mains. The actual amount shall be determined by the city at the time of approval of the plat, considering current construction costs.

7. **Surface Drainage.** Drainage facilities shall be provided within any new subdivision and connect the subdivision drainage to drainageways outside the subdivision. Design of the drainage system within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

8. **Streets.** Public streets, including alleys, within a subdivision and public streets adjacent but only partially within a subdivision shall be improved to City street standards in ARTICLE VIII. Catch basins shall be installed and connected to drainage tile leading to drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their centerlines.

9. **Sidewalks.** Where required, sidewalks shall have a minimum paving width of five feet.

10. **Bicycle routes.** If appropriate to the extension of an existing or planned system of bicycle routes, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

11. **Improvements in Partitions.** The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the City finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the City shall except those improvements.

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

G. Exception to Height Regulations

The height limitations contained in ARTICLE VII do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

H. Fences and Walls

1. Fences and walls are allowed in any required front yard setback, provided they do not exceed 3.5 feet in height.

2. Fences and wall are allowed in any rear or side yard, provided they do not exceed six feet in height.

3. The height of fences or walls in rear or sideyard setback areas abutting a public street shall be 48 inches or less if said fences or walls are within 10 feet of any public street except an alley.

4. The framework for newly constructed fences and walls shall face toward the builder's property, except where fences are jointly constructed.

5. All fences shall meet the vision control regulations in ARTICLE VIII.A.

I. Screening Standards for Multi-Family, Commercial and Industrial Development

1. Unless otherwise specified in this code, screening shall be required:

a. When commercial or industrial districts abut residential districts

b. For outdoor mechanical devices

c. For outdoor storage yards and areas

d. For trash receptacles

e. For multi-family developments

f. Parking areas with more than two off-street spaces

2. **Screening** shall be a non-see through or sight-obscuring fence, evergreen hedge, or decorative wall (i.e., masonry or similar quality material) shall be erected along and immediately adjacent to the abutting property line.

3. **Trash receptacles.** Trash receptacles shall be oriented away from adjacent buildings and shall be completely screened with an evergreen hedge or solid fence or wall of not less than feet in height.

4. **Parking lots.** Parking areas with more than two off street spaces shall be screened with an evergreen hedge or fence at least four feet high. To the greatest extent practicable, such parking areas should be situated away from neighboring residential units and shall be located to the rear or side of the multi-family development. Parking areas with five or more spaces shall be landscaped and provide the required number of parking spaces in accordance with Section VIII of this Code.

5. **The following screening standards shall apply:**

   a. Such a fence, wall or other structure shall screen at least 70 percent of the view between the districts. A hedge shall, within one year of planting, screen 70 percent of the view between the districts.

   b. The maximum allowable height of fences and walls is six feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six feet when permitted as part of a site development approval, or when approved to construct streets and sidewalks.

   c. A building permit is required for walls exceeding six feet in height, in conformance with the Uniform Building Code.

   d. If vegetation is used, it must remain living after planting and shall be continuously maintained by the property owner. If the vegetation fails to survive or is otherwise not maintained in good condition, the property owner shall replace them with an equivalent species and size within 180 days.

   e. Any fence, hedge and wall shall comply with vision clearance standards in ARTICLE VIII.A and provide for pedestrian circulation where required.

J. Cottage Housing

1. Cottage Housing Development and Design Standards

a. Table 4(2)(a) Development Standards:

Cottage Size	The gross floor area of each cottage shall not exceed 1200 square feet. At least 50% of the cottages in each cluster shall have a gross floor area less than 1000 square feet. "Gross floor area" does not include: a) interior space with a ceiling height of six feet or less; b) basements, c) architectural projections, such as bay windows, fireplaces, or utility closets, that are less than 24 inches deep and six feet wide, d) attached, unenclosed porches, and e) garages or carports. The footprint may not exceed 850 square feet.
Density	Cottages may be built at up to twice the allowed density for single family detached residences in the underlying zone A cluster shall consist of no more than 10 and no fewer than four units.
Setbacks	The minimum setback for any structure shall be 10 feet from any public right-of-way or other structure. Cottages shall be no more than 25 feet from the common open space, measured from the façade of the cottage to the nearest delineation of the common open space. Distance between structures shall be a minimum of five feet.
Maximum Height	25'
Lot Coverage	Max. for all structures in cottage development shall not exceed 60%

b. Design Standards

(1) Orientation of Dwelling Units. Dwellings within a cottage housing development shall be clustered and homes within the clusters shall be oriented to promote a sense of community within the development.

(i) Each cottage shall have a primary entry oriented to a common open space.
(ii) ADUs are not allowed as part of a cottage housing development.

(2) Off-Street Parking Requirements

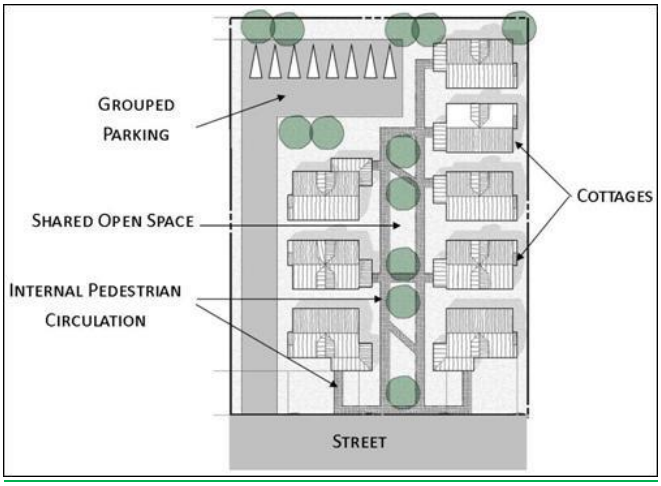
(i) One off-street parking space shall be required for each cottage.

(ii) One additional guest parking space shall be provided for every three cottages, rounded up to the next whole number.

(ii) The off-street parking requirements may be waived or reduced if sufficient on-street parking is available within 800 feet of the property.

(3) Parking Design

(i) Parking shall be separated from the common area and public streets by landscaping and/or architectural screening. See image below for visual representation of grouped parking. This image is an example only and not intended to show a required site plan.



(ii) Parking areas shall be accessed only by a private driveway or public alley.

(iii) Design of carports and garages, if provided, – including roof lines-- shall be similar to and compatible with that of the cottages.

(iv) Parking areas shall be limited to no more than five contiguous spaces.

(4) Walkways

(i) A system of interior walkways shall connect each cottage to at least one other cottage and to the parking area.

(5) Community Assets

(i) Common Open Space. Each cluster of cottages shall have at least 200 square feet of open space per cottage, with a common open space provided in one contiguous, useable space.

(ii) Community Building. Single-story community buildings, limited to 1200 square feet, are permitted, so long as they are clearly incidental in use to the dwelling units. A community building converted from an existing building may be larger than 1200 feet.

K. Accessory Dwelling Units (ADUs)

1. General Standards for Attached Accessory Dwelling Units.

a. Creation. An ADU may be created through new construction or conversion of, or addition to, an existing structure (including legal non-conforming structures).

b. Size. The total square footage of an ADU shall not exceed 1,000 square feet. Total square footage is measured at the exterior perimeter walls and is defined as all square footage inside of the dwelling, including, but not limited to hallways, entries, closets, utility rooms, stairways and bathrooms.

c. Building Height/Interior Setback.

(1) For ADUs located in the Traditional Residential (TR) zone building heights, and setbacks shall conform to the standards set forth in Article VII, Section A(6)&(7).

(2) For ADUs in located In the Traditional Medium Residential (TMR) zone, building heights and setbacks shall conform to the standards set forth in Article VII, Section B (5)&(6).

d. Maximum Bedrooms. The ADU shall contain no more than 2 bedrooms.

e. Owner/Occupancy Requirements. Either the primary dwelling or the ADU shall be the principal residence of the property owner. The principal residence must be occupied for a minimum of 6 months of each calendar year by a property owner who is the majority owner of the property as shown in the most recent Lane County Assessor's roll. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner. Prior to issuance of a building permit for an ADU, the property owner must provide the City with a copy of the property deed to verify ownership, and two forms of documentation to verify occupancy of the primary residence. Acceptable documentation for this purpose includes voter's registration, driver's license, homeowner's insurance, income tax filing, and/or utility bill. When both the primary and ADU are constructed at the same time, such documentation must be provided prior to final occupancy.

f. Temporary Leave. A property owner may temporarily vacate the principal residence up to one year due to a temporary leave of absence for an employment, educational, volunteer opportunity, or medical need. The property owner must provide the City proof of temporary leave status from the property owner's employer, educational facility, volunteer organization or medical provider, and a notarized statement that the property owner intends to resume occupancy of the principal residence after the one year limit. During the temporary leave, the property owner may rent or lease both units on the property. Leaves in which property owner is temporarily

absent shall not be consecutive and shall not occur more than once every 5 years. This standard may be adjusted at the discretion of the City.

2. General Standards for Detached ADUs. In addition to the standards in ARTICLE VIII.K.1 detached ADUs shall comply with the following:

a. Building Size. Up to 300 square feet of un-heated garage or storage space attached to the ADU is allowed and is not counted in the allowable total building square footage.

b. Pedestrian Access. A pedestrian walkway shall be provided from the street or alley to the primary entrance of the ADU. The pedestrian walkway shall be a hard surface (concrete, asphalt, gravel or pavers).

c. Outdoor Storage/Trash. Outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall and 100 percent site obscuring fence or enclosure on at least three sides.

L. <u>Design Standards and Guidelines</u>

1. Purpose

The design standards in this section are intended to ensure that new development contributes to the overall livability of the community by:

a. Preserving and enhancing the small town and historic character of the Coburg;

b. Ensuring architectural compatibility;

c. Providing a physical setting that is safe and inviting for walking and other pedestrian activity;

d. Promoting design that is aesthetically pleasing and consistent with the values of the community as expressed in the Comprehensive Plan.

2. Applicability

These standards apply to all new development and substantial improvements, unless otherwise stated within the Coburg Zoning Code. Substantial improvements shall include the following:

a. Additions that consist of more than 33% of the total floor area of the primary structure and are visible from a public-right-of-way; or

b. Additions that consist of more than 50% of the total floor area of the primary structure and are not visible from a public-right-of-way.

3. Standards and Guidelines

Terms used in this section are intended as follows:

a. Purpose – The purpose statement explains the intent of the standard for use in interpretations and discretionary reviews where the standards are applied. Design Standard – The design standards are clear and objective standards that shall be applied during administrative and/or discretionary reviews.

b. Design Guidelines – The design guidelines are encouraged but not required as part of administrative reviews. They may be required as part of discretionary reviews.

4. Single Family Detached, Manufactured, Single-Family Attached and Multi-Family Dwellings (do not apply to mixed use structures; see ARTICLE VIII.M)

a. Front Porch (does not apply to multi-family unless specified)

(1) Purpose

(i) Together with street-facing window and the front door, front porches and deck connect the inside of the house with the outside of the house. Porches and decks, in the best examples, make "outside rooms" by extending the indoor living spaces.
(ii) Porches and decks enable residents to participate either actively or passively with activities on the street.
(iii) Porches and decks contribute to safety of the neighborhood by providing residents with a place to monitor activity on the street.

(2) Design Standard (minimum requirement)

(i) Front porches must be oriented towards the street.
(ii) The minimum finished height of a front porch is 16 inches above grade. The maximum-finished grade for an entry porch in a single-family residential zone is 3 feet above grade.
(iii) The minimum roof pitch for a front porch is 3:12.
(iv) Porches and decks must be a minimum of 5 feet wide.
(v) Porches and decks need to be a minimum of 25 percent of the length of the primary street facing façade.
(vi) For multi-family dwellings, ground floor units closest to street frontage must have a front porch that is a minimum of five feet wide.

(3) Design Guidelines

(i) Porches more than 16 inches above grade should consider a hand rail from the top of the front porch to the first stair.
(ii) Tapered wood columns often exhibit a 2:1 ratio from the top of the column to the base of the column with the base of the column not exceeding 20 inches.
(iii) Wider front porches are preferred for their ability to make comfortable spaces.
(iv) The use of a projecting wood cap or sill is encouraged at the base of the column.

b. Landscaping

(1) Purpose

(i) Landscaping helps integrate the dwelling with the lot.
(ii) Landscaping enhances the site through the careful placement of plantings and other landscape features.
(iii) Landscaping helps create a transition between the street and the front door.
(iv) Landscaping helps define neighboring property lines, outdoor sitting areas and recreational areas.
(v) Landscaping helps screen/soften foundation walls.

(2) Design Standards

(i) Chain link fencing between the front façade and the street is prohibited.
(ii) No more than 30 percent of the front yard area shall be pavement.
(iii) See requirements for Street Trees at Article VIII, Section E (2).

(3) Design Guidelines

(i) Every effort should be made to incorporate plantings that are consistent with planting in the neighborhood.
(ii) Clustering shrubs is preferred over linear plantings.
(iii) Foundation walls greater than 12 feet high should be screened/softened with landscaping at a preferable rate of one gallon shrub for every three lineal feet of foundation.
(iv) The planting of invasive species and/or nuisance plants, such as English Ivy, is discouraged.
(v) Decorative fencing that is less than 3 feet high and no more than 50 percent site obscuring is encouraged within the front yard.

c. Vertical-Oriented Windows

(1) Purpose

(i) The size, shape and location of doors and windows define the character and, in many instances, typology of the residence.
(ii) Windows provide light and air.
(iii) Windows and doors contribute to the “face” of the residence and the residences' sense of being inviting.

(2) Design Standard (minimum requirements along street-facing facades):

(i) New dwellings, remodels and additions must incorporate windows that are taller than wide.

(3) Design Guidelines

(i) Double hung windows are preferred.
(ii) Two or more vertical windows can be grouped together to create a horizontal window. Windows units are allowed provided that they appear as a grouping of standard 2:1 windows.
(iii) The following window types and window elements are discouraged:

(aa) Mirror, reflective or opaque glass
(bb) Horizontal slider windows
(cc) Arched windows

d. Doors (Main Entrance) (does not apply to multi-family unless specified)

(1) Purpose

(i) Ensure that the main entrance to the house is prominent (visible), interesting and inviting

(2) Design Standards

(i) Front doors shall face the street.
(ii) For multi-family dwellings, front doors for ground floor units must face the street.

(3) Design Guidelines

(i) Transom windows are encouraged above street facing doors.

e. Roof Form / Roof Pitches (does not apply to multi-family unless specified)

(1) Purpose

(i) Ensure that the roofs of new houses and additions are compatible with roofs found on houses in the core area, especially those houses on the historic registrar.

(2) Design Standard (minimum requirements):

(i) The roof pitch of new houses and additions, including gable dormers must be a minimum of 6:12.
(ii) Dormers must include an operable window.
(iii) New homes, especially on infill lots must incorporate roof forms that are compatible with roof forms, in the neighborhood. In the core area roof forms and roof pitches must be compatible with homes on the historic register.
(iv) Roof eaves must be a minimum of 12 inches.
(v) Shed roofs and shed roof dormers are prohibited from facing the street.
(vi) Skylights, and other types of equipment not inherent to the function of the roof are prohibited on the street facing façade.
(vii) Multi-family dwellings must have a pitched roof.

(3) Design Guidelines

(i) Repair and maintenance of original roof forms, especially in the core area should retain where possible the roof type, chimneys, cornices, parapets, pediments, friezes, exposed rafters and other details
(ii) Extending rooflines as is practiced on many of Coburg's homes, contributes to the façade by bringing shadows and a sense of depth (relief) to the façade.

f. Materials

(1) Purpose

(i) Use materials and details that are compatible with Coburg's historic homes.

(2) Design Standard (minimum requirements)

(i) The use of concrete and concrete block on foundation wall

greater than 3'-0" tall is prohibited.

(ii) The use of vinyl siding, aluminum siding, T-111, EIFS, stucco, cinderblock, plastic and faux stone is prohibited on the front façade of the building.

(3) Designs Guidelines

(i) Horizontal wood siding and wood shingles are the preferred exterior siding material. Composite boards and cementitious boards are also allowed provided that they are paint grade quality.

g. Architectural Details and Trim

(1) Purpose

(i) Architectural Details and Trim add interest to the house giving its sense of warmth and character.

(ii) Details and trim provide walls with shadows that give walls a sense of depth and permanence.

(2) Design Standards (minimum requirements)

(i) Trim is required along rooflines, porches, windows, and doors.

(ii) Door & Window trim must be: 5-1/2 inch minimum.

(iii) Horizontal wood siding (preferred) and paint grade cementitious must be a minimum 3-1/2 inch wide.

(3) Design Guidelines

(i) As a general rule details and trim should be incorporated (highlight) where vertical and horizontal surfaces meet- For example, where walls meet the roof or where two wall planes meet at a corner.

(ii) The following trim elements help to create a rich and visually interesting streetscape: corner boards, eave returns, sting course or other horizontal trim elements at the floor level, barge boards / raking cornice, projecting rafter tails, and decorative wood gable ends.

(iii) Residential details are typically found at the peak of the roof, the tops and bottoms of porch posts, porch railings and around windows and doors.

h. Garages

(1) Purpose

(i) The focus on how garages are designed is intended to make sure that they do not become the primary element of the site or the house. Large, out of scale garages are not only unattractive but detract from the pedestrian realm by eliminating the physical and visual connection between activities in the house and activities on the street.

(2) Design Standards (minimum requirements)

(i) The front of the garage must be a minimum of 5 feet behind the primary facade.
(ii) Garage door can be no more than 150 square feet of the street facing façade

(3) Design Guidelines

(i) Garages with two separate garage doors are encouraged
(ii) Garage doors with glazing are encouraged

i. Additions

(1) Purpose

(i) Additions need to be respectful and compatible of the original façade especially additions to historic home or to homes in historic districts.

(2) Design Standard (minimum requirement)

(i) Additions must maintain the existing height to width ratios of building planes and sub-elements such as windows and doors

(3) Design Guidelines

(i) Where possible additions should be limited to the rear and side yards.
(ii) Where possible, original building entrances, front porch and projecting features such as a balconies, bays, and dormer windows must be retained.

j. Private Open Space (applies to multi-family in all zones except C-1)

(1) Purpose

(i) The Multi-Family Dwelling Private Open Space standards in this

subsection apply to ground-floor and upper-floor multi-family dwelling housing units, and seek to enhance the attractiveness of the area and increase the use of major landscape features that can help tie the public and private open spaces together.

(2) Design Standards (minimum requirement)

(i) A minimum of 40 percent of dwelling units in a multi-family structure shall have private open space.
(ii) The minimum area of ground level private open space shall be 100 square feet and 20 square feet for a balcony.
(iii) Private open space may be covered but not enclosed (i.e., space between a floor, decking, or ground level and a roof structure has more than three sides taller than 42 inches in height).

k. Building exteriors (applies only to multi-family)

(1) Purpose

(i) Building facades enhance the character of buildings, and maintain the historic character of Coburg.

(2) Design Standards (minimum requirements)

(i) Building facades facing a public street shall have no more than 100 feet without providing variation in building material or articulation.
(ii) Buildings within 40 feet of a front line shall have their primary orientation toward the street.
(iii) Ground floor main entrances located within 40 feet of a street must face the front lot line.

(iv) Main entrances to upper story units shall be provided from the interior of the building.

(v) Street façades shall contain windows covering a minimum of 15 percent of the façade of each floor.

(vi) Neither the maximum length nor width of any building may exceed 100 feet in a residential zone or 150 feet in the C-1 zone.

5. Commercial and Industrial (in all zones except C-1 (unless specified), TR, and TMR)

a. Parking Area Landscaping

(1) Purpose

(i) Landscaping helps screen the parking area both from the development and right-of-way.
(ii) Landscaping enhances the site through the careful placement of plantings and other landscape features.
(iii) Landscaping helps reduce stormwater run-off by reducing the amount of impervious surface.

(2) Design Standards (minimum requirements)

(i) A minimum of 10 percent of the total off-street parking area shall be landscaped to provide a minimum 40 percent shade coverage at tree maturity. The parking area shall be computed by adding all areas used for access drives, aisles, stalls, and maneuvering within that portion of the site that is devoted to parking and circulation.
(ii) Planning staff will confirm that the proposed off-street parking area meets the standard based on an authoritative tree guide, or on a landscaping plan prepared by a licensed landscape architect or arborist certified by the International Society of Arboriculture.

b. Pedestrian and Bicycle Amenities and Connection.

(1) Purpose

(i) Providing for bicycle amenities and connectivity to existing bicycle facilities.
(ii) Encourages alternative modes of transportation.

(2) Design Standards (minimum requirements)

(i) Future commercial and industrial development shall provide safe and convenient pedestrian and bicycle access to all new and existing park and open space areas, including the Coburg Loop Path.
(ii) New commercial development shall provide support facilities for employees who are commuting by bike, such as by providing showers, lockers, and long term bike parking as set forth in ARTICLE VIII.B.6.

(iii) Continuous pedestrian walkways shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. Internal pedestrian walkways, which are distinguishable from parking and driving areas, shall be provided for pedestrians to access the buildings from the parking lots.

c. Exterior lighting.

(1) Purpose

Outdoor lighting must be controlled in order to reduce light pollution, preserve the night sky for astronomy, protect flora and fauna from the negative effects of artificial light, and conserve energy.

(2) Design Standards (minimum requirements)

(i) All exterior lighting shall be shielded and reflected downward, as shown in Figure VIII.L.5.c., to minimize glare and prevent light trespass on adjacent parcels, other land uses, and street rights-of-way.

d. Building Exteriors.

(1) Purpose

(i) Building façades enhance the character of buildings, and maintain the historic character of Coburg.

(2) Design Standards (minimum requirements)

(i) Commercial and industrial building façades facing a public street shall have no more than 100 feet without providing variation in building material or articulation.
(ii) Ground floor windows are required for all office and commercial uses and all development in the CI zone. All elevations of those uses abutting a public street shall provide windows for at least 25 percent of the ground floor wall. Building elevations adjacent to alleys or vehicle accessways, used primarily for servicing and deliveries are exempt from this standard.
(iii) In the CI zone, the primary entrance to all buildings shall be visible from the street.

Figure VIII.L.5.c

Examples of Acceptable / Unacceptable Lighting Fixtures

e. Sound Transmission/Vibrations.

(1) Purpose

(i) Intended to minimize adverse impacts on nearby residents or occupants of nearby properties.
(ii) Intended to protect nearby non-industrial businesses from the negative impacts of industrial uses.

(2) Design Standards (minimum requirements)

(i) Vibration. All permanent mechanical equipment (such as motors, compressors, pumps and compactors) that is the source of structural vibration or structural borne noise shall be vibration isolated within inertia blocks or bases or vibration isolator springs so that vibrations are undetectable off-site. Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

(ii) Noise. No commercial or industrial operation may cause or permit sound (measured at the property line) to intrude into another property which exceeds the limits set forth below:

Zoning District of Receiving Property	Max. Sound Level (dBA)
TR and TMR	55
C-1	60
C-2, LI, CI	65

f. Screening. See standards in Article VIII, Section H(2). In addition, in the CI zone, truck parking for vehicles necessary for the operation of the facility shall be fully enclosed in a building or screened by a masonry or concrete wall that is an extension of the building and complements the façade of the building. The wall shall be a minimum of 8 feet tall and shall conceal trucks from public view.

g. Transit Stations and Stops. When required, transit stations and stops shall conform to the standards of the Lane Transit District.

6. Design Standard Modification Process

a. A modification to the design standards set forth in Article VIII, Section L may be approved through a Type II process on the basis of the application,

investigation and evidence submitted that all of the following circumstances are found to exist:

(1) There is a demonstrable difficulty in meeting the specific requirements of the Single-Family Detached and Manufactured Dwelling Design Standards due to a unique or unusual aspect of the proposed use of a site;
(2) Approval of the modification will not substantially negatively impact adjacent properties;
(3) Approval of the modification is consistent with the stated Purpose of the Design Standards; and

(4) The modification requested is the minimum modification which would alleviate the identified difficulty

M. <u>Mixed Use</u>

1. The following standards apply to mixed use and non-residential development in C-1, TR and TMR zones.

a. Screening/buffering.

(1) Mechanical equipment, refuse collection and recycling areas for businesses shall be enclosed with a fence, wall, or structure high enough to screen all collection bins.

b. Parking.

(1) Minimum parking requirements shall be determined by combining the requirements of the residential and the commercial use.
(2) Off-street parking shall be located to the side or rear of the building(s).

c. Pedestrian amenities. Pedestrian sidewalks or walkways must be provided to connect the building entrance to the public right of way.

d. Building orientation.

(1) All buildings shall have their primary entrance(s) oriented to the street. “Oriented to the street” means that the building entrance faces the street. Streets used to comply with this standard are public streets or private streets that contain sidewalks and street trees.
(2) On corner lots, buildings and entrances shall be oriented to the street corner; parking, driveways, and other vehicle areas shall be prohibited between buildings and street corners.

e. Windows. Transparent ground floor windows must be installed for at least 50 percent of the length of the street wall and have an area equal to 15 percent of the ground-floor wall area of the street wall. Ground-floor wall area includes all wall areas up to 10 feet above finished grade.

f. Façades.

(1) Façades of buildings or structures facing a public right-of-way must include horizontal articulation at least every 75 feet. Such articulation may include but is not limited to a perpendicular offset, pillar, or material change.

(2) No wall may extend horizontally for a distance greater than three times its average height without a change in elevation.

2. The following standards apply to mixed use development in the C-1 zone.

a. The maximum height allowed in the zone may be increased by 10 feet above the maximum otherwise allowed where residential uses are provided above the ground floor (vertical mixed use) and where no height variance has been approved.

b. Dwellings allowed above or behind a commercial use shall comply with the following standards:

(1) Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley. These standards do not apply when prevented by existing developments or topography. Each dwelling unit shall provide the required number of ~~parking and~~ bicycle spaces as required in Article VIII.

(2) Use of Alleys. If more than four dwelling units are proposed, an alley or private mid-block lane shall be required for vehicle access. Alleys or mid-block lanes are not required when existing developments or topography prevents construction of an alley. As part of the development, the City may require dedication of right-of-way or easements and construction of pathways to provide pedestrian connections through a development site.

(3) Common Areas. A homeowners association or other legal entity shall maintain all common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors. Copies of any

applicable covenants, restrictions, and conditions shall be recorded and provided to the City prior to building permit approval.

3. The following standards apply to mixed use development in the TR and TMR zones.

a. Density. Maximum Residential Density—Maximum residential density for mixed use development is controlled by the applicable lot coverage and building height standards.

(1) Locational. Mixed-use development is allowed only on properties abutting N. Willamette Street, West Van Duyn west of N. Willamette St., and North Coburg Road north of West Van Duyn Road.

N. Mobile Food Vending

1. Locational Standards.

a. Mobile food carts are allowed on private property in the Central Business District (C-1), Highway Commercial District (C-2), Light Industrial District (L-1), and Campus Industrial District (CI), subject to property owner approval.

b. Carts may not block motor vehicle access or pedestrian walkways.

c. Mobile food carts may not occupy parking spaces required by other businesses at the location.

d. Pedestrian (walk-up) traffic only is allowed (no drive-through service).

2. Design Standards.

a. Mobile food carts may not exceed 26 feet in length, measured wall to wall.

b. Mobile food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to tanks, barrels, or other accessory items.

c. Mobile food carts must be kept in good repair and maintained in a safe and clean condition.

d. If provided, awning shall have seven feet of clearance between the ground and awning.

e. Mobile food carts shall not exceed 15 feet in height.

3. Utilities.

a. Wastewater shall be addressed in one of the following two ways:

(1) Mobile food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes, and will include an approved grease separator for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the stormwater system in prohibited.

(2) Mobile food carts shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any mobile food carts are located on site. Holding tanks shall be screened from view of the right of way by fully sight obscuring fencing. Indirect discharge or leakage draining into the stormwater system in prohibited.

b. Potable water shall be addressed in one of the following two ways:

(1) Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes, or

(2) Food carts shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules.

c. Food carts and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited.

d. All utilities shall be placed or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

4. Signage. See Coburg Sign Ordinance A-155.

5. Lighting. Food cart pods shall have lighting to ensure safe environment for customers and employees that complies with the following:

a. At minimum, areas to be occupied by customers shall be illuminated when carts operate during hours of darkness.

b. No direct light source shall be visible from the property line.

c. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.

6. Approvals

a. Mobile Food Cart operators shall obtain and keep current a city business license.

b. Mobile Food Cart operators shall maintain all required licenses by the appropriate state and/or local agency, including Lane County Environmental Health.

O. <u>Home Occupation Standards.</u>

1. Appearance of Residence.

a. The home occupation shall be restricted to lawfully built enclosed structures and conducted in such a manner as not to give an outward appearance of a business.

b. The home occupation shall no result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

c. The home occupation shall not violate and conditions of development approval (i.e., prior development permit approval).

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

2. Storage.

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

b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use if prohibited.

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

3. Employees.

a. Other than family members residing within the dwelling located on the home occupation site there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this

chapter, the term “home occupation site” means the lot on which the home occupation is conducted.

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

c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

4. Advertising and Signs. Any signs shall comply with the Sign Ordinance.

5. Vehicles, Parking and Traffic.

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

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

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

d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 7 p.m. only, subject to Sections A and E, above.

7. Prohibited Home Occupation Uses.

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

b. Any activity involving on-site retail sales in prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from

computer consultants, and similar incidental items for sale by home business are allowed subject to Section A-F, above.

c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

(1) Ambulance service;
(2) Animal hospital veterinary services, kennels or animal boarding;
(3) Auto and other vehicle repair, including auto painting;
(4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;

8. **Enforcement.** The City Planning Official or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable advance notice.

P. Wireless Communication Facilities Development Standards

1. **Purpose and Intent** - The purpose of this section is to establish standards that regulate the placement, appearance and impact of wireless communication facilities, while providing residents with the ability to access and adequately utilize the services that these facilities support.
Because of the physical characteristics of wireless communication facilities, the impact imposed by these facilities affect not only the neighboring residents, but the community as a whole.

The standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are mitigated to the greatest extent possible, especially in or near residential areas.

2. **Submittals** - In addition to the submittals required in section IX.3., the following items shall be provided as part of the application for a wireless communication facility.

a. A photo of each of the major components of a similar installation, including a photo montage of the overall facility as proposed.

b. Exterior elevations of the proposed wireless communication facility (min 1"=10').

c. A set of manufacturer's specifications of the support structure, antennas, and accessory buildings with a listing of materials being proposed including colors of the exterior materials.

d. A site plan indicating all structures, land uses and zoning designation within 150 feet of the site boundaries, or 300 feet if the height of the structure is greater than 80 feet.

e. A map showing existing wireless communication facility sites operated by the applicant within a 5 mile radius of the proposed site.

f. A collocation feasibility study that adequately indicates collocation efforts were made and states the reasons collocation can or cannot occur.

g. A copy of the lease agreement for the proposed site showing that the agreement does not preclude collocation.

h. Documentation detailing the general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

i. Any other documentation the applicant feels is relevant to comply with the applicable design standards.

3. **Design Standards** - All wireless communication facilities shall be located, designed, constructed, treated and maintained in accordance with the following standards:

a. General Provisions

(1) All facilities shall be installed and maintained in compliance with the requirements of the Building Code. At the time of building permit application, written statements from the Federal Aviation Administration (FAA), the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communication Commission that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.

(2) All associated transmittal equipment must be housed in a building, above or below ground level, which must be designed and landscaped to achieve minimal visual impact with the surrounding environment.

(3) Wireless communication facilities shall be exempted from height limitations imposed in each zoning district.

(4) WCF shall be installed at the minimum height and mass necessary for its intended use. A submittal verifying the proposed height and mass shall be prepared by a licensed engineer.

(5) Signage for wireless communication facilities shall consist of a maximum of two non-illuminated signs, with a maximum of two square feet each stating the name of the facility operator and a contact phone number.

(6) Applicant is required to remove all equipment and structures from the site and return the site to its original condition, or condition as approved by the Staff Advisor, if the facility is abandoned for a period greater than

six months. Removal and restoration must occur within 90 days of the end of the six month period.

b. Preferred Designs

(1) Where possible, the use of existing WCF sites for new installations shall be encouraged. Collocation of new facilities on existing facilities shall be the preferred option.
(2) If (1) above is not feasible, WCF shall be attached to pre-existing structures, when feasible.
(3) If (1) or (2) above are not feasible, alternative structures shall be used with design features that conceal, camouflage or mitigate the visual impacts created by the proposed WCF.
(4) If (1), (2), or (3) listed above are not feasible, a monopole design shall be used with the attached antennas positioned in a vertical manner to lessens the visual impact compared to the antennas in a platform design. Platform designs shall be used only if it is shown that the use of an alternate attached antenna design is not feasible.
(5) Lattice towers are prohibited as freestanding wireless communication support structures.

c. Landscaping

The following standards apply to all WCF with any primary or accessory equipment located on the ground and visible from a residential use or the public right-of-way:

(1) Vegetation and materials shall be selected and sited to produce a drought resistant landscaped area.
(2) The perimeter of the WCF shall be enclosed with a security fence or wall. Such barriers shall be landscaped in a manner that provides a natural sight obscuring screen around the barrier to a minimum height of six feet.
(3) The outer perimeter of the WCF shall have a 10-foot landscaped buffer zone.
(4) The landscaped area shall be irrigated and maintained to provide for proper growth and health of the vegetation.
(5) One tree shall be required per 20 feet of the landscape buffer zone to provide a continuous canopy around the perimeter of the WCF. Each tree shall have a caliper of 2 inches, measured at breast height, at the time of planting.

d. Visual Impacts

(1) Antennas, if attached to a pre-existing or alternative structure shall be integrated into the existing building architecturally and, to the greatest extent possible, shall not exceed the height of the pre-existing or alternative structure.

(2) Wireless communication facilities shall be located in the area of minimal visual impact within the site which will allow the facility to function consistent with its purpose.
(3) Antennas, if attached to a pre-existing or alternative structure shall have a non-reflective finish and color that blends with the color and design of the structure to which it is attached.
(4) WCF, in any zone, must be set back from any residential zone a distance equal to twice its overall height. The setback requirement may be reduced if, as determined by the Hearing Authority, it can be demonstrated through findings of fact that increased mitigation of visual impact can be achieved within of the setback area. Underground accessory equipment is not subject to the setback requirement.
(5) Exterior lighting for a WCF is permitted only when required by a federal or state authority.
(6) All wireless communication support structures must have a non-reflective finish and color that will mitigate visual impact, unless otherwise required by other government agencies.
(7) Should it be deemed necessary by the Hearing Authority for the mitigation of visual impact of the WCF, additional design measures may be required. These may include, but are not limited to: additional camouflage materials and designs, facades, specific colors and materials, masking, shielding techniques.

e. Collocation standards

(1) Each addition of an antenna to an existing WCF requires a building permit, unless the additional antenna increases the height of the facility more than ten feet.
(2) Addition of antennas to an existing WCF that increases the overall height of the facility more than ten feet is subject to a site review.

Q. Drive-through Facility Standards

1. Purpose. The purpose of this section is to prevent drive-through and drive-up facilities from degrading the walkability of the surrounding area, protect neighboring residences from the negative effects of drive-through and drive-up uses (e.g., noise, light, air pollution from idling cars), and promote equity among all transportation modes.

2. Drive-through design. 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:

a. The drive-up or drive-through facility must be located at least 50 feet from any existing residential use.

b. 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 in Figure VIII.Q.

c. The drive-up or drive-through facility shall not be oriented to a street corner.

d. Customer entrances must face the street.

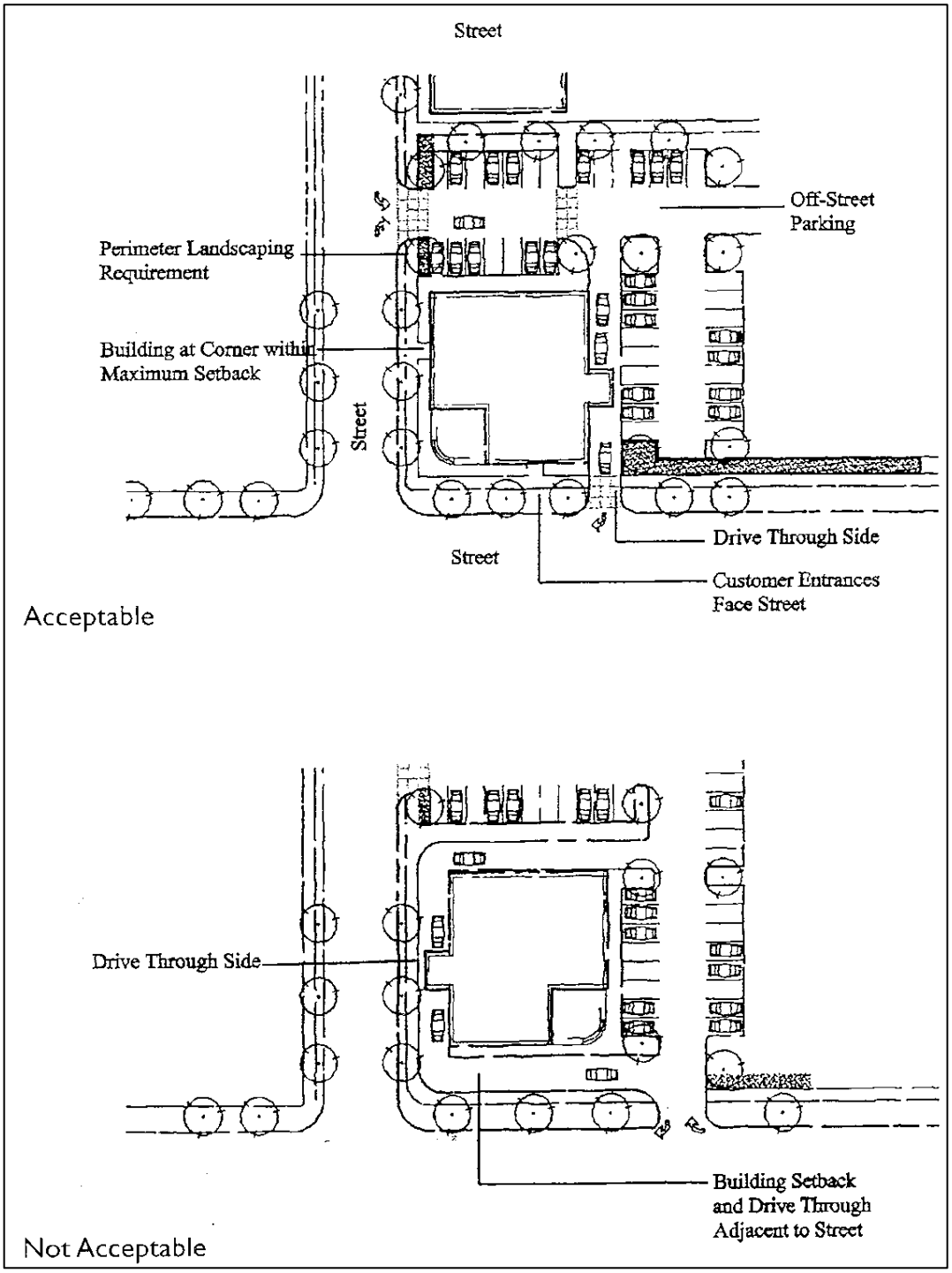
e. The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.

f. 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.

g. If ATMs are provided, at least one ATM shall be located adjacent to a sidewalk for walk-up use.

h. Bicycle and pedestrian access to the drive-up or drive-through facility shall be allowed and indicated with signage and pavement markings.

Figure VIII.Q



ARTICLE IX. SPECIAL DISTRICTS

A. Architecturally Controlled Areas

Any portion of any district may be designated for nominal architectural control wherein such controls are essential to scenic preservation or the stabilization of land values. Such areas shall be designated on the Official Zone Map by the district symbol, followed by 'X'. Within such areas an applicant for a construction permit must first have preliminary plans, specifications, and uses approved by the Planning Commission. Said plans, specifications and uses must be filed with the construction permit application at least 15 days prior to a scheduled Planning Commission meeting.

B. Site Review Permit

All architecturally controlled areas require a site review permit as set forth in Article IX. Land Use Review and Site Design Review, Section C Land Use Review Criteria and Procedure [administrative amendment to implement Ord. A-200B, 01/08/08]

ARTICLE X. TYPES OF REVIEW PROCEDURES

A. Purpose and Applicability of Review Procedures

1. **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 X.1** provides a key for determining the review procedure and the decision-making body for particular approvals.

2. **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: Type I, II, III, and IV. These procedures are described in subsections a-d below. **Table X.1** lists all of the City's land use and development approvals and their required review procedure(s).

   a. Type I Procedure (Administrative)
   Type I decisions are made by the City Planning Official, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion;

   b. Type II Procedure (Administrative)
   Type II decisions are made by the City Planning Official or designee *with* public notice, and an opportunity for a public hearing if appealed. Type II decisions may be heard by Planning Commission. The appeal of a Type II decision is heard by the Planning Commission;

   c. Type III Procedure (Quasi-Judicial)
   Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.

   d. Type IV Procedure (Legislative)
   Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. Appeals are submitted to the Oregon State Land Use Board of Appeals (LUBA).

Table X.1 Summary of Approvals by Type of Review Procedure		
Approvals*	**Review Procedures**	**Applicable Regulations**
Appeal to City Council	Type III	ARTICLE X.D.5.F
Appeal to Planning Commission	Type II/III	ARTICLE X.B.7
Building Permit	Type I	Building Code and adopted design standards; see ARTICLE VIII Supplementary District Regulations
Change in Use	Type II	ARTICLE XII Land Use Review and Site Design Review
Code Interpretation	Type II	ARTICLE XVII Code Interpretations
Code Amendment	Type IV	ARTICLE XVI Land Use District Map and Text Amendments
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	ARTICLE XIII Conditional Use Permits
Facilities/Right-of-Way Permit	Type I	Engineering Standards, ARTICLE XI Land Use Review; ARTICLE XIII Land Divisions and Property Line Adjustments
Flood Plain Development Permit	Type I	Building Code Ord. A-195, ARTICLE VII.H Flood Plain Sub-District
Home Occupation	Type III	ARTICLE XVIII.B Home Occupation Permits
Master Plan Development	Type IV	ARTICLE XIV Master Planned Developments
Modification to Approval (minor)	Type II	ARTICLE XV Modifications to Approved Plans and Conditions of Approval
Modification to Approval (major)	Type III	ARTICLE X.C Major Modifications
Land Use District Map Change Quasi-Judicial (no plan amendment required)	Type III	ARTICLE X.VI Land Use District Map and Text Amendments
Land Use District Map Change Legislative (plan amendment)	Type IV	ARTICLE XVI Land Use District map and Text Amendments
Lot Line Adjustments (including consolidations)	Type II	ARTICLE XII Land Divisions and Property Line Adjustments
Lot of Record Determination	Type I	ARTICLE X Types of Review Procedures
Non-Conforming Use Determination (Lots/Use/Structures/Premises/Characteristics)	Type II	ARTICLE VI, Nuisance Ordinance
Partition	Type II	ARTICLE XII Land Divisions and Property Line Adjustments
Sign Permit	Type I and II	ARTICLE VIII Supplementary District Regulations, Supplementary Sign Code (Ord. A-155-B)

Site Design Review	Type II	ARTICLE XI Land Use Review and Site Design Review
Subdivision - Tentative	Type III	ARTICLE XII Land Divisions and Property Line Adjustments
Subdivision - Final	Type III	ARTICLE XII Land Divisions and Property Line Adjustments
Temporary Use Permit	Type II	ARTICLE XVIII Miscellaneous Permits A. Temporary Use Permit
Tree Removal	Type I	Tree Removal Permit
Variance	Type III	ARTICLE XIX Variances
Annexation	Type IV	ARTICLE XX Boundary Changes (annexation)
Vacation	Type IV	ARTICLE XXIII Vacation
Replat	Type III	ARTICLE XII Land Divisions and Property Line Adjustments

** The applicant may be required to obtain approvals from other agencies, such as Lane County Transportation Division for facilities permits some types of approvals. The City notifies agencies through 'agency referral' for applications that may affect their facilities or services.*

B. Type I Procedure (Administrative)

1. Application Requirements

a. Application Forms. Type I applications shall be made on forms provided by the City Planning Official or designee.

b. Application Requirements. Type I applications shall:

(1) Include the information requested on the application form;
(2) Address the criteria in sufficient detail for review and action; and
(3) Be filed with the required fee.

2. Administrative Decision Requirements. The City Planning Official or designee's decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

3. Final Decision. A Type I decision is the final decision of the City. It cannot be appealed to City officials.

4. Effective Date. A Type I decision is final on the date it is made.

C. Type II Procedure (Administrative)

1. Pre-application Conference. A pre-application conference is optional for Type II reviews. Pre-application conference requirements and procedures are in Section F.

2. Application Requirements.

a. Application Forms. Type II applications shall be made on forms provided by the City Planning Official or designee.

b. Submittal Information. The application shall:

(1) Include the information requested on the application form;
(2) Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Section XI (Land Use Review), XII (Land Divisions), 4.6 XV (Modifications), XVII (Code Interpretations), and XVIII (Miscellaneous Permits);
(3) Be accompanied by the required fee.

3. Notice of Application for Type II Administrative Decision.

a. Before making a Type II Administrative Decision, the City Planning Official or designee shall mail notice to:

(1) All owners of record of real property within a minimum of 300 feet of the subject site;
(2) All City-recognized neighborhood groups or associations whose boundaries include the site;
(3) Any person who submits a written request to receive a notice; and
(4) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

b. Posted Notice. Posted notice shall be provided, when required, as follows:
(1) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall

be made a part of the file.

(i) *Posted notice.* Posted notice shall be deemed to have been provided upon the date when the sign is first posted. Subsequent removal of or damage to the sign by anyone other than the applicant or an officer of the City shall not invalidate the proceeding.

(2) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
(3) Posted notice shall be on signs approved by the Planning Official.
(4) The applicant shall remove the signs from the subject property after the comment period.

c. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.

d. Notice of a pending Type II Administrative Decision shall:

(1) Provide a 14-day period for submitting written comments before a decision is made on the permit;
(2) List the relevant approval criteria by name and number of code sections;
(3) State the place, date and time the comments are due, and the person to whom the comments should be addressed;
(4) Include the name, telephone number, and email of a contact person regarding the Administrative Decision;
(5) Describe proposal and identify the specific permits or approvals requested;
(6) Describe the street address or other easily understandable reference to the location of the site;
(7) State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
(8) State that all evidence relied upon by the City Planning Official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
(9) State that after the comment period closes, the City Planning Official or designee shall issue a Type II Administrative Decision, and that the

decision
shall be mailed to the applicant and to anyone else who submitted written
comments or who is otherwise legally entitled to notice;

(10) Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Coburg Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

4. Administrative Decision Requirements. The City Planning Official or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the City Planning Official or designee shall approve, approve with conditions, or deny the requested permit or action. If the application has unique or unclear characteristics *t*he City Planning Official, and/or the applicant, may refer the application to the Planning Commission for review in a public hearing, in which case the review shall follow the Type III procedures in Section C.

5. Notice of Decision.

a. Within five days after the City Planning Official or designee signs the decision, a Notice of Decision shall be sent by mail to:

(1) The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
(2) Any person who submits a written request to receive notice, or provides comments during the application-review period;
(3) Any City-recognized neighborhood group or association whose boundaries include the site; and
(4) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

b. The City Planning Official or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

c. The Type II Notice of Decision shall contain:

(1) A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);
(2) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;

(3) A statement of where the City's decision can be obtained;
(4) The date the decision shall become final, unless appealed;
(5) A statement that all persons entitled to notice may appeal the decision; and
(6) A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

6. **Final Decision and Effective Date**. A Type II administrative decision is final for purposes of appeal, when it is mailed by the City. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

7. **Appeal**. A Type II administrative decision may be appealed to the Planning Commission as follows:

a. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

(1) The applicant or owner of the subject property;
(2) Any person who was entitled to written notice of the Type II administrative decision;
(3) Any other person who participated in the proceeding by submitting written comments.

b. Appeal filing procedure.

(1) Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;
(2) Time for filing. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;
(3) Content of notice of appeal. The Notice of Appeal shall contain:

(i) An identification of the decision being appealed, including the date of the decision;
(ii) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
(iii) A statement explaining the specific issues being raised on appeal;
(iv) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
(v) Filing fee.

c. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be a hearing de novo before the Planning Commission. The

appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review. The Planning Commission may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

d. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II Administrative Appeals, as provided in Sections D. 3–5;

e. Further appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

D. Type III Procedure (Quasi-Judicial)

1. Pre-application Conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section F.3

2. Application Requirements.

a. Application forms. Type III applications shall be made on forms provided by the City Planning Official or designee; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.

b. Submittal Information. When a Type III application is required, it shall:

(1) Include the information requested on the application form;
(2) Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval;
(3) Be accompanied by the required fee; and
(4) Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in Section 3. The records of the Lane County Assessor's Office are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the City's fee list, the City shall prepare the public notice

mailing list. The City or the applicant shall use the most current County real property assessment records (RLID) to produce the notice list. The City shall mail the notice of application.

3. Notice of Hearing.

a. Mailed notice. The City shall mail the notice of the Type III action. The records of the Lane County Assessor's Office are the official records for determining ownership and can be accessed by RLID – Regional Land Use Information Database www.rlid.org. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official or designee in the following manner:

(1) At least 10 days before the hearing date, notice shall be mailed to:

(i) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
(ii) All property owners of record within 300 feet of the site;
(iii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application;
(iv) Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
(x) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
(xi) Any person who submits a written request to receive notice;
(xii) For appeals, the appellant and all persons who provided testimony in the original decision; and
(xiii) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

(2) The City Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

(3) At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

b. Content of Notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:

(1) The nature of the application and the proposed land use or uses that could be authorized for the property;
(2) The applicable criteria and standards from the development code(s) that apply to the application;
(3) The street address or other easily understood geographical reference to the subject property;
(4) The date, time, and location of the public hearing;
(5) A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
(6) The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
(7) A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Coburg City Hall at no cost and that copies shall be provided at a reasonable cost;
(8) A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
(9) A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
(10) The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Coburg Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

c. Posted Notice. Posted notice shall be provided, when required, as follows:

(1) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall be made a part of the file.

(i) *Posted notice.* Posted notice shall be deemed to have been provided upon the date when the sign is first posted. Subsequent removal of or damage to the sign by anyone other than the applicant or an officer of the City shall not invalidate the proceeding.

(2) Notice shall be posted on each street frontage of the subject property, in a

conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.

(3) Posted notice shall be on signs approved by the Planning Official.

(4) The applicant shall remove the signs from the subject property after the comment period.

4. Conduct of the Public Hearing.

a. At the commencement of the hearing, the hearings body shall state to those in attendance:

(1) The applicable approval criteria and standards that apply to the application or appeal;

(2) A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

(3) A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

(4) Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.

b. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;

c. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning

Commission shall reopen the record.

(1) When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
(2) An extension of the hearing or record granted pursuant to Section D is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
(3) If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;
(4) The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
(5) In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
(6) The review authority shall retain custody of the record until the City issues a final decision.

d. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see Section D(6)below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:

(1) At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section D(5) below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
(2) A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
(3) Disqualification of a member of the hearings body due to contacts or

conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

(4) If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Sections 4.1.400.D(4-5). In this case, a member of the City Council appointed by the Mayor may substitute for a member of the Planning Commission.

(5) If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;

(6) Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

e. Ex parte communications.

(1) Members of the hearings body shall not:

(i) Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per Section C above;

(ii) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

(2) No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

(i) Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and

(ii) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

(3) A communication between City staff and the hearings body is not considered an ex parte contact.

f. Presenting and receiving evidence.

(1) The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
(2) No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section D;
(3) Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

5. The Decision Process.

a. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;

b. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;

c. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;

d. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Planning Official or designee within ten business days after the close of the deliberation;

e. Notice of Decision. Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

f. Final Decision and Effective Date. The decision of the hearings body on any

Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the City Council's written decision or, in the case of Type I decision, within 21 days of the administrative decision date.

E. Type IV Procedure (Legislative).

1. Pre-Application Conference. A pre-application conference is required for all Type IV applications initiated by a party other than the City of Coburg. The requirements and procedures for a pre-application conference are described in Section F.

2. Timing of Requests. The City accepts legislative requests twice yearly, meeting January and July application timeline requirements. The City Council may initiate its own legislative proposals at any time.

3. Application Requirements.

a. Application forms. Type IV applications shall be made on forms provided by the City Planning Official or designee.

b. Submittal Information. The application shall contain:

(1) The information requested on the application form;
(2) A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
(3) The required fee; and
(4) One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

4. Notice of Hearing.

a. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.

b. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official or designee in the following manner:

(1) At least 10 days, but not more than 40 days, before the date of the first

hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

(i) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
(ii) Any affected governmental agency;
(iii) Any person who requests notice in writing;
(iv) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

(2) At least 10 days before the scheduled Planning Commission public hearing date, and 10 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

(3) The City Planning Official or designee shall:

(i) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection 1; and
(ii) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection 2.

(4) The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

(5) Notifications for annexation shall follow the provisions of this Chapter.

c. Content of notices. The mailed and published notices shall include the following information:

(1) The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained;
(2) The proposed site location;
(3) A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

(4) The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall ; and

(5) Each mailed notice required shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The Coburg Zoning Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

d. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:

(1) Personal notice is deemed given where the notice is deposited with the United States Postal Service;

(2) Published notice is deemed given on the date it is published.

5. Hearing Process and Procedure.

a. Unless otherwise provided in the rules of procedure adopted by the City Council:

(1) The presiding officer of the Planning Commission and of the City Council shall have the authority to:

(i) Regulate the course, sequence, and decorum of the hearing;

(ii) Direct procedural requirements or similar matters; and

(iii) Impose reasonable time limits for oral presentations.

(2) No person shall address the Commission or the Council without:

(i) Receiving recognition from the presiding officer; and

(ii) Stating their full name and address.

(3) Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

b. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:

(1) The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and

whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;

(2) The City Planning Official or designee's report and other applicable staff reports shall be presented;

(3) The public shall be invited to testify;

(4) The public hearing may be continued to allow additional testimony or it may be closed; and

(5) The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

6. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

7. Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

a. Approval of the request is consistent with the Statewide Planning Goals;

b. Approval of the request is consistent with the Comprehensive Plan; and

c. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

8. Approval Process and Authority.

a. The Planning Commission shall:

(1) After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official or designee before the Council public hearing on the proposal. The City Planning Official or designee shall send a copy to each Council member and place a copy in the record;

c. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, the City Planning Official or designee shall:

(1) Report the failure together with the proposed change to the City Council;

and

(2) Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. No further action shall be taken by the Commission.

d. The City Council shall:

(1) Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
(2) Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and
(3) Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

9. Vote Required for a Legislative Change.

a. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

b. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

10. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the City Planning Official or designee. The City shall also provide notice to all persons as required by other applicable laws.

11. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

12. Record of the Public Hearing.

a. A record of the proceeding shall be made by a minutes recorder, stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;

b. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;

c. The official record shall include:

(1) All materials considered by the hearings body;
(2) All materials submitted by the City Planning Official or designee to the hearings body regarding the application;
(3) The v record made by the minutes recorder, stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
(4) The final ordinance;
(5) All correspondence; and
(6) A copy of the notices that were given as required by this Chapter.

F. General Provisions: 120-day Rule; Time Computation; Pre-application Conferences; Acceptance and Review; Planning Official's Duties, Amended Applications; Re-submittal; Appeals

1. 120-day Rule. The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

2. Time Computation. In computing any period of time prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

3. Pre-application Conferences.

a. Participants. When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate;

b. Information provided. At such conference, the City Planning Official or designee shall:

(1) Cite the comprehensive plan policies and map designations applicable to the proposal;
(2) Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
(3) Provide available technical data and assistance that will aid the applicant;
(4) Identify other governmental policies and regulations that relate to the application; and

(5) Reasonably identify other opportunities or constraints concerning the application.

c. Disclaimer. Failure of the City Planning Official or his/her designee to provide any of the information required by this Section 4.1.600.C shall not constitute a waiver of any of the standards, criteria or requirements for the application;

d. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

4. Acceptance and Review of Applications.

a. Initiation of applications:

(1) Applications for approval under this Chapter may be initiated by:

(i) Order of City Council;
(ii) Resolution of the Planning Commission;
(iii) The City Planning Official or designee;
(iv) A record owner of property (person(s) whose name is on the most recently recorded deed, or contract purchaser with written permission from the record owner.

(2) Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

b. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

(1) If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

(2) When proceedings are consolidated:

(i) The notice shall identify each application to be decided;
(ii) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development

and other actions; and

(iii) Separate findings and decisions shall be made on each application.

c. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

(1) Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

(i) The required form;
(ii) The required fee;
(iii) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

(2) Completeness.

(i) Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information, or 14 days to submit a refusal statement;
(ii) Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee, see above. For the refusal to be valid, the refusal shall be made in writing and received by the City Planning Official or designee no later than 14 days after the date on the City Planning Official or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on 31st day after the City Planning Official or designee first accepted the application.
(iii) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

(3) Agency Referral. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable

County, State, and federal review agencies.

d. Changes or additions to the application during the review period. Once an application is deemed complete:

(1) All documents and other evidence relied upon by the applicant shall be submitted to the City Planning Official or designee at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by City Planning Official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

(2) When documents or other evidence are submitted by the applicant during the review period but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

(3) If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see (4), below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

(4) If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:

(i) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;

(ii) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule on the existing application. If the applicant does not consent, the City shall not select this option;

(iii) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence;

(5) If a new application is submitted by the applicant, that application shall be

subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

5. City Planning Official's Duties. The City Planning Official or designee shall:

a. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;

b. Accept all development applications that comply with Section F;

c. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

d. Prepare a notice of the proposal decision:

(1) In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

(2) In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by the respective application type.

e. Administer the hearings process;

f. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;

g. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

h. Administer the appeals and review process.

6. **Amended Decision Process**.

a. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.

b. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.

c. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

d. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures in Section X.VI. All other changes to decisions that are not modifications under Section X.VI follow the appeal process.

7. **Re-submittal of Application Following Denial**. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Planning Official or designee.

8. **Appeal Process.** An appeal by a person with standing shall be a hearing *de novo* and following the Type III procedure under ARTICLE X.D. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the proceeding below. The Planning Commission or City Council may allow additional evidence, testimony, or argument concerning any standard, criterion, condition, or issue relevant to the original application.

G. Special Procedures.

1. **Expedited Land Divisions**. An Expedited Land Division ("ELD") shall be defined and may be used as provided under ORS 197.360 through 197.380.

a. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the

application is filed, or forfeit his/her right to use it;

b. Review procedure. All applications for Expedited Land Divisions shall comply with ORS 197.360 through 197.380 and the Coburg Comprehensive Plan; ORS 197.360 through ORS 197.380 details the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.

c. Appeal procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. Where the City has not otherwise appointed a hearings officer (referee) for such appeals, and the City Attorney is a Contractor (not a city employee), the City Attorney shall serve as the referee for ELD appeals.

H. Neighborhood Meetings

Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development. Applicants for Type III quasi-judicial applications are encouraged to hold a meeting with adjacent property owners who will receive public notice (a minimum 100 ft. radius from subject property).

I. Traffic Impact Studies

The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified

1. When a Traffic Impact Study is Required. The City **or other road authority** with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:

a. A change in zoning or a plan amendment designation;

b. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);

c. An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more; or

d. An increase in peak hour volume of a particular movement to and from the State highway as prescribed by the Coburg I-5 Interchange Area Management Plan.

e. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

f. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

g. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

h. Any proposed development or land use action on property within the Interstate Area Management Plan (IAMP) that will generate more than 100 AM or PM peak hour trips per day, or 600 Average Daily Trips. See map figure 1 for IAMP area.

ARTICLE X. Map Figure 1.

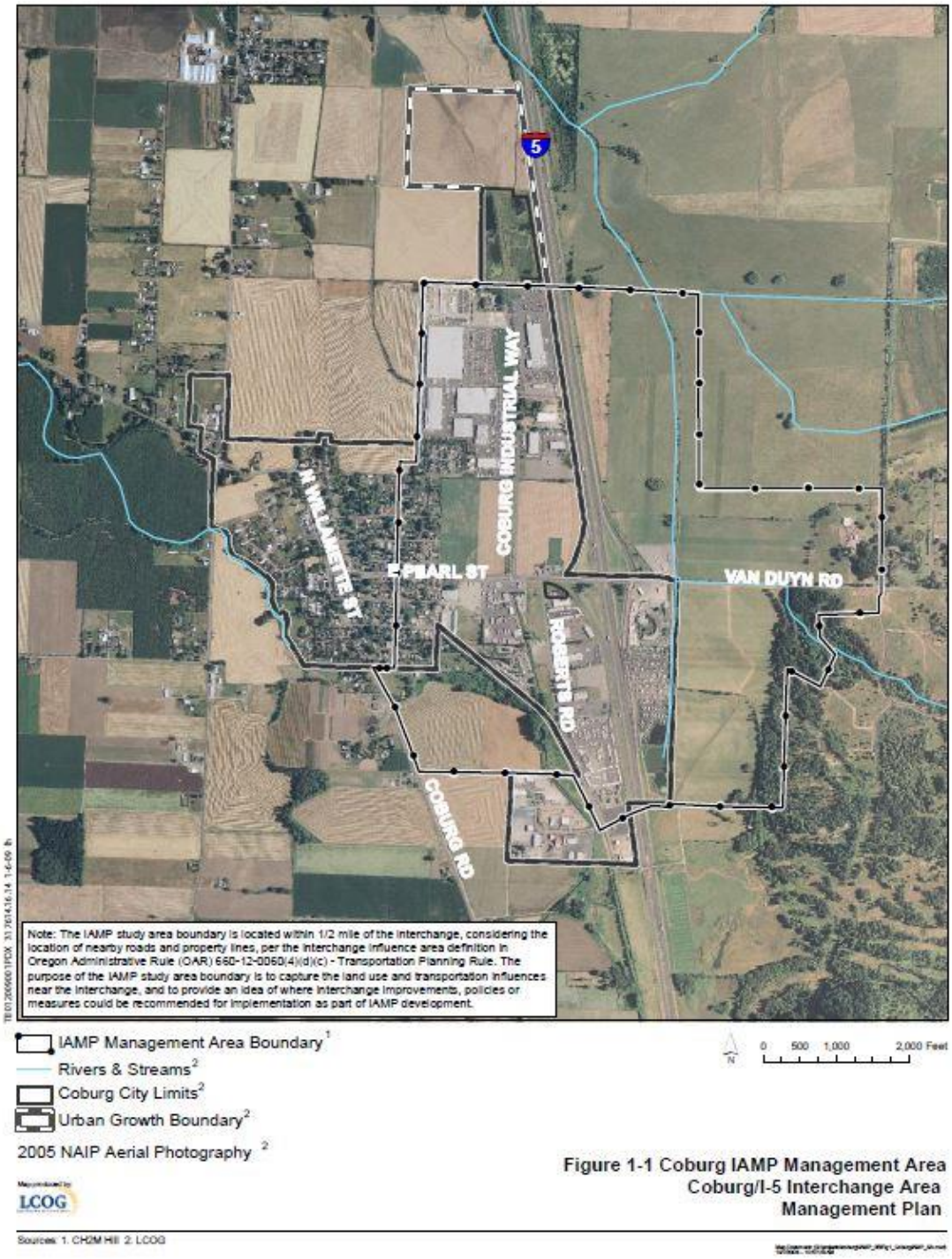


Figure 1-1 Coburg IAMP Management Area
Coburg/I-5 Interchange Area
Management Plan

2. Traffic Impact Study (TIS) Preparation.

a. For Traffic Impact Studies required under ARTICLE X, Section I.1. A TIS shall be required in accordance with ODOT's 2005 Development Review Guidelines. Adequacy of the TIS shall be determined jointly by ODOT, the City of Coburg, and Lane County. If a conflict exists between ODOT Development Review Guidelines and applicable County or City requirements, ODOT Development Review Guidelines shall be applied by ODOT. Any required mitigation associated with the ODOT permitting process shall be determined by ODOT with participation by the City of Coburg and Lane County with regard to their respective requirements, and shall be consistent with the requirements in OAR 734-051 and OAR 660-012-0050. Any required mitigation associated with the local land use authority shall be by the City of Coburg and/or Lane County, as appropriate, with regard to their respective requirements and with participation of ODOT, and shall be consistent with the requirements in OAR 734-051 and OAR 660-012-0050.

b. All other Traffic Impact Studies. A TIS shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180. Lane County roads shall be subject to Lane County requirements.

ARTICLE XI. LAND USE REVIEW AND SITE DESIGN REVIEW

Sections:

A. Purpose
B. Applicability
C. Land Use Review Procedure and Approval Criteria
D. Site Design Review - Application Review Procedure
E. Site Design Review - Application Submission Requirements
F. Site Design Review Approval Criteria
G. Bonding and Assurances
H. Development in Accordance With Permit Approval; Modifications; Permit Expiration

A. Purpose

The purpose of this Chapter is to:

1. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;

2. Carry out the development pattern and plan of the City and its comprehensive plan policies;

3. Promote the public health, safety and general welfare;

4. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

5. Encourage the conservation of energy resources; and

6. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

B. Applicability

Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review unless specified as a historic resource.

1. **Land Use Review**. Land Use Review is a review conducted by the City Planning Official or designee without a public hearing (Type I or II). It is for changes in land use and developments that do not require a conditional use permit or site design review approval. Land Use Review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, and other provisions of ARTICLE VII District Regulations and ARTICLE VIII Supplementary District Regulations. Land Use Review is required for all of the types of land uses and development listed below. Land uses and developments exceeding the thresholds below require Site Design Review.

   a. Change in occupancy from one type of land use to a different land use;

   b. Single-family detached dwelling (including manufactured home on its own lot);

   c. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;

   d. Non-residential building additions up to 500 square feet, or 20% of an existing structure, whichever is greater;

   e. Minor Modifications to development approvals as defined by ARTICLE XV Modifications to Approved Plans and Conditions of approval;

   f. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with –ARTICLE X.III Conditional Use Permits;

   g. Home occupations requiring a permit under ARTICLE XVIII Miscellaneous Permits;

   h. Temporary uses requiring a permit under –ARTICLE XVIII Miscellaneous Permits ;

   i. Accessory structures over 200 square feet and accessory parking;

   j. Development and land uses that are part of a previously approved Site Design Review or Conditional Use Permit application;

   k. Public improvements required by a condition of approval (e.g. transportation facilities and improvements, parks, trails, and similar improvements, as determined by the City Planning Official).

2. **Site Design Review**. Site Design Review is a discretionary review conducted by the Planning Commission with a public hearing (Type III Quasi-Judicial Review). (See ARTICLE X –Types of Review Procedures for review procedure.) It applies to all development in the City, except those specifically listed under section 1 above (applications subject to Development Review). Site Design Review ensures compliance with the land use and development standards in ARTICLE VII District Regulations and ARTICLE VIII Supplementary District Regulations (e.g., lot area, building setbacks and orientation, lot coverage, maximum building height design standards, and public improvement requirements).

C. Land Use Review Procedure and Approval Criteria

When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits, as determined by the City Planning Official. The City shall conduct Land Use Reviews using either a Type I or Type II procedure, as described in ARTICLE X – Type I and Type II procedures. A Type I procedure shall be used when the Planning Official finds that the applicable standards are clear and objective and do not require the exercise of discretion. A Type II procedure shall be used when the decision is discretionary in nature. The City Planning Official shall be responsible for determining the required review procedure. An application for Land Use Review shall be approved only upon meeting all of the following criteria:

1. The proposed land use or development is permitted by the underlying land use district (ARTICLE VII);

2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (ARTICLE VII)

3. When development is proposed, the applicable sections of ARTICLE VIII Supplementary District Regulations apply.

4. The Planning Official or Commission must also consider the following criteria:

    a. That the location, design, size, shape and arrangement of the uses and structures are in scale and are compatible with the surroundings.

    b. That there is a desirable, efficient, and workable inter-relationship among buildings, parking, circulation, open space, landscaping, and related activities and uses, resulting in an attractive, healthful and pleasant environment for living, shopping and working.

c. That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features.

d. That the quantity, location, height, and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use.

e. The suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust.

f. That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and service or by other facilities suitable for the intended uses, in conformity with the Coburg Comprehensive Plan.

g. That, based on anticipated traffic generation, adequate additional transportation improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion, including but not limited to right-of-way and road improvements. Consistent with the Transportation System Plan, consideration shall be given to the need and feasibility of widening and improving abutting streets and also to the necessity for such additional requirements as lighting, traffic-calming techniques, sidewalks and other pedestrian ways, bikeways, and turn and deceleration/acceleration lanes.

h. That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular, bicycle, and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

i. That there are adequate off-street vehicular and bicycle parking facilities and loading-unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading-unloading facilities and their surfacing, lighting and landscaping.

j. That the location, quantity, height and shape of areas of structures which define interior circulation and parking arrangements are suitable for their intended purpose.

k. That all signs and illumination are in scale, and harmonious with the site and area.

l. That adequate methods are provided to ensure continued maintenance and necessary normal replacement of common facilities, uses, structures, landscaping, screening, ground cover, and similar items required to ensure compatibility with the surrounding areas and an attractive ' healthful and pleasant environment within the development area.

Land Use Reviews do not address a project's compliance with applicable building, fire and life safety regulations.

D. <u>Site Design Review - Application Review Procedure</u>

Where Site Design Review is required, it shall be conducted using a Type III procedure, consistent with ARTICLE X, and using the application requirements and approval criteria contained in Sections E, below.

E. <u>Site Design Review - Application Submission Requirements</u>

All of the following information is required for Site Design Review application submittal:

1. **General Submission Requirements**. An application for Site Design Review shall contain all of the information required for a Type III review under ARTICLE XI, and provide:

   a. <u>Public Facilities and Services Impact Study</u>. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (ARTICLE X.F). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;

   b. <u>Traffic Impact Study, if required by the road authority</u>. Traffic Impact Studies shall conform to the standards and procedures in ARTICLE X, Section I; and

   c. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the

development on public facilities and services, or (2) delete the dedication as a condition of approval.

2. **Site Design Review Information**. In addition to the general submission requirements for a Type III review ARTICLE X.D an applicant for Site Design Review shall provide the following additional information, as deemed applicable by the City Planning Official. The Planning Official may deem applicable any information that he or she needs to review the request and prepare a complete staff report and recommendation to the approval body:

   a. Site analysis map. At a minimum the site analysis map shall contain the following:

      (1) The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
      (2) Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;
      (3) Identification of slopes greater than 25 percent;
      (4) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
      (5) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
      (6) Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
      (7) Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
      (8) Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
      (9) The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;
      (10) North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;
      (11) Name and address of project designer, engineer, surveyor, and/or planner, if applicable;
      (12) Location of septic tank (and drainfield prior to sanitary sewer).

b. Proposed site plan. The site plan shall contain the following information:

(1) The proposed development site, including boundaries, dimensions, and gross area;
(2) Features identified on the existing site analysis maps that are proposed to remain on the site;
(3) Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
(4) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
(5) The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
(6) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
(7) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and curb stops);
(8) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
(9) Loading and service areas for waste disposal, loading and delivery;
(10) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
(11) Location, type, and height of outdoor lighting;
(12) Location of mail boxes, if known;
(13) Name and address of project designer, if applicable;
(14) Locations of bus stops and other public or private transportation facilities;
(15) Locations, sizes, and types of signs.

c. Architectural drawings. Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:

(1) Building elevations (as determined by the City Planning Official) with building height and width dimensions;
(2) Building materials, colors and type;
(3) The name of the architect or designer.

d. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites 1,000 square feet or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general

changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

e. Landscape plan. A landscape plan may be required and at the direction of the City Planning Official shall show the following:

(1) The location and height of existing and proposed fences, buffering or screening materials;
(2) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
(3) The location, size, and species of the existing and proposed plant materials (at time of planting);
(4) Existing and proposed building and pavement outlines;
(5) Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
(6) Other information as deemed appropriate by the City Planning Official. An arborist's report may be required for sites with mature trees that are protected under The City's tree Ordinance.

f. Sign drawings shall be required in conformance with the City's Sign Code.

g. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.

h. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in ARTICLE XI.F.

i. Traffic Impact Study, when required, shall be prepared in accordance with the road authority's requirements. See ARTICLE X., Section I, for relevant standards.

j. Other information determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

F. Site Design Review Approval Criteria

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with ARTICLE X Types of Applications and ARTICLE XI.E, above.

2. The application complies with all of the applicable provisions of the underlying Land Use District and Supplementary District Regulations (ARTICLE VII & VIII), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;

3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with ARTICLE VI, Non-Conforming Uses;

4. The application complies with all of ARTICLE VII District Regulations and ARTICLE VIII Supplementary District Regulations and other standards as applicable;

5. Existing conditions of approval required as part of a prior Land Division (ARTICLE XII), Conditional Use Permit (ARTICLE XIII), Master Planned Development (ARTICLE XIV) or other approval shall be met.

G. Bonding and Assurances

1. **Performance Bonds for Public Improvements**. On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;

2. **Release of Performance Bonds**. The bond or assurance shall be released when the City Planning Official finds the completed project conforms to the site development approval, including all conditions of approval.

3. **Completion of Landscape Installation**. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City Planning Official or a qualified landscape architect is filed with the City Planning Official assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

H. Development in Accordance With Permit Approval; Modifications; Permit Expiration

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval)

and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with ARTICLE XI.G. Development Review and Site Design Review approvals shall be subject to all of the following standards and limitations:

1. **Modifications to Approved Plans and Developments**. Minor modifications of an approved plan or existing development, as defined in ARTICLE XV, shall be processed as a Type I procedure and require only Land Use Review. Major modifications, as defined in ARTICLE XV, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to ARTICLE X. For Modifications approval criteria, please refer to ARTICLE XV.

2. **Approval Period**. Development Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

    a. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or

    b. Construction on the site is in violation of the approved plan.

3. **<u>Extension.</u>** The Planning Commission shall, upon written request by the applicant, grant a written extension of the approval period not to exceed six months; provided that:

    a. No changes are made on the original approved site design review plan;

d. The applicant can show intent of initiating construction on the site within the six month extension period;

e. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and

    d. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

4. **Phased Development**. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

   a. A phasing plan shall be submitted with the Site Design Review application.

   b. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 2 years without reapplying for site design review.

   c. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:

      (1) The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
      (2) The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with ARTICLE XI.G. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
      (3) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
      (4) An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (ARTICLE XV).

ARTICLE XII. LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

Sections:

A. Purpose and Applicability
B. General Requirements
C. Tentative Approval
D. Final Plat Approval
E. Performance Guarantee
F. Filing and Recording
G. Re-platting and Vacation of Plats
H. Property Line Adjustments

A. Purpose and Applicability

The purpose of this chapter is to:

1. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.

2. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.

3. Encourage efficient use of land resources, full utilization of urban services, and transportation options.

4. Promote the public health, safety and general welfare through orderly and efficient urbanization.

5. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;

6. Encourage the conservation of energy resources.

7. Encourage multi-modal options and secure safety from fire, flood, pollution, and other hazards.

B. General Requirements

1. **Subdivision and Partition Approval Through Two-step Process.** Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

a. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and

b. The final plat must include all conditions of approval of the preliminary plat.

2. **Compliance with ORS Chapter 92.** All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statue (ORS) Chapter 92, Subdivision and Partitions.

3. **Future Re-division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:

   a. Potential future lot division(s), consistent with the density and lot size standards of ARTICLE VII;

   b. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights- of-way;

   c. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

4. **Flexible Lot Size**. Lot size requirements may be modified pursuant to ARTICLE VII.A.4.c, ARTICLE VII.B.3.c, or through approval of a Master Planned Development under ARTICLE XIV.

5. **Temporary Sales Office**. A temporary sales office in conjunction with a subdivision may be approved as set forth in ARTICLE XVIII.A Temporary Uses.

6. **Flood Control and Drainage**. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow

building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program and state building code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and the City of Coburg. See Coburg Floodplain Ordinance No A-195-A.

Where a development site consists of one (1) or more acres or 25 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation prepared by a qualified professional as part of the land division application. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

7. **Need for Adequate Utilities**. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.

8. **Floodplain, Park, and Open Space Dedications.** Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or stormwater management requirements, consistent with and assist in obtaining any floodplain permit that may be required.

9. **Reserve Strips.** The City may-require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

10. **Driveway and lane width.** The minimum width of all shared drives and lanes

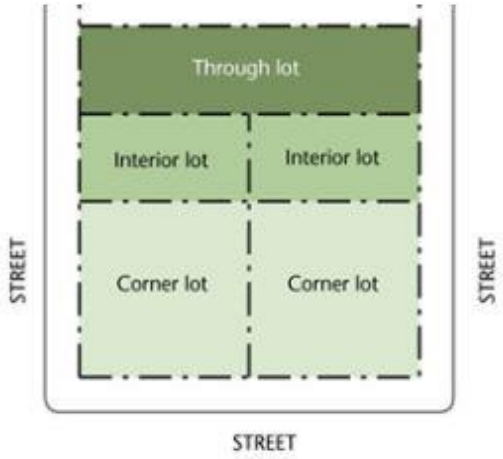
shall be eight feet; the maximum width is 12 feet, except as required by the Uniform Fire Code.

11. **Easement and improvement of drive lane.** The property owner shall record a 20 foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all-weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

12. **Maximum drive lane length.** The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear drive.

13. **Through Lots and Parcels.**

    a. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatibles use. See graphic.



14. **Lot and Parcel Sidelines.**

    a. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

15. **Drainage.**

    a. Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Planning Commission may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements adequate for the draining

needs of the area. Said easements shall be approved by the Planning Commission.

16. **Grading of Building Sites.** Grading of building sites shall conform to the following standards unless adjusted through the variance procedure in ARTICLE XIX:

    a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.

    b. Fill slopes shall not exceed two feet horizontally to one foot vertically.

    c. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

17. **Building Lines.**

    a. If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat.

18. **Land for Public Use.**

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

19. **Park/Park Recreation Acquisitions.**

    a. Within or adjacent to a subdivision of land into 10 or more lots, a parcel of land of not less than six percent of the gross area of the subdivision shall be set aside and dedicated to the public by the subdivider. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation use. In the event no such area is suitable for park and recreation purposes, or for a subdivision of land into less than 10 lots, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to one percent of the gross sale price of each lot in the subdivision, which sum of money

shall be paid at the time each lot is developed or sold, whichever occurs first.

C. Tentative Approval

1. Partitions

a. Process. Applications for tentative partition plan review shall be processed as Type II applications in accordance with ARTICLE X.C.

b. Submittal Requirements.

(1) Applications for approval of a tentative partition plan shall be signed by the owner of the property, prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type II process, in accordance with ARTICLE X.C.2, and the following additional items:

(i) A tentative plan map, including the information required by the City's Tentative Partition Plan application form, including all contiguous property under the same ownership as the subject property.
(ii) A current (no older than six months prior to application submittal) preliminary title report.

c. Approval Criteria.

(1) General Approval Criteria. The City may approve, approve with conditions or deny a tentative partition plan based on the following approval criteria:

(i) The proposed tentative partition plan complies with the applicable zoning code provisions and all other applicable ordinances and regulations, including but not limited to lot standards, street standards (ARTICLE VIII.E), required public improvements (ARTICLE VIII.F) and any special development standards.
(ii) The proposed partition will not cause any existing improvements on existing or proposed parcels to be inconsistent with applicable standards in this code.
(iii) Partitions abutting streets under control of an agency that is not the city shall comply with access management guidelines of the agency having jurisdiction over the street.

(iv) Development within the tentative partition plan can be adequately served by City infrastructure.

(v) Proposal contributes to the orderly development of the City's area transportation network of roads, bikeways, and pedestrian facilities, and allows for continuation and expansion of existing public access easements within or adjacent to the partition.

(vi) All applicable engineering design standards for streets, utilities, surface water management, and easements have been satisfied.

(vii) If the proposal involves the creation of a public street, all of the following criteria also apply:

(aa) The proposal will not impede the future use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.

(bb) The proposed partition will:

1. Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;
2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
3. Not hamper the adequate provision of publicly owned open space for recreation needs.
4. The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient and direct transit circulation, provided the City makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.

d. Expiration. Tentative partition plan approval shall be effective for a period of one year from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the one-year period, unless an extension, subject to the following criteria, is granted:

(1) The applicant has submitted written intent to file a final plat within the one-year extension period;

(2) An extension of time will not prevent the lawful development of

abutting properties;

(3) There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

(4) The extension request is made before expiration of the original approved plan.

(5) The applicant has not obtained a previous extension for the subject approval.

2. Subdivisions (non-phased)

a. Process. Applications for tentative partition plan review shall be processed as Type III applications in accordance with ARTICLE X.D.

b. Submittal Requirements.

(1) Applications for approval of a tentative subdivision plan shall be prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type III process, in accordance with ARTICLE X.D.2, and the following additional items:

(i) A tentative plan map, including the information required by the City's Tentative Subdivision Plan application form, including all contiguous property under the same ownership as the subject property.

(ii) A current (no older than six months prior to application submittal) preliminary title report.

c. Approval Criteria. (1) General Approval Criteria. The City may approve, approve with conditions or deny a tentative subdivision plan based on the following approval criteria:

(1) The proposed tentative subdivision plan complies with the applicable zoning code provisions and all other applicable ordinances and regulations, including but not limited to lot standards, street standards (ARTICLE VIII.E), required public improvements (ARTICLE VIII.F) and any special development standards.

(2) The proposed subdivision will not cause any existing improvements on existing or proposed lots to be inconsistent with applicable standards in this code.

(3) Subdivisions abutting streets under control of an agency that is not

the City shall comply with access management guidelines of the agency having jurisdiction over the street.

(4) Development within the tentative subdivision plan can be adequately served by City infrastructure.

(5) Proposal contributes to the orderly development of the City's area transportation network of roads, bikeways, and pedestrian facilities, and allows for continuation and expansion of existing public access easements within or adjacent to the subdivision.

(6) All applicable engineering design standards for streets, utilities, surface water management, and easements have been satisfied.

(7) If the proposal involves the creation of a public street, all of the following criteria also apply:

(aa) The proposal will not impede the future use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.

(bb) The proposed partition will:

1. Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;
2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
3. Not hamper the adequate provision of publicly owned open space for recreation needs.
4. The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient and direct transit circulation, provided the City makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.

d. Expiration. Tentative subdivision plan approval shall be effective for a period of one year from the date of approval. The preliminary plan shall lapse if a final plat has not been submitted within the one-year period, unless an extension, subject to the following criteria, is granted:

(1) The applicant has submitted written intent to file a final plat within the one-year extension period;
(2) An extension of time will not prevent the lawful development of abutting properties;
(3) There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
(4) The extension request is made before expiration of the original approved plan.
(5) The applicant has not obtained a previous extension for the subject approval.

3. Subdivisions (phased)

a. Process. Applications for phased tentative subdivision plan review shall be processed as Type III applications in accordance with ARTICLE X.D. One tentative phased subdivision plan must be approved, with each individual phase receiving separate final plat approval.

b. Submittal Requirements. Applications for approval of a phased tentative subdivision plan shall be prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type III process, in accordance with ARTICLE X.D.2, and the following additional items:

(1) The information required under ARTICLE X.II.C.1b.
(2) Overall tentative subdivision plan shall include phase and unit sequence and a schedule for initiation of improvements and projected completion date.
(3) An overall facility development phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan (including proposed time schedule) for the construction of all required City infrastructure in each phase, including transportation and utility facilities plans that specify the traffic pattern plan for motor vehicles, bicycles, and pedestrians, water system plans, sewer system plans and utility plans.

c. Approval Criteria

(1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in ARTICLE XII.C.2.c.
(2) Connectivity for streets and City utilities between each phase ensure

the orderly and efficient construction of required public improvements among all phases.

(3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

(4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

d. Expiration. The tentative phased subdivision plan approval shall lapse if a final plat for the first phase has not been submitted within one year of tentative plan approval, unless an extension, subject to the following criteria, is granted:

(1) The applicant has submitted written intent to file a final plat within the one-year extension period;

(2) An extension of time will not prevent the lawful development of abutting properties;

(3) There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

(4) The extension request is made before expiration of the original approved plan.

(5) The applicant has not obtained a previous extension for the subject approval.

Tentative approval for all remaining phases shall lapse if the final plat for each remaining phase has not been submitted within ten years of original tentative phased subdivision plan approval. No extension may be granted for phases after the first phase.

D. Final Plat Approval (Partition and Subdivision)

1. Process. Applications for final partition and subdivision review shall be processed as Type I applications in accordance with ARTICLE X.B.

2. Submittal Requirements. Applications for approval of a final partition or subdivision plat shall be prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type I process, in accordance with ARTICLE X.B, and the following additional items:

a. A final plat, including the information required by the City's Final Subdivision or Partition Plat application form, including all contiguous property under the same ownership as the subject property.

b. Approval Criteria. A final plat shall be approved if the following criteria are met:

(1) The final plat substantially conforms with the approved tentative plan.
(2) Conditions of approval imposed on the tentative plan have been met.
(3) The final plat dedicates to the City, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by a condition of approval.
(4) Public improvements required by this code or by a condition of approval have been completed or the applicant has provided a performance guarantee pursuant to ARTICLE XII.E.
(5) The City surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.

E. <u>Performance Guarantee</u>

1. Performance Guarantee Required. When a performance guarantee is required under ARTICLE XII.E, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

a. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;

b. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or

c. Cash.

2. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

3. Itemized Improvement Estimate. The developer 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.

4. Agreement. An agreement between the City and developer shall be

recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City Planning Official. The agreement shall contain all of the following:

a. The period within which all required improvements and repairs shall be completed;

b. 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;

c. The improvement fees and deposits that are required;

d. An optional provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

5. **When Subdivider Fails to Perform**. In the event the developer 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.

6. **Termination of Performance Guarantee**. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

F. <u>Filing and Recording</u>

1. **Filing Plat with County.** Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Lane County for signatures of County officials as required by ORS Chapter 92.

2. **Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City two paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

3. **Prerequisites to Recording the Plat.**

a. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on

the tax roll have been paid in the manner provided by ORS Chapter 92;

b. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.

G. <u>Re-platting and Vacation of Plats.</u>

1. **Re-platting and Vacations**. Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

2. **Procedure.** All applications for a re-plat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat), and ARTICLE XII.G The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See ARTICLE X - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and plat vacations. See also ARTICLE XXIII Vacations.

3. **Basis for Denial.** A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria. See ARTICLE XXIV.A.2.

4. **Recording of Vacations.** All approved plat vacations shall be recorded in accordance with ARTICLE XXIII, and the following procedures:

   a. Once recorded, a re-plat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

   b. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.

5. **After Sale of Lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

6. **Street Requirement.** Except as prohibited by law (e.g., ORS 92.837, Manufactured Home Park), as a condition of plat vacation or re-plat approval, the City may require dedication of access ways, paths or trails in order to establish or maintain a safe, convenient and direct pedestrian and bicycle

circulation system. Such requirements shall be coordinated with the applicable road authority.

H. Property Line Adjustments

1. **Process.** Applications for property line adjustments shall be processed as Type I applications in accordance with ARTICLE X.B.

2. **Submittal Requirements.** All applications for Property Line Adjustments shall be made on forms provided by the City and shall include information required for a Type I application, ARTICLE X.B. , and the following additional items:

   a. A preliminary property line map drawn to scale identifying 1) all existing and proposed property lines and dimensions, 2) footprints and dimensions of existing structures (including accessory structures) 3) location and dimensions of driveways and public and private streets within or abutting the existing properties; 4) the location of sensitive lands and significant vegetation; 5) existing fences and walls.

   b. A current (issued within one year of the date of the application) preliminary title report.

   c. Legal descriptions for each proposed parcel of land.

   d. Proposed property line adjustment deed(s).

3. **Approval Criteria.** The City Planning Official shall approve or deny a request for a property line adjustment based on the following criteria:

   a. Parcel Creation. No additional lot or parcel is created by the property line adjustment.

   b. Lot Standards. All lots or parcels created by the property line adjustment conform to the applicable lot standards of the land use districting, including but not limited to, lot area, dimensions, setbacks, and coverage

   c. No resulting lot or parcel falls completely within a flood hazard area or jurisdictional wetland.

   d. Access and Road authority Standards. All lots and parcels shall conform to applicable access requirements, including ARTICLE VIII.A.2, and all applicable road authority requirements. If a lot is nonconforming to any City or road authority standard, it shall not be

made even less conforming by the property line adjustment.

4. Recording Property Line Adjustments.

a. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Lane County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

b. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

5. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

a. No changes are made to the original property line adjustment as approved by the City;

b. The applicant can show intent of recording the approved plan within the six month extension period;

c. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and

d. The extension request is made before expiration of the original approved plan.

ARTICLE XIII CONDITIONAL USE PERMITS

Sections:

A. Conditional Use Permits - Purpose
B. Conditional Use Permits - Approvals Process
C. Conditional Use Permits - Application Submission Requirements
D. Conditional Use Permits - Criteria, Standards and Conditions of Approval
E. Conditional Use Permits - Additional Development Standards

A. Conditional Use Permits - Purpose

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses" ARTICLE VII – District Regulations. The purpose of this section is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

B. Conditional Use Permits - Approvals Process

1. **Initial Application**. An application for a new conditional use shall be processed as a Type III procedure (ARTICLE X.D). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in ARTICLE XIII.D.

2. **Modification of Approved or Existing Conditional Use**. Modifications to approved or existing conditional uses shall be processed in accordance with ARTICLE XV - Modifications.

C. Conditional Use Permits - Application Submission Requirements

In addition to the submission requirements required in ARTICLE XI, an application for conditional use approval must include the following information (a-h), as applicable. For a description of each item, please refer to ARTICLE XI.E - Site Design Review Application Submission Requirements:

D. Conditional Use Permits - Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in 1-3.

1. **Use Criteria**.

   a. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

   b. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and

   c. All required public facilities have adequate capacity to serve the proposal.

2. **Site Design Standards**. The Site Design Review approval criteria (ARTICLE XI.F) shall be met.

3. **Conditions of Approval**. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

   a. Limiting the hours, days, place and/or manner of operation;

   b. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

   c. Requiring larger setback areas, lot area, and/or lot depth or width;

   d. Limiting the building or structure height, size or lot coverage, and/or location on the site;

   e. Designating the size, number, location and/or design of vehicle access points or parking areas;

   f. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;

   g. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

   h. Limiting the number, size, location, height and/or lighting of signs;

i. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

j. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

k. Requiring and designating the size, height, location and/or materials for fences;

l. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;

m. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same.

4. Land Use Applications on property within the Interchange Area Management Plan (IAMP).

a. The City and County shall coordinate with Oregon Department of Transportation (ODOT) in the review of land use applications on property that is partially or wholly within the IAMP boundary. Land use actions within the IAMP that may affect the performance of an interchange, such as zone changes, land development applications, and requests for new local access, will be consistent with the adopted IAMP. The City Planner shall include ODOT as an agency referral partner. Actions not consistent with the IAMP may only be approved by also amending the IAMP and related transportation system plans consistent with OAR 660-012-0050 and 0055. IAMP boundary map can be found in ARTICLE X, Map Figure 1.

E. <u>Conditional Use Permits - Additional Development Standards</u>

1. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.

2. Additional Development Standards. Development standards for specific uses are contained in ARTICLE VII- District Regulations.

ARTICLE XIV MASTER PLANNED DEVELOPMENTS

Sections:

A. Master Planned Development - Purpose
B. Master Planned Development - Applicability
C. Master Planned Development - Review and Approvals Process
D. Master Planned Development - Modification of District Regulations and Supplementary District Regulations (Design Standard)
E. Master Planned Development - Overlay Zone and Concept Plan Submission
F. Master Planned Development - Overlay Zone and Concept Plan Approval Criteria
G. Master Planned Development - Administrative Procedures
H. Master Planned Development - Detailed Development Plan Submission Requirements
I. Master Planned Development - Detailed Development Plan Approval Criteria
J. Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals

A. Master Planned Development - Purpose

The purposes of this Section are to:

1. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;

2. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);

3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;

4. Facilitate the efficient use of land;

5. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

6. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;

7. Encourage energy conservation and improved air and water quality and;

8. Assist the City in planning and building infrastructure improvements.

B. Master Planned Development – Applicability

The master planned development designation is an overlay zone that may be applied over any of the City's land use districts. An overlay zone allows the City to maintain current zoning designations while providing design controls and phased projects for the applicant. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this section.

1. In addition, the following types of development may be processed using the provisions of master planned development:

   a. Subdivisions of large residential and commercial sites one (1) acre and larger, in accordance with the Master Planned Development standards consistent with ARTICLE VII District Regulations and ARTICLE VIII Supplementary District Regulations and other applicable sections of the Coburg Zoning Code.

   b. District designation for large residential and commercial sites undergoing annexation.

2. The following types of development shall be processed using the provisions of master planned development:

   a. Any proposed development or land use action on property that falls within the IAMP.

   b. Any proposed development or land use action on property within the CI zone or property within the Light Industrial zone east of Interstate 5. Prior to submittal of a master plan application, an applicant shall coordinate with Lane Transit District regarding facilities necessary to support transit, including but not limited to service routes, walkways to transit stops, bus stops, waiting shelters or areas, or turnouts for buses. The City may require the developer to construct or contribute toward construction of transit facilities to the extent allowed by law.

C. Master Planned Development - Review and Approvals Process

1. **Review Steps**. There are three required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:

a. The approval of a planned development overlay zone and concept plan;

b. The approval of a detailed development plan; and

c. The approval of a preliminary subdivision plat(s) and/or site design review
application(s).

2. Approval Process.

a. The Master Planned Development (PD) overlay zone and Concept Plan shall be reviewed together using the Type IV procedure in ARTICLE X.D, the submission requirements in ARTICLE XIV.H, and the approval criteria in ARTICLE XIV.I.

b. The detailed development plan shall be reviewed using the Type III procedure in ARTICLE X.D, to ensure substantial compliance with the approved concept plan.

c. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type III procedure, as governed by ARTICLE X.D.

d. Steps a-c, above, may be combined in any manner, so long as the decision-making sequence follows that in ARTICLE XIV.C, above. Notification and hearings may be combined.

D. Master Planned Development - Modification of District Regulations (ARTICLE VII) and Supplemental District Regulations (Design Standards) (ARTICLE VIII)

The district standards in ARTICLE VII and Supplemental District Regulations (design standards) of ARTICLE VIII may be modified through the master plan approval without the need for variances, except that the following standards within ARTICLES VII and VIII shall not be modified:

1. Public improvement standards and engineering design criteria shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with other Planned Development approvals;

2. Residential densities, as allowed under the Comprehensive Plan; and

3. Industrial and commercial uses, if not otherwise allowed in a Residential District as, e.g. multiuse facilities, shall not be allowed in a Residential District master plan.

E. Master Planned Development - Overlay Zone and Concept Plan Submission

1. **General Submission Requirements**. The applicant shall submit an application containing all of the general information required for a Type IV procedure, as governed by ARTICLE X.E. In addition, the applicant shall submit the following:

   a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

   b. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.

   c. Narrative report or letter documenting compliance with the applicable approval criteria contained in ARTICLE XIV.I.

   d. Special studies prepared by qualified professionals may be required by the City Planning Official, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

2. **Additional Information**. In addition to the general information described in Subsection "1" above, the concept plan, data, and narrative shall include the following exhibits and information:

   a. Existing Conditions map, as defined in ARTICLE XI.E - Site Review Permit Application Submission Requirements;

   b. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);

   c. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);

   d. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);

   e. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);

f. Sign concept plan (e.g., locations, general size, style and materials of signs);

g. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

F. <u>Master Planned Development - Overlay Zone and Concept Plan Approval Criteria</u>

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not all of the criteria are not satisfied when denying an application:

1. **Comprehensive Plan**. All relevant provisions of the Comprehensive Plan are met;

2. **Land Division Chapter**. All of the requirements for land divisions and subdivisions, as applicable, shall be met in accordance with ARTICLE XII Land Divisions and Property Line Adjustments.

3. **Article 2 and Article 3 Standards**. All of the land use, development, and design standards contained in ARTICLES VII and VIII are met, except as may be modified in ARTICLE XV.D.

4. **Open Space**. Master plans shall contain a minimum of 20 percent open space. Public open space shall be integral to residential master plans. Commercial developments may provide private or restricted open space, though public open space is encouraged in commercial developments. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation. Where public or common private open space is designated, the following standards apply:

a. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and

b. The open space shall be conveyed in accordance with one of the following methods:

(1) By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the

applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;

(2) By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

(3) The property owner may record a conservation easement with maintenance requirements to steward the landscaping and vegetation for either residential or commercial properties.

G. Master Planned Development - Administrative Procedures

1. Land Use District Map Designation. After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with ARTICLE X.VI Land Use District Map and Text Amendments to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

2. Time Limit on Filing of Detailed Development Plan. Within one (1) year after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan, in conformance with ARTICLE XIV.H-I.

3. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

a. No changes have been made on the original conceptual development plan as approved;

b. The applicant can show intent of applying for detailed development plan review within the one- year extension period;

c. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and

d. The extension request is made before expiration of the original approval period.

H. Master Planned Development - Detailed Development Plan Submission Requirements

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type III procedure.

I. Master Planned Development - Detailed Development Plan Approval Criteria

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in ARTICLE XIV.I, those applications shall additionally be subject to the applicable approval criteria in ARTICLE X. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in 1-8, below. Changes exceeding those in subsections 1-8, below, must be reviewed as major modifications under ARTICLE XV, Modifications to Approved Plans and Conditions of Approval.

1. **Increased residential densities** (overall or reallocated between development phases) by no more than 10 percent, provided such increase conforms to the Comprehensive Plan and underlying District;
2. **Increase in lot coverage or impervious surface** (overall or reallocated between development phases) by no more than 10 percent over that which is approved;
3. **Reduction in open space or landscaping** by no more than 10 percent;
4. **Increase in overall automobile parking spaces** by no more than 10 percent;
5. **Land use.** No change in land use shall be permitted without a major modification to the concept plan;
6. **Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands, e.g. wetlands) or areas subject to a potential hazard** shall require a major modification to the concept plan;
7. **Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to ARTICLE XV, Modifications to Approved Plans and Conditions of Approval.** "Major" in this subsection means by more than 100 feet, or 10 percent, relative to setbacks; and
8. **Other substantial modifications** not listed in 1-8, above, shall require approval of a major modification, in conformance with ARTICLE XV,

Modifications to Approved Plans and Conditions of Approval.

J. <u>Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals</u>

1. **Land Use and Site Design Reviews**. For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the City issues building permits. ARTICLE XI applies to site design review.

2. **Land Divisions**. For projects requiring a land division and subdivision, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued**.** ARTICLE XII applies to land divisions.

3. **Streamlined Review Option**. Applications for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant's option. The variation from the standard procedures of ARTICLE XI - Site Design Review, and ARTICLE XII - Land Divisions is intended to streamline review of projects that **have received master planned development approvals**, since those projects have previously been subject to public review and hearings.

ARTICLE XV. MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

Sections:

A. Modifications - Purpose
B. Modifications - Applicability
C. Major Modifications
D. Minor Modifications

A. Modifications - Purpose

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

B. Modifications - Applicability

1. This Chapter applies to all development applications approved through the provisions of ARTICLE X, including:

    a. Land Use Review approvals;

    b. Site Design Review approvals;

    c. Subdivisions, Partitions, and Property Line Adjustments;

    d. Conditional Use Permits;

    e. Master Planned Developments; and

    f. Conditions of approval on any of the above permit types.

2. This Chapter does not apply to Comprehensive Plan amendments, land use district changes, text amendments, annexations, temporary use permits, or other permits not listed in subsection 1.

C. Major Modifications

1. Major Modification Defined. The City Planning Official shall determine that a major modification(s) is required if one or more of the changes

listed below are proposed:

a. A change in land use;

b. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

c. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

d. A change in the type and/or location of access-ways, drives or parking areas affecting off-site traffic;

e. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;

f. A reduction of more than 10 percent of the area reserved for common open space; or

g. Change to a condition of approval, or a change similar to items 1-6, that could have a detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts warranting a major modification.

2. **Major Modification Applications; Approval Criteria**. An applicant may request a major modification using a Type II or Type III review procedure, as follows:

a. Upon the City Planning Official determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, to evaluate the request.

b. The application shall be subject to the same review procedure (Type II or III), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

c. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be

provided in accordance with ARTICLE X.

d. The decision making body shall approve, deny, or approve with conditions an
application for major modification based on written findings on the criteria.

D. <u>Minor Modifications</u>

1. Minor Modification. Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in ARTICLE XV. ~~Section 4.6.300.A, above~~.

2. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the Planning Official using a Type I or a Type II review procedure under ARTICLE X.B or C. The Planning Official is responsible for determining the appropriate review procedure based on the following criteria:

a. Minor modifications that involve only clear and objective code standards may be reviewed using a Type I procedure;

b. Minor modifications that involve one or more discretionary standards shall be reviewed through Type II procedure; and

c. When the code is unclear on whether the application should be a Type I or Type II review, a Type II procedure shall be used.

3. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, to evaluate the request.

4. Minor Modification Approval Criteria. The Planning Official shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as described in ARTICLE XV.C, above.

ARTICLE XVI. LAND USE DISTRICT MAP AND TEXT AMENDMENTS

Sections:

A. Amendments - Purpose
B. Legislative Amendments
C. Quasi-Judicial Amendments
D. Conditions of Approval on Quasi-Judicial Amendments
E. Record of Amendments
F. Transportation Planning Rule Compliance

A. Amendments - Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

B. Legislative Amendments

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in ARTICLE XI.E and shall conform to the Transportation Planning Rule provisions in ARTICLE XVI.F, as applicable.

C. Quasi-Judicial Amendments

1. **Applicability of Quasi-Judicial Amendments**. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments shall follow the Type III procedure, as governed by ARTICLE X.D, using standards of approval in ARTICLE XVI.C.2. The approval authority shall be as follows:

    a. The Planning Commission shall review and recommend land use district map changes that do not involve comprehensive plan map amendments;

    b. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and

c. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.

2. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

a. Approval of the request is consistent with the Statewide Planning Goals;

b. Approval of the request is consistent with the Comprehensive Plan;

c. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

d. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and

e. The amendment conforms to the Transportation Planning Rule provisions under
ARTICLE XVI.F.

D. <u>Conditions of Approval for Quasi-Judicial Amendments</u>

A quasi-judicial decision may be for denial, approval, or approval with conditions; conditions shall be based on applicable regulations and factual evidence in the record. A legislative amendment may only be approved or denied.

E. <u>Record of Amendments</u>

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

F. <u>Transportation Planning Rule Compliance</u>

1. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan

amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the Traffic Impact Study provisions of Section 4.1.900. "Significant" means the proposal would:

a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City's Transportation System Plan ("TSP"); or

b. Change the standards implementing a functional classification system; or

c. As measured at the end of the planning period [identified in the road authority's adopted transportation system plan (TSP) / City's Comprehensive Plan allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

d. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the [road authority's transportation system plan (TSP) / City's Comprehensive Plan]; or

e. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the [road authority's transportation system plan (TSP) / City's Comprehensive Plan.

2. **Amendments That Affect Transportation Facilities**. Except as provided in subsection C, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility. This shall be accomplished by one of the following:

a. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the

facility, improvement, or service will be provided by the end of the planning period; or,

c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

d. Amending the planned function, capacity or performance standards of the
transportation facility; or

e. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

3. **Exceptions.** Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the [road authority's TSP / City's Comprehensive Plan, may be approved when all of the following criteria are met:

a. The amendment does not include property located in an interchange area, as defined under applicable law;

b. The currently planned facilities, improvements or services are not adequate to achieve the standard;

c. Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

d. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

ARTICLE XVII. CODE INTERPRETATIONS

Sections:

A. Interpretations - Purpose
B. Code Interpretation Procedure

A. Interpretations - Purpose

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

B. Code Interpretation Procedure

1. **Requests**. A request for a code interpretation shall be made in writing to the City Planning Official.

2. **Decision to Issue Interpretation**. The Planning Official shall have the authority to interpret the code, or refer the request to the Planning Commission for its interpretation. The Planning Official shall advise the person making the inquiry in writing within 14 days after the request is made, on whether or not the City will make an interpretation.

3. **Written Interpretation**. If the City decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The written interpretation shall be issued within 14 days of the request. The decision shall become effective 14 days later, unless an appeal is filed in accordance with 4-5 below.

4. **Type II Procedure**. Code Interpretations shall be made using a Type II procedure under ARTICLE X.C.

5. **Appeals**. The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal the decision to the Planning Commission for a Type III decision. The appeal must be filed within 14 days after the interpretation was mailed or delivered to the applicant. Initiating an appeal requires filing a notice of appeal with the City Planning Official pursuant to ARTICLE X.F.

6. **Interpretations On File.** The City shall keep on file a record of all code interpretations.

ARTICLE XVIII. MISCELLANEOUS PERMITS

Sections:

A. Temporary Use Permits
B. Home Occupation Permits

A. Temporary Use Permits

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Three types of temporary uses require permit approval (See 1, 2 and 3):

1. **Seasonal and Special Events**. These types of uses occur only once in a calendar year and for no longer a period than 30 days. **For events not covered by the Coburg Special Events Ordinance,** using the Type II procedure under ARTICLE X.C, the City shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

a. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);

b. The applicant has proof of the property-owner's permission to place the use on his/her property;

c. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under ARTICLE VIII Supplementary District Regulations Vehicle and Bicycle Parking;

d. The use provides adequate vision clearance, as required by ARTICLE VIII Supplementary District Regulations, and shall not obstruct pedestrian access on public streets;

e. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by ARTICLE VIII Supplementary District

Regulations - Vehicular Access and Circulation;

f. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use; and

g. The use is adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

2. **Temporary Sales Office or Model Home**. Using a Type I procedure under ARTICLE X.B, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

a. Temporary sales office:

(1) The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
(2) The property to be used for a temporary sales office shall not be permanently improved for that purpose;
(3) Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

b. <u>Model house</u>:

(1) The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
(2) The model house shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

3. **Temporary Building, Trailer, Kiosk, or Structure**. Temporary or permanent placement of a building, trailer, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City shall require a development permit. Using a Type II procedure, as governed by Section 4.1.400, the City may approve, approve with conditions or deny an application for a placement of a building, trailer,

kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

a. The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located;

b. The primary use on the property to be used for a temporary trailer is already developed;

c. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, ARTICLE VIII Supplemental District Regulations - Vehicular Access and Circulation;

d. There is adequate parking for the customers or users of the temporary use as required by ARTICLE VIII Supplemental District Regulations - Bicycle and Vehicle Parking;

e. The use will not result in vehicular congestion on streets;

f. The use will pose no impediment or hazard to pedestrians in the area of the use;

g. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;

h. The building complies with applicable building codes;

i. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits);

j. The length of time that the temporary building will be used does not exceed 6 months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit;

k. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

B. Home Occupation Permits

1. Purpose

The purpose of this Section is to encourage those who are engaged in small commercial ventures that do not conform to the District Regulations. The standards referenced above allow home occupations as outright permitted uses that do not require Development Review or Site Design Review.

ARTICLE XVIII.B provides a process for more intense home occupations to be allowed with Site Design Review by the Planning Commission and notice to surrounding property owners. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time "eyes on the street" at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

2. Approval Process and Criteria

a. Home Occupation Permit. Applications for proposals that cannot meet all of the standards shall be processed using a Type III procedure, as governed by ARTICLE X.D using the approval criteria in subsection 2, below. In addition to the application requirements contained in ARTICLE X.D, the applicant shall provide:

(1) A written narrative or letter:

(i) Describing the proposed home occupation;
(ii) Demonstrating compliance with that the standards have be met, and explaining why the other standards cannot be met, and
(iii) Demonstrating compliance with the criteria in subsection 2 below;

(2) A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:

(i) The property lines and their dimensions;
(ii) Outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;
(iii) Boundaries and dimensions of driveways and parking areas,

indicating areas for use by home occupation employees and customers;

(iv) Outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and

(v) Identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.

b. The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:

(1) The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;

(2) Impacts to surrounding properties may exist but can be mitigated;

(3) Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance with the Home Occupation standards.

ARTICLE XIX. VARIANCES

Sections:

A. Purpose
B. Applicability
C. Variance Procedure

A. Purpose

This section provides procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to code standards. This Code cannot provide standards to fit every potential development situation. The City acknowledges that complexities of land development require flexibility. A variance process provides flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes.

B. Variances - Applicability

1. **Exceptions and Modifications versus Variances.** A code standard or approval criterion ("code section") may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code section does not expressly provide for exceptions or modifications, then a variance is required to modify that code section and the provisions of Chapter 5.1 apply.

2. **Combining Variances with Other Approvals; Permit Approvals by Other Agencies.** Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.), however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C. Variance Procedure

A variance from the terms of this ordinance shall not be granted by the Planning Commission unless and until:

1. **A written application for a variance is submitted demonstrating:**

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

b. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district, under the terms of this Code;

c. That the special conditions and circumstances do not result from the actions of the applicant;

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district.

e. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

2. **Notice.** Notice of public hearing shall be given in accordance with a Type III procedure ARTICLE X.D.

3. **Approval Criteria**

a. The Planning Commission shall make findings that the requirements of ARTICLE X.IX.C.1, above, have been met by the applicant for a variance.

b. The Planning Commission shall I further make a finding that the reasons set forth in the application, justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

c. The Planning Commission shall I further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

d. In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable under ARTICLE XXIV. of this Code.

e. Under no circumstances, shall the Planning Commission grant a variance to allow a use not permissible under the terms of this Code in the district involved or any use expressly or by implication prohibited by the terms of this Code in said district.

ARTICLE XX. BOUNDARY CHANGES (ANNEXATION)

Sections:

A. Annexation and Withdrawal Procedures and Criteria
B. Extraterritorial Extension of Water, Storm water and Sewer Service
C. Definitions

A. Annexation and Withdrawal Procedures and Criteria

1. Annexation Initiation and Review. An annexation application may be initiated by City Council resolution, or by written consents from electors and/or property owners as provided for in ARTICLE X.X.C.18. Annexation applications are reviewed under Type II procedures per ARTICLE X.C. The City Council shall approve proposed annexations by Ordinance. Other annexation proposals permitted by ORS 222 shall be processed as provided in ORS 222.

2. Application Requirements. In addition to the provisions specified in other articles of this Code, an annexation application shall include the following:

a. A list of all owners, including partial holders of owner interest, within the affected territory, indicating for each owner:

(1) The affected tax lots, including the township, section and range numbers;
(2) The street or site addresses within the affected territory as shown in the Lane County Regional Land Information Database system (RLID);
(3) A list of all eligible electors registered at an address within the affected territory; and
(4) Signed petitions, as may be required.

b. Written consents on City-approved petition forms that are:

(1) Completed and signed, in accordance with ORS 222.125, by:

(i) All of the owners within the affected territory; and
(ii) Not less than 50 percent of the eligible electors, if any, registered within the affected territory; or

(2) Completed and signed, in accordance with ORS 222.170, by:

(i) More than half the owners of land in the territory, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory; or

(ii) A majority of the electors registered in the territory proposed to be annexed and a majority of the owners of more than half the land.

(iii) Publicly owned rights-of-way can be added to annexations initiated by these two methods without any consents.

c. A City Council resolution to initiate a boundary change, including but not limited to rights-of way.

d. In lieu of a petition form described in ARTICLE X.X.A.2.b2 above, an owner's consent may be indicated on a previously executed Consent to Annex form that has not yet expired as specified in ORS 222.173.

e. Verification of Property Owners form signed by the Lane County Department of Assessment and Taxation.

f. A Certificate of Electors form signed by the Lane County Elections/Voter Registration Department including the name and address of each elector.

g. An ORS 197.352 waiver form signed by each owner within the affected territory.

h. A waiver form signed by each owner within the affected territory as allowed by ORS 222.173.

i. A legal description of the affected territory proposed for annexation consistent with ORS 308.225 that will include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111.

j. A Lane County Assessor's Cadastral Map to scale highlighting the affected territory and its relationship to the city limits.

k. A vicinity map.

l. A list of the special districts providing services to the affected territory.

m. A public/private utility plan describing how the proposed affected territory can be served by key facilities and services.

n. A signed Annexation Agreement to resolve fiscal impacts upon the City caused by the proposed annexation. The Annexation Agreement shall address, at a minimum, connection to and extension of public facilities and services. Connection to public facilities and services shall be at the discretion of the City, unless otherwise required by ORS. Where public facilities and services are available and can be extended, the applicant shall be required to do so.

o. A written narrative addressing the proposal's consistency with the approval criteria specified in ARTICLE X.X.A.4.

3. **Notice**. In addition to the requirements of ARTICLE X, the following notice requirements are also required for annexations:

a. Mailed Notice. Notice of the annexation application shall be mailed to:

(1) The applicant, property owner and active electors in the affected territory;
(2) Owners and occupants of properties located within 300 feet of the perimeter of the affected territory;
(3) Affected special districts and all other public utility providers; and
(4) Lane County Land Management Division, Lane County Elections, and the Lane County Board of Commissioners.

b. Posted Notice. Notice of the public hearing at which an annexation application will be considered shall be posted in four public places in the City for two successive weeks prior to the hearing date.

4. **Criteria**. An annexation application may be approved only if the City Council finds that the proposal conforms to the following criteria:

a. The affected territory proposed to be annexed is within the City's urban growth boundary, and is;

(1) Contiguous to the City limits; or
(2) Separated from the City only by a public right-of-way or a stream, lake or other body of water.

b. The proposed annexation is consistent with applicable policies in the Coburg Comprehensive Plan and in any applicable refinement plans;

c. The proposed annexation will result in a boundary in which key services can be provided.

d. Where applicable, fiscal impacts to the City have been mitigated through an Annexation Agreement or other mechanism approved by the City Council.

5. Application of Zoning Districts

a. Upon approval of the annexation by the City Council, the underlying Comprehensive Plan designation and current zoning consistent with the Comprehensive Plan designation shall apply.

b. An applicant may submit for a zoning map and Comprehensive Plan map amendment. The Commission will not deem an application complete for a zoning map amendment until the annexation has been approved by the City Council and becomes effective, as that term is described in ARTICLE X.X.A.5, and ARTICLE X.X.A.6 that follows.

6. Effective Date and Filing of Approved Annexation

a. The effective date of an approved annexation shall be set in accordance with ORS 222.040, 222.180 or 222.465.

b. Filing of Approved Annexation.

(1) Not later than 10 working days after the passage of an Ordinance approving an annexation, the City shall:

(i) Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives, and telecommunications carriers (as defined in ORS 133.721) operating within the City; and

(ii) Mail a notice of the annexation to the Secretary of State, Department of Revenue, Lane County Clerk, Lane County Assessor, affected districts, and owners and electors in the affected territory. The notice shall include:

(aa) A copy of the Ordinance approving the annexation;
(bb) A legal description and map of the annexed territory;
(cc) The findings; and
(dd) Each site address to be annexed as recorded on Lane County assessment and taxation rolls or found in RLID.

(iii) The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in this Section.

(2) If the effective date of an annexation is more than one year after the City Council passes the Ordinance approving it, the City shall mail a notice of the annexation to the Lane County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

7. Withdrawals Authorized by ORS 222.510 – 222.580

a. Withdrawal from special districts may occur concurrently with the approved annexation Ordinance or after the effective date of the annexation of territory to the City. The City Council shall consider the withdrawal of the annexed territory from special districts as specified in ORS 222.

b. Withdrawal from special districts processed separate from the process annexing the territory to the City requires a Public Hearing with notice as required in this Article and ARTICLE X.

c. Criteria. In determining whether to withdraw the territory, the City Council shall determine whether the withdrawal is in the best interest of the City.

d. Effective Date. The effective date of the withdrawal shall be as specified in ORS 222.465 as applicable.

e. Notice of Withdrawal. Notice will be provided in the same manner as specified in this Article and ARTICLE X.

8. Appeals. Appeals of any City Council decision made under ARTICLE X shall be to the Land Use Board of Appeals, as specified in ARTICLE X.

B. <u>Extraterritorial Extension of Water, Stormwater and Sewer Service</u>

1. Purpose

a. These regulations govern the approval of requests for the extension of water, stormwater, or sewer facilities outside of the city limits within the urban growth boundary or extensions that go beyond the city limits and urban growth boundary to serve property within the urban growth boundary. These regulations are intended to accomplish the orderly

development of land within the community, ensure the adequate provision of public facilities and services, protect the public health and safety of the community, and enable development to occur consistent with applicable provisions of the Comprehensive Plan.

b. The City shall not extend water, stormwater, or sanitary sewer service outside the urban growth boundary, unless a health hazard, as defined in ORS 222.840 - 222.915 is determined to exist. Annexation of the territory so served is required if the territory is within the urban growth boundary and is contiguous to the city limits. An alternative to annexation, if agreed to by the City and the owners of the affected property, may occur in the place of annexation.

c. Extraterritorial Service/Facility Contracts between a property owner and the City shall be initiated at the sole discretion of the City Council. The provisions of this contract shall be as directed by the City Council in response to the circumstances and conditions within the affected territory that are causative of the request for extraterritorial service.

2. **Applicability**. Regulations within this Article apply to applications requesting the extension and/or connection of water service or sewer service outside of the city limits and within the urban growth boundary, and stormwater service outside of the city limits and within or outside the urban growth boundary.

3. **Application Requirements**. In addition to the provisions specified in this Code, an extraterritorial extension of service application shall include the following:

a. A list of all tax lots proposed to be served, including street addresses and property owner names;

b. A legal description of the property to be served with water or sewer service;

c. A signed Consent to Annex form for the property proposed to be served;

d. A map drawn to scale showing the proposed extension of water, stormwater, or sanitary sewer lines to include the proposed number of service connections and their sizes and locations; and

e. A written narrative addressing the proposal's consistency with the approval criteria in ARTICLE X.X.B.4.

4. **Criteria**. The City Council shall review the application for extraterritorial extension of water, stormwater, or sewer service based on the approval criteria specified in (a) – (g) that follows:

a. The property proposed for water or sewer service is located within the city's urban growth boundary, or the property proposed for stormwater service is located within or outside the city's urban growth boundary;

b. Annexation of the property proposed to be served is currently not possible due to the inability to meet the criteria for annexation in ARTICLE XX.A;

c. The property proposed for service is not vacant;

d. The provision of service will not prolong uses that are nonconforming uses as specified in ARTICLE VI;

e. In the case of an application for extension of water service, the property to be served is connected with an approved means of sewage disposal;

f. The proposed extension is consistent with adopted resolutions, policies, plans, and ordinances concerning extraterritorial extensions; and

g. Even if a proposed extension is inconsistent with the criteria above, the City may approve an extraterritorial extension of water, stormwater, or sewer service:

(1) Where a communicable disease hazard exists and the extension is the only practical remedy as specified in ORS 222.840 - 222.915; or
(2) To property within a dissolved water district within which the City is providing service to some properties.

h. Even if a proposed extension is inconsistent with the criteria above, where the City currently provides water outside the urban growth boundary, the City shall consider new service connection requests only when an applicant can demonstrate that a health condition exists that will negatively impact the City of Coburg.

C. Definitions

Boundary Change-Related - Specific examples of terms related to boundary changes are as follows:

1. **Affected City**. A city, city-county or cities, named in a petition, for which a boundary change is proposed or a city, city-county or cities, named in an ordinance or order, for which a boundary change is ordered.

2. **Affected County**. Each county that contains any territory for which a boundary change is proposed or ordered.

3. **Affected District**. Each special district named in a petition that contains or would contain territory for which a boundary change is proposed or ordered. Affected district also means a district or districts, named in a petition, for which a boundary change is proposed or ordered.

4. **Affected Territory**. Territory described in a petition. Affected territory also means an area within the urban growth boundary of a city that is otherwise eligible for annexation to a city where there exists an actual or alleged danger to public health as defined in ORS 222.

5. **Annexation**. The attachment or addition of territory to, or inclusion of territory in, an existing city or district.

6. **Annexation Agreement**. A written agreement between the City and owners of land requesting annexation that states the terms, conditions and obligations of the parties to mitigate fiscal and service impacts to the City associated with the annexation and future development of the property. The agreement may be used to ensure annexation consistent with the Comprehensive Plan.

7. **Annexation Contract**. A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner. The contract shall be recorded and shall be binding on all successors with an interest in that property.

8. **Boundary Change**. An action by the City Council duly authorized by ORS 222 that results in the adjustment of the City limits or the boundary of a special district.

9. **Cadastral Map**. A map prepared by the Lane County Assessor's office showing bearings and distances and the boundaries of parcels, lots, and tracts of land.

10. **Consent to Annex**. Forms provided by the affected City that must be signed by the owner when urban services are provided to property that cannot annex. The Consent to Annex commits the property to future annexation, is recorded, and is binding on any successive owner or owners. The signature of the owner of part or all of the affected territory and electors, if any, is required, as applicable.

11. **Contiguous.** Territory that abuts the City limits at any point along the property's exterior boundary or separated from the City limits by a public right-of-way or a stream, bay, lake, or other body of water.

12. **Effective Date of Annexation**. The effective date of the boundary change as prescribed in ORS 222.040, 222.180, or 222.465.

13. **Elector**. An active registered voter at an address within the affected territory.

14. **Extraterritorial Connection of Service**. The connection of water or sanitary sewer service to developed property located outside the City limits and within the urban growth boundary.

15. **Extraterritorial Extension of a Facility**. The extension of a water or sanitary sewer line outside the City limits and within the urban growth boundary.

16. **Extraterritorial Service/Facility Contract**. A contract between the owner of property proposed to be served and the City specifying and identifying service provisions, obligations of the City and cost obligations of the owner of the affected territory. The decision to enter into such contract shall be initiated at the sole discretion of the City Council.

17. **Filing**. The submittal of materials to initiate a boundary change process.

18. **Initiation Methods**. Any of the following descriptions of participants and documentation necessary for commencement of City annexation process:

    a. All of the owners of land in the territory proposed to be annexed, and not less than 50 percent of the electors, if any, residing in the territory proposed to be annexed, have consented in writing to the annexation and file a statement of their consent to annexation with the City;

    b. More than half of the owners of land in the territory proposed for annexation who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in

writing to the annexation and file a statement of their consent to annexation with the City;

c. A majority of the electors registered in the territory proposed to be annexed and owners of more than half of the land in that territory consent in writing to the annexation and file a statement of their consent to annexation with the City;

d. The City Council may, without any vote or any consent by the owners, annex territory within the urban growth boundary if it is found that a danger to public health exists within that territory and that such condition can be removed or alleviated by sanitary, water or other facilities ordinarily provided by incorporated cities; or

e. The City Council may by resolution initiate annexation of right-of-way or other public land contiguous to the city limits.

19. **Legal Description**. As defined in ORS 308.225(2), which states: the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners, and other monuments, or, in lieu of bearings and distances, be identified by reference to:

a. Township, range, section, or section subdivision lines of the U.S. Rectangular survey system.

b. Survey centerline or right-of-way lines of public roads, streets or highways.

c. Ordinary high water or ordinary low water of tidal lands.

d. Right-of-way lines of railroads.

e. Any line identified on the plat of any recorded subdivision defined in ORS 92.010.

f. Donation land claims.

g. Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS 274.005, or the thread of rivers and streams.

In lieu of the requirements of the above, boundary change areas conforming to areas of the U.S. Rectangular survey may be described by township, section,

quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.

20. **Notice**. An ordinance, resolution, order, or other similar matter providing notice authorized or required to be published, posted, or mailed.

21**.** **Owner**. The legal owner of record according to the latest available Lane County tax assessment roll or, where there is an existing recorded land contract that is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land, each consenting owner is counted as a fraction to the same extent as the interest of the other owners and the same fraction is applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in the affected territory, the corporation must be considered the individual owner of that land.

22**.** **Petition**. Any document such as signature sheets, resolutions, orders, or articles of incorporation, required for initiating an annexation, withdrawal, or provision of extraterritorial services. In the case of a petition initiated by property owners, the person signing on behalf of a corporation or business must provide evidence showing that person is authorized to sign legal documents for the firm.

23. **Proceeding**. A proceeding to consider a boundary change.

24. **Proposal**. The set of documents required to initiate proceedings for a boundary change.

25. **Special District**. Any of the districts identified in ORS 198.

26**.** **Urbanizable Land**. Those lands between the city limits and Urban Growth Boundary.

27. **Urban Growth Boundary**. A site-specific line, delineated on a map or by written description that separates urban and urbanizable land from rural lands, that is part of a Comprehensive Plan.

29**.** **Withdrawal**. The detachment, disconnection or exclusion of territory from an existing city or district.

ARTICLE XXI. ZONE CHANGES

Sections:

A. Zone Change Procedures and Criteria

A. Zone Change Procedures and Criteria

1. Procedures for Amending Major Zoning Districts and Special Purpose Districts

A proposal to change the zoning of a special purpose district designation of a particular piece of property or area of the City may be initiated by the Planning Commission, City Council, or by petition of not less than half of the property owners representing more than half of the land area involved. Such proposals shall be considered under the Type II procedures an outlined in ARTICLE X.C. or by legislative action as provided for in Subsection B of ARTICLE X.VI of this Code. A Type II procedure may be used to change the designation of a special purpose district when the Commission established that the circumstance which created 'the special purpose district has been altered to the point that the additional requirements of the Special District would no longer serve the intended purpose for which they were created.

All proposals for District amendments shall be submitted to the Planning Commission on a form prescribed by the City and shall include payment of required fees prior to processing. When the President has determined that all of the required information has been submitted, the application shall be processed as required.

2. District Amendment Criteria

Any zoning or special purpose district amendment proposal considered under a Type II procedure must be demonstrated to be in conformance with each of the following criteria:

a. The proposed amendment conforms to the Comprehensive Plan or substantial changes have occurred which render the Comprehensive Plan inapplicable to the requested change and the Plan should be amended as proposed by the proponent of the change (in which case the Plan must be amended prior to final action on the District Amendment).

b. The proposed amendment fulfills a demonstrated public need for a particular activity or use of land within the area in question.

c. If residential zoning is involved, the proposed residential zone or zones best satisfies the objectives of the Comprehensive Plan and does not exclude opportunities for adequate provision of low and moderate housing within the subject neighborhood area.

d. When an application is received to change the zone of property which includes all or part of a mobile home park, written notice by first class mail shall be sent to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application.

[Adopted A-133C 12/12/89]

3. Land Use Applications that fall within the IAMP.

a. The City and County shall coordinate with ODOT in the review of land use applications for areas within the IAMP boundary. Land use actions within the IAMP that may affect the performance of an interchange, such as zone changes will be consistent with the adopted IAMP. The City Planner shall include ODOT as an agency referral partner. Actions not consistent with the IAMP may only be approved by also amending the IAMP and related transportation system plans consistent with OAR 660-012-0050 and 0055. Lands bounded by IAMP can be found in ARTICLE X.

ARTICLE XXII. COMPREHENSIVE PLAN AMENDMENTS

Sections:

A. Comprehensive Plan Amendment Procedures and Criteria
B. Plan Amendment Criteria

A. Comprehensive Plan Amendment Procedures and Criteria

1. Procedures for Amending the Comprehensive Land Use Plan

A proposal to amend the Comprehensive Land Use Plan including text, policies, Urban Growth Boundary, or map designations may be initiated by the Planning Commission, City Council or by petition of owners. Such proposals shall be considered under Type IV procedures as outlined in ARTICLE X.E.

B. Plan Amendment Criteria

1. Plan Amendment Criteria for Amending the Comprehensive Land Use Plan

In reaching a decision on a Comprehensive Plan Amendment proposal, the Planning Commission and City Council shall adopt findings in consideration of the following:

a. Conformance with goals and policies of the Plan or demonstration of change in circumstance which would necessitate a change in the goal and/or policies.

b. Citizen review and comment.

c. Applicable Statewide Planning Goals.

d. Input from affected governmental units and other agencies.

e. Short- and long-term impacts of the proposed change.

f. A demonstration of public need for the change.

g. A demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.

h. Additional information as required by the Planning Commission or City Council.

i. In lieu of f. and g. above, demonstration that the Plan was adopted in error.

ARTICLE XXIII. VACATION

A. Vacation Procedures and Criteria

1. Vacation Procedures

A proposal to vacate an easement, right-of-way, or plat may be initiated by the City Council or by petition of adjoining and area owners in accordance with ORS 271.080. Type IV procedures as outlined in ARTICLE X.E. shall be used as supplemented by the provisions of ORS Chapter 271. Petitions for vacations shall be submitted on a form prescribed by the City and shall be accompanied by the required application fee.

2. Vacation Criteria

The Council shall give consideration to the following criteria in reaching a decision on a vacation request:

a. Conformance to applicable Comprehensive Plan policies and maps.

b. Potential conflict with any minor or major street plan.

c. Consistent with the City of Coburg Transportation System Plan, consider the potential to establish or maintain accessways, paths, or trails, prior to vacation of any public easement or right-of-way, in addition to effect on access, traffic circulation, and emergency service protection.

d. Need for access to existing properties or potential lots which would otherwise be without access to a public way.

3. Street Requirement.

Except as prohibited by law (e.g., ORS 92.837, Manufactured Home Park), as a condition of approval of a request to vacate an easement or right-of-way, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

ARTICLE XXIV. PENALTIES FOR ZONING CODE VIOLATIONS

Sections:

A. Penalties for Violations
B. Nuisance Procedures

A. <u>Penalties for Violations</u>

Violations of the provisions of this Code, and failures to comply with any of its requirements, are prohibited, and shall subject the violator to penalties. Penalties of a different type may be applied separately, and no penalty is exclusive.

1. Violation of the provisions of this Code or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100 or imprisoned for not more than 30 days or both and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

2. Violations of the provisions of this Code or failure to comply with any of its requirements shall constitute a nuisance. The City Administrator may institute Administrative Civil Penalty proceedings against the responsible person as set forth in Subsection J of this section. Each day such a nuisance continues shall be considered a separate violation. The maximum Civil Penalty for any violation of this Code shall be $500 for a violation occurring on residential property, $1000 for a violation occurring on other property.

B. <u>Nuisance Procedures</u>

1. Definitions. For purposes of this subsection, the following terms are defined as follows:

a. <u>Admissible Evidence</u>. Evidence of a character or nature such as is commonly relied upon by ordinary persons making important decisions in the course of their lives shall be admissible in any proceeding to determine the existence or severity of a nuisance subject to any City ordinance.

b. Administrative Civil Penalty. May include a monetary penalty, restitution, costs and assessments, the cancellation of permits associated with the violation, and an order of abatement.

c. Failure to Comply. An action done in violation of a City permit or ordinance or otherwise causing a situation to exist that is contrary to the express intention of a City ordinance that assigns responsibility for an action or condition to an identifiable responsible person.

d. City Administrator. The City Administrator or the Administrator's designee.

e. Responsible Person. The owner of a building or property where a violation or failure to comply has occurred, the person in charge of the building or property, the violator or the person failing to comply with the ordinance, and where such person works for a contractor, either as an employee, subcontractor, or independent contractor, the contractor and/or other employer; and any licensee, permittee, or agent, manager, or person in charge causing or directing the violation.

2. Establishment of Administrative Enforcement Procedures.

Administrative enforcement procedures are hereby established for the purpose of providing for the remediation of nuisances, and of any failure to comply with City ordinances. It is further intended that a civil administrative process be established to provide a convenient and practical forum for the administrative hearing and determination of cases arising out of nuisances and for the hearing and determination of factual issues as may be relevant in connection with, but not limited to, nuisance abatement and license and permit revocation proceedings.

3. Establishment of Administrative Civil Penalties.

a. When the City Administrator determines that a responsible person has failed to comply with any permit issued by the City or with provision of a City ordinance that directs or requires performance or that provides that the violation of any provision of that ordinance is a nuisance, or is otherwise responsible for the creation and maintenance of a nuisance, as declared by any City ordinance, the City Administrator may impose an administrative civil penalty as provided in this Ordinance. For purposes of this section, a responsible person shall mean a responsible person as defined by this Ordinance above, unless otherwise defined by the specific Code provision declaring the nuisance to exist.

b. Prior to imposing an administrative civil penalty under this section the City Administrator shall pursue reasonable attempts to secure voluntary correction.

c. Upon failure to secure voluntary correction, the City Administrator may issue an order to comply to one or more of the responsible persons. Except where the City Administrator determines that conditions set forth in subsection (5) exist, the time for correction shall not be less than five calendar days. In cases where the nuisance in question is of a character that can be abated, the order to comply may be an order to abate.

d. Following the date by which the correction must be completed as required by an order to comply, the City Administrator shall determine whether such correction has been completed. If the required correction has not been completed by the date specified in the order, the City Administrator may issue a notice of failure to comply to each person to whom an order to comply was issued. Each day the failure to comply continues to exist after the date specified in an order to comply shall constitute a separate failure to comply.

e. The City Administrator may issue a notice of failure to comply without having issued an order to comply or made attempts to secure voluntary correction, where the City Administrator determines that the failure to comply reasonably appears to:

(1) pose an immediate threat to public health, safety or welfare, or
(2) be immediately remediable by a person in charge of the property, or
(3) be the same act or condition that served as the basis for a previous order to comply, or
(4) be done deliberately by a responsible person who had knowledge that the actions in question would constitute a failure to comply, or
(5) be a single incident identified by a City ordinance as a nuisance, and classifiable under this ordinance as meriting the imposition of an administrative civil penalty for such a single failure to comply.

f. No monetary penalty imposed under this section shall exceed $1,000 per day. In imposing a penalty authorized by this chapter, the City Administrator shall consider:

(1) The responsible person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation or failure to comply;

(2) Any prior violations of, or failures to comply with statutes, rules, orders and permits;
(3) The gravity and magnitude of the failure to comply;
(4) Whether the failure to comply was repeated or continuous;
(5) Whether the cause of the failure to comply was an inadvertent, negligent or an intentional act;
(6) The alleged responsible person's cooperativeness and efforts to correct the failure to comply; and
(7) Any relevant rule of the City Administrator.

g. The notice of failure to comply shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside of this state. A notice of failure to comply shall include:

(1) Reference to the particular Ordinance provision or rule involved;
(2) A short and plain statement of the matters asserted or charged;
(3) A statement of the amount of the penalty or penalties imposed;
(4) The date on which the order to comply was issued and the date by which correction was to be made;
(5) Where appropriate, a statement that abatement is required and that failure to abate the act or condition may result in continued administrative penalties, accruing on a daily basis at the stated amount until proof of completion of abatement is received;
(6) A statement of the party's right to appeal the notice of failure to comply.

h. Any person who is issued a notice of failure to comply may appeal the penalty. All appeals shall be submitted in writing to, and received by, the City Administrator within 10 days of when notice is deemed received. Appeals shall be accompanied by a fee to help defray the costs of processing the appeal. The fee shall equal $200. However, this fee may be waived for persons determined by the City Administrator to be indigent. The appeal fee shall be refunded if the appeal is upheld on appeal. Filing of an appeal shall not cause the penalty to cease accruing on a daily basis. In the event the appeal is not upheld, the accrued penalty shall immediately become due and payable, and the penalty shall thereafter continue to accrue until such time as the responsible person submits to the City Administrator proof of having abated the act or condition constituting the failure to comply.

i. Any administrative civil penalty imposed shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the notice of failure to comply pursuant to, and within the time limits established by this Ordinance. The City Administrator shall issue an order of civil penalty upon the civil penalty becoming final. If the responsible person appeals the civil penalty, the civil penalty shall become final, if at all, upon issuance of a decision affirming the imposition of an administrative civil penalty and containing an order of civil penalty. An order of civil penalty shall include a statement identifying an amount of daily penalty that will continue to accrue until the failure to comply is rectified. An order of civil penalty may authorize the City Administrator to take action to abate the failure to comply.

j. Failure to pay a penalty imposed hereunder within ten days after the penalty becomes final as provided above shall constitute a failure to comply with this section. Each day after the initial 10-day period for payment that the penalty is not paid shall constitute a separate failure to comply. The City Administrator is also authorized to collect the penalty by any administrative or judicial action or proceeding authorized state statutes, and may enforce delinquent liens or assessments pursuant to ORS 223.505 to 223.595.

k. The administrative civil penalty authorized by this section shall be in addition to:

(1) Assessments or fees for any costs incurred by the City in remediation, cleanup or abatement, and
(2) Any other actions authorized by law.

l. If an administrative civil penalty is imposed on a responsible person because of a failure to comply with any provision of a city ordinance resulting from a prohibited act, use or condition on real property, and notice thereof has been sent by certified mail to the person listed on the County tax records as the owner of the property, and the penalty remains unpaid 60 days after such penalty becomes final, the order of civil penalty may be recorded, as a lien, in the City Clerk's Lien Record. At the time such an assessment is made, the City Administrator shall notify the responsible person and the aforementioned owner that the penalty has been assessed against the real property upon which the failure to comply occurred, and has been entered in the City Clerk's Lien Record. The lien may be enforced in the same manner as a judgment, or as a lien for street improvements, and shall bear interest at the rate prescribed in ORS 82.010. The interest shall commence from the date of the order of

civil penalty. The City may sell or assign said lien, any such assignment to be made without recourse to the City.

m. In addition to enforcement mechanisms authorized elsewhere in this Code, failure to pay an administrative civil penalty imposed pursuant to this ordinance shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or licenses.

4. Abatement by City; Costs; Waiver; Lien.

a. If an order of abatement has been issued by the City Administrator and, 10 days following the notice mailed pursuant to this ordinance, specifying said abatement, the act or condition remains unabated, the City Administrator may cause abatement of the nuisance. Accurate record of the abatement costs shall be kept and shall include a surcharge of 25% of the cost of the abatement for administrative overhead. A billing for the amount of the costs shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be due to the City Administrator within 30 days from the date of the billing.

b. The cost of abatement may be waived for indigent persons, if upon timely application it appears to the City Administrator that the following conditions are met:

(1) The owner is indigent, as that determination is provided for in ORS 151.485;
(2) The owner is living on the property from which the nuisance is to be abated; and
(3) The nuisance is incapable of being remediated by the owner.

c. Applications for waiver of abatement costs shall be filed with the City Administrator on forms supplied by the City within ten days from the date of notice of the amount of cost of abatement. All information required to be given on the forms shall be supplied by and verified by the applicant. An application for waiver of nuisance abatement costs must be submitted for each cost of abatement notice sent to the applicant.

d. The City Administrator shall file a lien against the property if payment is not made or waived.

e. The lien for abatement shall be given priority over all liens except those for taxes and assessments and shall include interest at the legal rate accruing from the date billing is sent to the owner of property.

5. Appeal Hearing.

a. Every hearing to determine whether a failure to comply has occurred shall be held before City Administrator where the City Administrator has previously delegated the administrative penalty proceedings to another City employee. In the event that no such delegation was made, the City Administrator shall arrange with the Mayor for selection of another person to serve as a hearings officer.. The City must prove the failure to comply by a preponderance of the evidence. The hearing shall be limited to admissible evidence. The City Administrator may prescribe by rule or regulation the procedures for the conduct of the hearings in conformity with applicable state statutes.

b. The person conducting the hearing has the authority to administer oaths and take testimony of witnesses. Upon the request of the person alleged to have committed the failure to comply, or upon his or her own motion, the person conducting the hearing may issue subpoenas in accordance with the Oregon Rules of Civil Procedure, which shall apply to procedural questions not otherwise addressed by this chapter or by rule of the City Administrator. If the person alleged to have committed the failure to comply desires that witnesses be ordered to appear by subpoena, he or she must so request in writing at any time before five days prior to the scheduled hearing. A $15 deposit for each witness shall accompany each request, such deposit to be refunded as appropriate if the witness cost is less than the amount deposited. Subject to the same five-day limitation, the complaining City officer or City Counsel, as appropriate, may also request of the person conducting the hearing that certain witnesses be ordered to appear by subpoena. The person conducting the hearing may waive the five-day limitation for good cause. Witnesses ordered to appear by subpoena shall be allowed the same fees and mileage as allowed in civil cases. If an administrative civil penalty is declared in the final order, the order shall also provide that the person ordered to pay the monetary penalty shall also pay any witness fees attributable to the hearing.

c. The person alleged to have committed the failure to comply shall have the right to cross-examine witnesses who testify and shall have the right to submit evidence on his or her behalf, but cannot be compelled to do so.

d. After due consideration of the evidence and arguments, the person conducting the hearing shall determine whether the failure to comply alleged in the notice of failure to comply has been established. When the failure to comply has not been established, an order dismissing same shall be entered. When the determination is that the failure to comply has been established, an appropriate order shall be entered in the records. A copy of the order shall be delivered to the person named in the order personally or by mail or to their attorney of record. Any motion to reconsider the order of the person conducting the hearing must be filed within 10 days of the original order.

e. Monetary penalties collected pursuant to the provisions of this chapter shall be paid to the City of Coburg.

f. Hearings shall be conducted within the City of Coburg.

g. A tape recording shall be made of the hearing unless waived by both parties, which tape shall be retained for at least 90 days following the hearing or final judgment on appeal.

6. Classification of Failure to Comply.

A failure to comply with this ordinance, and any other ordinance declaring a nuisance or identifying failure to comply as a nuisance, unless provided otherwise, shall be classified for the purposes of establishing administrative civil penalties into one of the following categories with the following monetary penalties. Any failure to comply not otherwise classified in this code shall be an unclassified failure to comply and, where no specified monetary penalty is provided, an unclassified failure to comply shall be subject to a monetary penalty not to exceed $1,000 per day. In the following classifications, the amounts given as penalties shall, unless specified by the City Administrator at the time of the notice to comply, be the maximum amount for each occurrence, or each day of a continuing violation. A subsequent occurrence shall be found to exist if, after a notice of failure to comply is given to the responsible person, and the failure to comply is addressed to the satisfaction of the City Administrator, subsequent actions create or bring about an additional failure to comply notice.

a. <u>Class 1 Failure to Comply</u>. A Class 1 failure to comply shall be the violation of or failure to comply with any city ordinance that declares the violation thereof to be a nuisance where the City Administrator determines that the failure to comply creates an immediate risk to public health or safety. A Class 1 failure to comply shall also include the violation of or failure to comply where the City Administrator determines that there is a violation of this zoning ordinance occurring on property

that is zoned for Industrial or Commercial use or is being used for commercial purposes. For a Class 1 failure to comply, the monetary penalty shall be no less than $100, nor more than $1000 for a first occurrence. For a second Class 1 failure to comply occurring within 12 months from the date of the first occurrence the monetary penalty shall be no less than $200, nor more than $1000. For a third Class 1 failure to comply occurring within a 12-month period from the date of the first occurrence, the monetary penalty shall be $1000. The City Administrator may also cancel or revoke any zoning or land use permit that is the source of or related to the failure to comply.

b. Class 2 Failure to Comply. A Class 2 failure to comply shall be a violation of or failure to comply with this ordinance where the City Administrator determines that there is a violation or failure to comply occurring on property that is zoned for residential use and is not otherwise being used for commercial purposes. For a Class 2 failure to comply, the monetary penalty shall be no less than $50, nor more than $500 for a first occurrence. If the responsible person had a prior occurrence of a Class 1 or 2 failure to comply within 12 months from the date of the first occurrence, the monetary penalty shall be no less than $100 nor more than $500. If the responsible person had two prior occurrences for a Class 1 or 2 failure to comply within a 12-month period from the date of the first occurrence, the monetary penalty shall be $500. The City Administrator may also cancel or revoke any zoning or land use permit that is the source of or related to the failure to comply.

c. Class 3 Failure to Comply. A Class 3 failure to Comply shall be a violation of or failure to comply with any City ordinance that declares the violation thereof to be a nuisance where there is no determination by the City Administrator that the failure to comply creates an immediate risk to public health or safety. For a Class 3 failure to comply the monetary penalty shall be no less than $10, nor more than $250 for a first occurrence. If the responsible person had a prior occurrence of a Class 1, 2 or 3 failure to comply within 12 months from the date of the first occurrence, the fine shall be no less than $40, nor more than $250. If the responsible person had two prior occurrences of a Class 1, 2 or 3 failure to comply within 12 months of the date of the first offense, the monetary penalty shall be $250.

d. Class 4 Failure to Comply. A Class 4 failure to comply shall be any failure to comply with a city ordinance that directs or compels certain behavior but which does not contain any penalty or nuisance provisions. For a Class 4 failure to comply the monetary penalty shall be $25 for the first occurrence, $35 for the second occurrence, $45 for the third occurrence, and $55 for each subsequent occurrence within any 12 month period of time.

ARTICLE XXV. DEFINITIONS

A. Integration

For the purpose of this Code, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
3. The words "shall" and "will" are mandatory, the word may is permissive.
4. The words "uses" or "occupied" include the words intended, designed or arranged to be used or occupied.
5. The word "lot" includes the words plot or parcel.

B. Definitions

Abut or Abutting. Having a common border with, or separated from such a common border, by a right-of-way, alley, or easement.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Accessory dwelling-Unit. *See Dwelling Unit, Accessory.*

Adjoining. Having a common border with, or separated from such a common border by right-of-way, alley, or easement.

Alley. A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley is not a street.

Amusement Establishments. An establishment offering sports, theatrical productions, game playing, or similar amusements to the public within a fully enclosed building. This shall include, but is not limited to, theaters, bowling alleys, billiard parlors, and skating rinks.

Area, Gross. Total area of a parcel or site, usually expressed in acres.

Area, Net. Total area of a parcel or site (usually expressed in acres), excluding existing public street rights-of-way, public parks, and other areas permanently precluded from development due to development constraints, conservation easements, or other legal restrictions. Planned streets shall not be excluded from the net area.

Articulation, Exterior Building. Articulation on the exterior of buildings is to provide relief from large expansions of uninterrupted building surface. Articulation includes design features such as: offsets or breaks in roof elevations, balconies, projections, window reveals, or similar elements along the vertical face of a structure, such features shall occur at a minimum of every 30 feet.

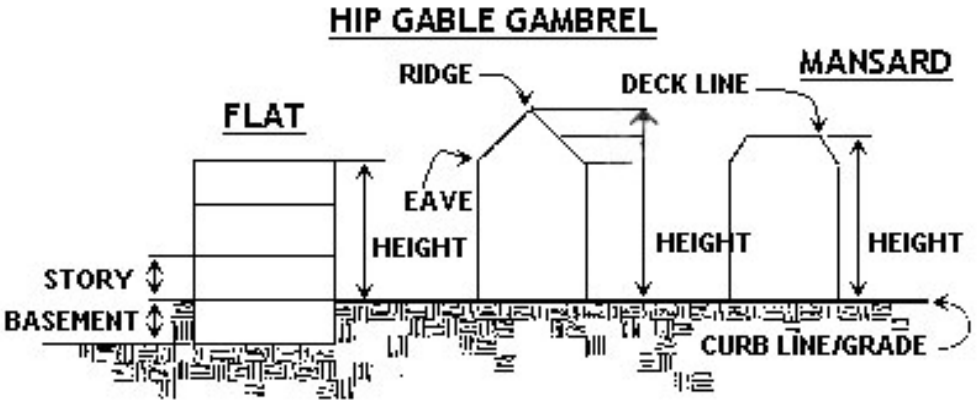
Automobile Service. Auto service means maintenance and repair as well as sales of cars (or other motor vehicles) (e.g., car sales, repair, storage, self-serve car wash, etc.).

Automobile-Dependent. Auto-dependent means the transaction takes place in an automobile (e.g., drive-up window, gas station, drive-through car washes, etc.).

Bed and Breakfast Inn. A private, owner-occupied business where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business

Buildable Area. The portion of a lot remaining after required yards have been provided.

Height of Buildings. The vertical distance above natural grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to height of the highest gable of a pitched or hipped roof.



The height of a stepped or terraced building is the maximum height of any segment of the building.

Child Care Center. Any institution, establishment, or place in which are commonly received at one time three or more children not of common parentage, under the age of seven years, for a period or periods not exceeding 12 hours, for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Conditional Use. A use that requires a Conditional Use Permit.

Cottage. See Dwelling, Cottage.

Cottage Housing. See Dwelling, Cottage Housing.

Density. Number of dwelling units per acre of land, calculated in accordance with the definition of Density Calculation.

Density Calculation.–

(a) **Maximum density** shall be calculated based on Gross Area within the development site, per the definition of Area, Gross. The formula shall be as follows:

Gross Area (expressed in acres) X Maximum Density per Acre established for the Zone = Maximum Density

When a fractional result for the number of dwelling units allowed is equal to or greater than .5, an additional dwelling unit may be allowed, but is not required.

(b) **Minimum density** shall be calculated based on the Net Area within the development site, per the definition of Area, Net. The formula shall be as follows:

Net Area (expressed in acres) X Minimum Density per Acre established for the Zone = Minimum Density

When a fractional result for the number of dwelling units required is equal to or greater than .5, an additional dwelling unit is allowed.

Distribution Center. A warehouse or other specialized building, often with refrigeration or air conditioning that is stacked with products to be redistributed to retailers, wholesalers, or directly to consumers. *See Warehouse.*

Driveway. A paved way for vehicular traffic extending from the roadway to the property line across a sidewalk, whether or not such sidewalk is improved, for the purpose of providing access to parking or maneuvering space on abutting property.

Drive-In Restaurant or Refreshment Stand. Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling, Cottage. A single-family detached dwelling unit that is part of a cottage housing development.

Dwelling, Cottage Housing. A cluster of between four and ten cottages developed under a single land development plan.

Dwelling, Manufactured Home/Manufactured Dwelling. A "manufactured home" is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. A "manufactured dwelling" includes a residential trailer, a mobile home (see Dwelling, Mobile Home), and a manufactured home meeting the above requirements. "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer. A manufactured home accessory building or structure includes:

(a) Any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule of the Director of the State Department of Consumer and Business Services.

Dwelling, Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Dwelling, Multiple-family. A residential building designed for or occupied by three or-more–families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family. A detached residential dwelling unit other than a mobile home, designed for and occupied by one household only.

Dwelling, Two-family. A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Dwelling Unit, Accessory. A small housing unit that is subordinate and incidental to the primary single-family dwelling on a single family lot.

Dwelling Unit, Accessory, Attached. An accessory dwelling unit that that shares a wall, floor or ceiling with the primary single-family dwelling for a minimum length of 8 feet.

Dwelling Unit, Accessory, Detached. Any accessory dwelling unit that is not attached.

Group Care Home. A residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident.

Home Occupation. An activity that is clearly incidental and secondary to a dwelling's residential use and which involves the profit or non-profit exchange of goods or services.

Hotel. A building (or portion thereof), or group of buildings, used for occupancy of transient individuals, with access to units from interior lobbies, courts, or halls.

Household. The person or persons occupying a dwelling unit.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A unit of land that is created by the subdivision of land as provided in this development code. Otherwise, the words “lot” and “parcel” are used interchangeably.

Lot, Corner. *See Lot Types*

Lot, Interior. *See Lot Types*

Lot, Through. *See Lot Types*

Lot Coverage. That portion of a lot which, when viewed directly from above, would be covered by a building or stricture, or any part thereof, except that the following structures or parts of structures shall themselves not be included in calculating lot coverage:

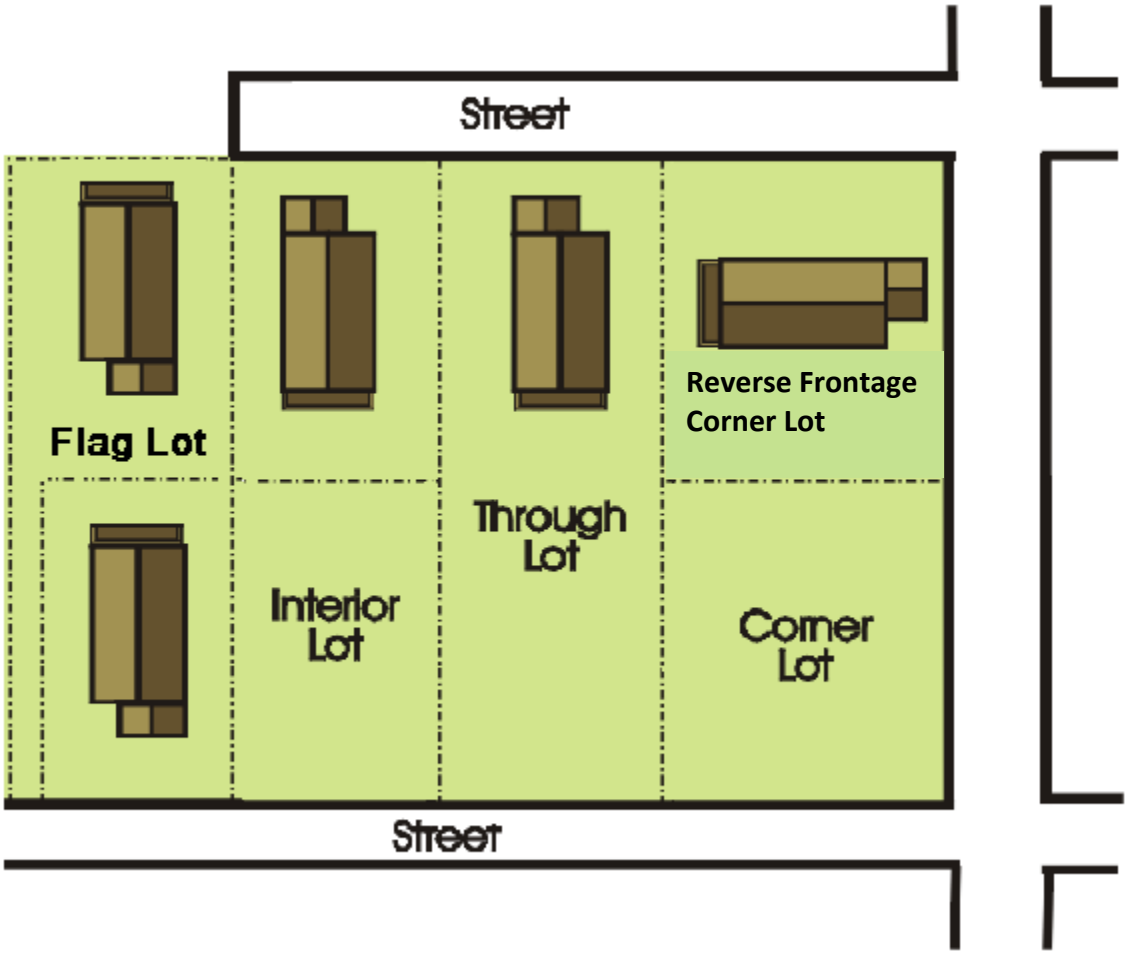
(a) Any part of a structure without a roof.
(b) Roof eaves.
(c) Carports, porches, and balconies.
(d) Accessory structures less than 200 square feet.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this Section.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types. The diagram below (Figure 2) illustrates terminology used in this Code with reference to flag lots, corner lots, interior lots, through lots, reversed frontage corner lots, and reverse frontage through lots:

Figure 2.

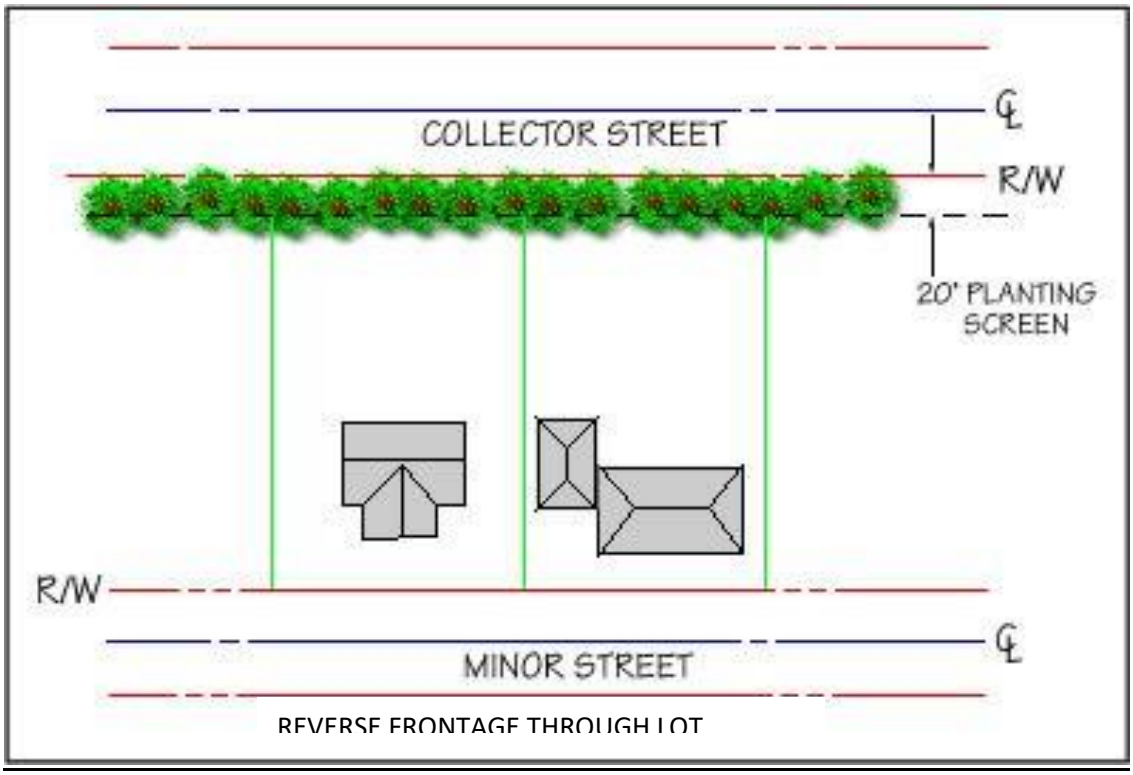


Lot, Corner. A lot that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, in considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot.

Lot, Flag. A lot that has access to a public right-of-way by means of a narrow strip of land.

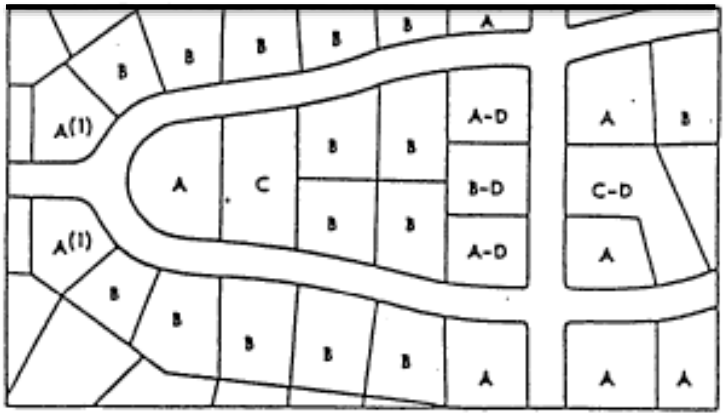
Lot, Reversed Frontage Through. A through lot, the rear line of which abuts an arterial, other primary street, railroad right-of-way, or other feature that precludes access. *See Figure 3 below.*

Figure 3.



Lot, Reversed Frontage Corner. A corner lot, the rear of which abuts the side of another lot.

Lot, Through. A lot that has frontage on two streets, and where the lot frontages do not intersect.



Lot, Width. The horizontal distance between the midpoints of the side lot lines.

Manufactured Home/ Manufactured Dwelling . *See Dwelling, Manufactured Home*. A "manufactured home" is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. A "manufactured dwelling" includes a residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and was constructed before January 1, 1962, a mobile home meeting the above requirements that was constructed between January 1, 1962 and June 15, 1976 and met the construction requirements of Oregon mobile home law in effect at the time of construction, and a manufactured home meeting the above requirements. "Manufactured dwelling" does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer. A manufactured home accessory building or structure includes:

(a) Any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule of the Director of the State Department of Consumer and Business Services. Manufactured homes do not include residential trailers constructed before 1962, mobile homes constructed between 1962 and 1976, or Recreational Vehicles.

Minor Street. A street, usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only.

Mobile Food Carts. A vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street or highway, on which food is prepared or processed, or converted, or which is used in selling and dispensing food to the ultimate consumer.

Motel. A building (or portion thereof), or group of buildings, used for occupancy of transient individuals, with access to units through exterior doors.

Negotiate. Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of sale of such land.

Nonconforming Use. A use of land that does not comply with the use regulations for its zoning district, but which complied with applicable use regulations at the time the use was established.

Outdoor Advertising Business. Provision of outdoor displays or display space on a lease or rental basis only.

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

Parking Space, Off-Street. For the purposes of this Code, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and un-parked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provide and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in [Partition Land]

Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from divisions of land resulting from foreclosure of recorded contracts for the sale or real property and divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot sized established by the zoning code. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Plat. Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Private Open Space. Outdoor space directly adjacent to a dwelling unit providing an outdoor area for private use by the occupants of the dwelling unit.

Property line adjustment . Means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

Recreational Vehicle. A vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, including, but not limited to camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

Residential Home. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or combination thereof for 5 or fewer individuals who need not be related. Staff person required to meet Department of Human Resources licensing requirements shall both be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.

Residential Facility. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. This definition includes the following: residential facilities, residential care facilities, residential treatment facilities and residential training facilities

Reversed Frontage. *See Lot Types.*

Right-of-way. Land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer, or other public use.

Road or **Street**. A 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, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

School. An institution for the teaching of children or adults including primary and secondary schools, colleges professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

Service Station. Buildings and premises where fuel, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed, and where in addition the following services may be rendered and sales made, and no other:

(a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
(b) Tire servicing and repair, but not recapping or re-grooving;
(c) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
(d) Radiator cleaning and flushing;
(e) Washing and polishing, and sales of automotive washing and polishing materials;
(f) Greasing and lubrication;
(g) Providing and repairing fuel pumps, oil pumps, and lines;
(h) Minor servicing and repair of carburetors;
(i) Emergency wiring repairs;
(j) Adjusting and repairing brakes;
(k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
(l) Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for service station's customers, as accessory and incidental to principal operation;
(m) Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A service station is not a repair garage nor a body shop.

Service Station Site. The developed area of a service station (buildings, fuel pumps, garbage storage area, and parking), including a 200-foot perimeter around the developed area.

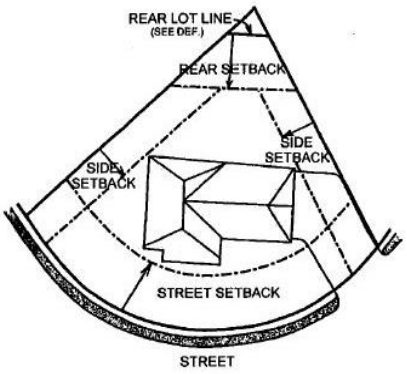
Setback. The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

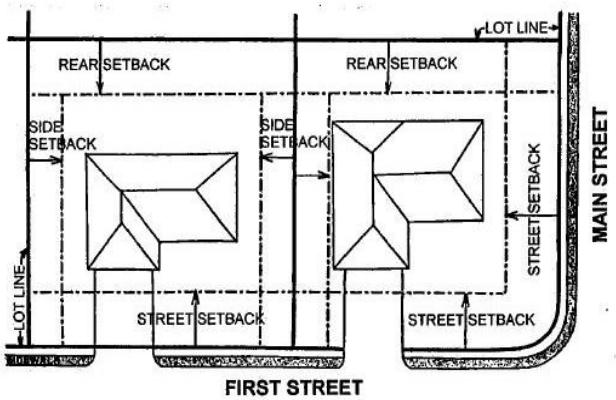
(a) Front- a setback extending across the full width of the lot measured perpendicular to the front lot line.

(b) Rear- a setback extending across the full width of the lot measured perpendicular to the rear lot line.

(c) Side – a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

(d) Street – a setback extending across the full width of the lot measured perpendicular to the font lot line.





Sign. *(See Ord. A-155-A for definitions related to signs).* Any device designed to inform or attract the attention of persons not on the premises on which the sign is located provided, however, that the following shall not be included in the application of the regulations herein:

(a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

(b) Flags and insignia of any government except when displayed in connection with commercial promotion;

(c) Legal notices; identification, informational, or directional signs erected or required by governmental bodies;

(d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

(e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Number and Surface Area. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form of combination or regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site. A sign other than an on-site sign.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as a number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this Code.

Story. The space between two adjacent floors, or between a floor and the roof of a building.

Street. *See "Road"*

Street Line. The right-of-way line of a street.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Subdivide Land. To divide an area or tract of land into four or more lots within a

calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section

Through Lot or Parcel. *See Lot Types.*

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Truck Stop. An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks, heavy commercial vehicles, and other motor vehicles; including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities.

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Warehouse. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage and facilities in which the primary purpose of storage is for wholesaling. Warehouse includes a distribution center or facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items. See Distribution Center.

Warehousing. The act of receiving and storing goods that will be sold or distributed later

Wholesaling. The act of selling merchandise to retailers; industrial, commercial, institutional, or professional business users; other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies.

Yard. An open unoccupied space on a lot that is unobstructed by a structure and measured from a property line to the nearest point of a building.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot lien to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard Set Back. An area where buildings and certain structures cannot be constructed, measured from the property line to the exterior wall of a building. A setback may be referred to as "front yard," "interior side yard," "street side yard," or “rear yard."

ARTICLE XXVI. SEVERABILITY CLAUSE

Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.