City of Myrtle Point
Development Code

December 2011
(Amended 2014 & 2018)

Ordinance No. 1267

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ARTICLE 1 — GENERAL PROVISIONS

Chapters:

1.1 Introduction
1.2 Title, Purpose, and General Administration
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Chapter 1.1 — Introduction

The City of Myrtle Point Development Code ("Code") contains land use and development regulations for properties within the incorporated limits of City of Myrtle Point. The Code is organized as follows:

Article 1 describes the title, purpose, organization and general administration of the Code. Article 1 also explains how the City interprets and enforces the Code.

Article 2 contains Myrtle Point's land use (zoning) districts, including overlay zones, as designated by the City of Myrtle Point Zoning Map. The article lists categories of land uses allowed in each district and the standards that are specific to each use or district (e.g., lot area/dimensions, setbacks, manufactured home standards, etc.). The land use regulations are intended to implement the City of Myrtle Point Comprehensive Plan. Before changing a land use, beginning development, or applying for a building permit, the property owner must complete a Zoning Checklist. The City uses the checklist to determine whether a formal land use review or other permit is required and to advise the owner on any specific Code requirements. Except where a land division is proposed, or change in use or an expansion of an existing use requires site plan review, Article 2 does not apply to lawfully existing uses and developments.

Article 3. Article 3 contains standards for new development, including requirements related to transportation improvements, street access, pedestrian and vehicle circulation, landscaping, screening, outdoor lighting, parking, water, sanitary sewer, storm drainage, and utilities. Except where a land division is proposed, or change in use or an expansion of an existing use requires site plan review, Article 3 does not apply to lawfully existing uses and developments.

Article 4. Article 4 contains the City's application requirements and review procedures for land use permits and other approvals required by this Code, including but not limited to land divisions, property line adjustments, conditional use permits, site plan reviews, and variances. Property owners should contact the City of Myrtle Point to determine whether their proposal requires a permit or other City approval.

Article 5. Article 5 contains definitions of selected terms and examples of land uses allowed under Article 2.

Chapter 1.2 — Title, Purpose, and General Administration

Sections:

Section 1.2.010 **Title**
Section 1.2.020 **Purpose**
Section 1.2.030 **Compliance and Scope**
Section 1.2.040 **Rules of Code Construction**
Section 1.2.050 **Development Code Consistency with Comprehensive Plan and Laws**
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Section 1.2.070 **Provisions of this Code Are Minimum Requirements**
Section 1.2.080 **Pre-Existing Approvals**
Section 1.2.090 **Zoning Checklist and Building Permits**
Section 1.2.100 **Official Action**

1.2.010 Title

The official name of this Title is "The City of Myrtle Point Development Code." It may be referred to as "Development Code" and "Code."

1.2.020 Purpose

This Code is enacted for the purpose of promoting the public health, safety, and welfare; to encourage the most appropriate use of land within the City of Myrtle Point, consistent with the City of Myrtle Point Comprehensive Plan; to stabilize and protect the value of property; to manage traffic flow and prevent overcrowding of public ways; to provide adequate light and air circulation in new development; to facilitate adequate and economical provision of public improvements and services; and to provide a method of Code administration and enforcement that is consistent with the needs of a small city with limited administrative capacity.

1.2.030 Compliance and Scope

A. **Compliance with the Provisions in the Development Code.** No structure or lot shall hereinafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered, except as permitted by this Code. Furthermore, annexations and amendments to the Zoning Map or Development Code shall conform to applicable provisions of this Code.

B. **Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.

C. **Transfer of Development Standards Prohibited.** No lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use, except as otherwise specifically allowed by this Code.

1.2.040 Rules of Code Construction

A. **Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code in their interpretation and application shall be held to be minimum requirements adopted for the protection of the public health, safety, and general welfare.

B. **Most restrictive requirements apply.** Where the requirements of this Code vary from other provisions of this Code or vary from other applicable regulations, the most restrictive regulation, or that imposing the highest standard, shall govern. Where the applicability of a Code provision is unclear, the Planning Commission or, upon referral, the City Council may issue a formal interpretation pursuant to Chapter 1.4 Interpretation.

C. **Tenses.** Words used in the present tense include the future; the singular form includes the plural; the plural includes the singular.

D. **Requirements versus Guidelines.** The use of the word "shall," "must," "required," or similar terms means the provision is a requirement. The use of the word "should," "encouraged," "recommended," or similar term means the provision is recommended (i.e., as in a guideline) and may be imposed as a requirement only where applicable code criteria provide for discretion in the City's decision making process.

E. **Severability.** The provisions of this Development Code are severable. If any section, sentence, clause or phrase of the Development Code is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

1.2.050 Development Code Consistency with Comprehensive Plan and Laws

A. **City of Myrtle Point Comprehensive Plan.** This Development Code implements the City of Myrtle Point Comprehensive Plan. All provisions of this Code shall be construed in conformity with the Comprehensive Plan, including all Comprehensive Plan elements and facility master plans of the City of Myrtle Point, except as otherwise required by applicable State or Federal law.

B. Compliance with Other Laws Required. In addition to the requirements of this Code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.

C. References to Other Regulations. All references in this Code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations. Where a proposal, permit, or approval is subject to both City of Myrtle Point and state or federal regulations, the property owner is responsible for consulting the applicable agencies and complying with their respective regulations.

1.2.060 Land Use Consistent With Development Code and Zoning Map

A. Zoning of Areas to be Annexed. Concurrent with annexation of any land to the City of Myrtle Point, the City Council, upon considering the recommendation of the Planning Commission, shall approve zoning for the subject land pursuant to Chapter 4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.

B. Land Use Consistent With Development Code. A lawful use is one that is permitted in accordance with this Code, including non-conforming uses pursuant to Chapter 1.4, provided state or federal law does not prohibit the use. Where a proposed use is not specifically identified by this Code, the Planning Official shall refer to Chapter 1.5 and determine whether the use is similar to another use (or uses) that is (are) permitted, allowed conditionally, or prohibited by this Code. The Planning Official shall refer the matter to the Planning Commission to be heard at the next scheduled meeting pursuant to Chapter 1.5. The Planning Commission may refer the similar use interpretation to City Council.

C. Development Code and Zoning Map. Land and structures may be used or developed only as provided by the applicable land use (zoning) district, as described in the text of this Code and designated on the City of Myrtle Point Zoning Map, including all amendments thereto.

D. Content of Official Zoning Map. The boundaries of the base zones, overlay zones, and other map designations are as illustrated on the City of Myrtle Point Zoning Map. The Zoning Map is published separately, but is a part of this Code. Maps that delineate areas subject to additional zoning regulations may be included in the Zoning Map and Code, adopted by separate ordinance, and/or adopted by reference. Examples may include the location of historical landmarks, special street setbacks, base flood (flood plain) elevation, and other areas subject to regulation under this Code.

E. Changes to Official Zoning Map. A proposed change to the Official Zoning Map is subject to the amendment process described in Chapter 4.6 Amendments.

F. Boundary Lines.

Zoning district boundaries are determined pursuant to Section 2.1.020. Where boundary lines are unclear, the Planning Official shall refer requests for boundary line determinations and interpretations to the Planning Commission to be heard at the next scheduled meeting pursuant to Chapter 1.5 Code Interpretations. The Planning Commission may refer such requests for a boundary line determinations and interpretations to City Council.

1.2.070 Provisions of this Code Are Minimum Requirements

A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. Most restrictive requirements apply. When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.2.080 Pre-Existing Approvals

A. Legality of Pre-existing Approvals. Developments and uses for which government approvals were granted prior to *February 3rd 2012* may occur pursuant to such approvals, except that modifications to those approvals shall be subject to review under Chapter 4.5. Modifications to Approved Plans and Conditions of Approval, as applicable. See also, Chapter 1.4 Non-Conforming Situations.

B. Subsequent Development Applications. All developments and uses commencing on or after *February 3rd 2012* shall conform to the current provisions of the Code.

1.2.090 Zoning Checklist and Building Permits

The designated Building Official issues building permits, and the City of Myrtle Point coordinates with the designated Building Official to ensure compliance with the City's land use and development regulations. A building permit shall not be issued until the Planning Official has transmitted an approved Zoning Checklist to the Building Official. In reviewing a Zoning Checklist, the Planning Official may determine that other permits or approvals are required before a Zoning Checklist may be approved and before development may commence or a building permit may be issued. See Article 4 Application Review Procedures and Approval Criteria.

1.2.100 Official Action

A. Official Actions.

1. Except for legislative actions, the City of Myrtle Point Planning Commission and City Planning Official are vested with authority to issue permits and grant approvals in conformance with this Code.

2. Legislative proposals under this Code (e.g., zone changes and comprehensive plan amendments) are subject to City Council review and approval. The Planning Commission reviews and makes recommendations on legislative proposals.

3. The City Planning Official may refer a permit application or a request for Code interpretation to the Planning Commission, pursuant with Section 4.1.030.

4. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with this Code.

5. The City Council, pursuant with Section 4.1.040(D), reviews and takes action on appeals of Planning Commission decisions.

6. The City Planning Official may issue a stop work order on any development or use that is in violation of this code or that fails to comply with any land use condition of approval.

B. Void Future Actions. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The Planning Official shall determine when an approval is void and he or she shall refer it back to the decision body for modification to ensure Code compliance.

C. Referral to Planning Commission. In addition to those actions, which require Planning Commission approval, the City Planning Official may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.5 Code Interpretations, and Article 4 Application Review Procedures and Approval Criteria.

D. Notices and Validity of Actions. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice. See Chapter 4.1 General Review Procedures.

Chapter 1.3 — Lot of Record; Legal Lot Determination

Sections:

1.3.010 Purpose and Intent
1.3.020 Criteria
1.3.030 Legal Lot Determination Procedure

1.3.010 Purpose and Intent

The purpose of Chapter 1.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing development on a non-conforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of lot of record shall not be denied development of one single family dwelling per lot of record, provided applicable building codes are met; the City shall accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 4.7.

1.3.020 Criteria

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 to 92.190: Other requirements such as setbacks, lot coverage, parking, landscaping and screening continue to apply.

A. The plot of land was lawfully created through a subdivision or partition plat in Coos County prior to annexation to the City of Myrtle Point;

B. The plot of land was created through a deed or land sales contract recorded with Coos County before the City or County, as applicable, adopted its respective planning, zoning, subdivision or partition regulations. For a plot of land created through a deed or land sales contract within the City of Myrtle Point, that date is *February 3rd, 2012*; or

C. The plot of land was created through a deed or land sales contract recorded with Coos County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision or partition regulations in effect at the time it was created.

1.3.030 Legal Lot Determination Procedure

Requests to validate a lot of record shall follow the procedures in ORS 92.010 to 92.190.

Chapter 1.4 — Non-Conforming Situations

Sections:

1.4.010 Purpose
1.4.020 Non-conforming Use
1.4.030 Non-conforming Development
1.4.040 Non-conforming Lot

1.4.010 Purpose

This Chapter provides standards and procedures for existing land uses and developments that do not comply with this Code. The regulations are intended to provide some relief from code requirements for uses and developments established prior to *February 3rd 2012* that do not comply with current standards. The chapter contains three sections with standards: Section 1.4.020 applies to non-conforming uses (e.g., industrial use in residential zone); Section 1.4.030 applies to non-conforming developments (e.g., structure does not meet setback or height standards); and Section 1.4.040 applies to non-conforming lots (e.g., lot is smaller than minimum area required by code).

1.4.020 Non-conforming Use

Where at the time of adoption of this Code a use of land exists that would not be permitted under the current Code but was lawful at the time it was established, the use may continue, provided:

A. **Expansion of Non-conforming Use Limited.** Expansion in area of land or space occupied by a non-conforming use shall not exceed twenty percent (20%) of the subject site or building area that existed as of *February 3rd 2012.* A non-conforming use may be expanded only once. Such expansion requires approval of a Conditional Use Permit.

B. **Location of Non-conforming Use.** A non-conforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.

C. **Discontinuation or Abandonment of Non-conforming Use.** A non-conforming use that is discontinued for any reason (except fire or other catastrophe beyond the owner's control) for a period of more than twelve (12) months shall be deemed abandoned and shall no longer be an allowed use; except the Planning Commission may approve an extension, in which case the extension shall be limited to one twelve (12) month period. For purposes of calculating the twelve (12) month period, a use is discontinued or abandoned upon the first occurrence of any one of the following:

   1. The date when the use of land is physically vacated;

2. The date the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods/stock, or office equipment, or the disconnection of telephone or utility service;

3. The date of termination of any lease or contract under which the non-conforming use has occupied the land;

4. The date a request for final reading of water and power meters is made to the applicable utility districts;

5. The date when the owner's utility bill or property tax bill account became delinquent; or

6. The date of an event similar to those listed in subsections 1-5, above, as determined by the Planning Commission.

D. **Application of Code Criteria and Standards to Non-conforming Use.** Once the City deems a use abandoned pursuant to subsection 1.4.020(C), any subsequent use of the subject lot shall conform to the current standards and criteria specified by this Code. After the City has deemed a non-conforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership/management; any such activity is a violation of this Code and subject to enforcement proceedings.

1.4.030 Non-conforming Development

Where a development exists on 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 lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

A. **Alterations.** Any expansion of a non-conforming structure or development shall not exceed twenty percent (20%) of the subject building area or development, including structures, paving, outdoor storage, and other developed areas that existed as of *February 3rd 2012*. Such expansion requires approval of a Conditional Use Permit; no such non-conforming building or development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;

B. **Destruction.** Should such non-conforming development or non-conforming portion of development be destroyed by any means to an extent more than fifty percent (50%) of its current value as assessed by the Coos County Assessor, it shall be reconstructed only in conformity with this Code;

C. **Roadway Access.** The owner of a non-conforming access connection (i.e., street or highway

access) may be required to bring the non-conforming access into conformance with the standards of the Oregon Department of Transportation, not withstanding the provisions of this Chapter.

D. **Relocation or Removal.** Should a non-conforming structure or development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.

E. **Existing Uses Granted Special Status (Allowed) in Industrial Zones.** Notwithstanding the restrictions of any other section of the Myrtle Point Development Code, all Single-Family, Two-Family (Duplex), or Accessory Residential Dwellings and Manufactured Homes built before February 3, 2012, on industrially zoned properties shall be deemed conforming to the base zoning district. This status extends to existing dwellings used as Group Care Homes, Group Care Facilities, Day Care Facilities, Family Daycare, and Home Occupations. Any expansion of an existing structure or development shall not exceed twenty percent (20%) of the original subject building area or development. If any building on these properties is destroyed, as defined in Myrtle Point Development Code 1.4.030(B), it may be rebuilt not in excess of twenty percent (20%) greater than the original subject building area or development as it existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Chapter 2.

[Paragraph Added – Ord. 1268, 3/18/2013]

1.4.040 Non-conforming Lot

[Renumbered - Ord. 1271, 2/3/2014]

If a lot situated within a subdivision which has been duly platted, approved and recorded in the office of the County Clerk at the time of the passage of this ordinance, or if any other lot or aggregate of other lots held in a single ownership, as so recorded at such time, have an area or dimensions which do not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to other requirements of the zone; provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling.

Chapter 1.5 — Code Interpretations

Sections:

1.5.010 Interpretations

1.5.010 Interpretations

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

A. Authorization of Similar Uses. The City Planning Official or Planning Commission may rule that a use not specifically listed among the allowed uses in a zone is permitted, or permitted with conditions (subject to a conditional use permit), if it is similar to a use that is specifically allowed in the zone with respect to its effect on adjacent properties. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Planning Commission finds to be are similar to those that are prohibited, are not allowed.

B. Code Interpretation Requests. A request for a code interpretation shall be made in writing to the Planning Official. Where the Planning Official finds that the Code is not clear, he or she shall refer the request to the Planning Commission for its interpretation; the Commission may choose to refer the request to the City Council if it pertains to legislative intent. The Planning Official shall advise the person making the inquiry in writing as to whether the Planning Commission or City Council will review the request within fourteen (14) days after the request is made on whether or not the City will make an interpretation.

D. Written Interpretation. If the Planning Commission decides to issue an interpretation, it shall do so at its next regularly scheduled Planning Commission meeting; alternatively, the Council may schedule a public hearing pursuant with subsection 1.5.010(E), below. Within ten (10) days of the Planning Commission's decision, the Planning Official shall mail or deliver the decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public hearing testimony on the interpretation. The decision shall become effective fourteen (14) days after the date it is mailed/delivered.

E. Referral to Public Hearing. Prior to an interpretation becoming effective, any member of the public may request a public hearing on the matter by submitting a letter requesting a hearing to the Planning Official. Public hearings shall be conducted pursuant to Section 4.1.040.

F. Interpretations On File. The City shall keep on file a record of all Code interpretations.

Chapter 1.6 — Enforcement

Sections:

1.6.010 Misdemeanor
1.6.020 Other Remedies
1.6.030 Abatement of Violation Required
1.6.040 Responsible Party

1.6.010 Violations

A. Upon failure to comply with any provision of this Code, or with any restrictions or conditions imposed hereunder, the City of Myrtle Point may withhold any further permits and may withhold or withdraw City utility services until correction is made.

B. Not withstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Code shall be subject to civil penalties of not more than *$200* for each offense. Except where the Council finds that the owner is making satisfactory progress toward abating the violation, each day that a violation exists shall constitute a separate offense.

1.6.020 Other Remedies

A. The City of Myrtle Point may find a violation of this Code is a public nuisance and take enforcement action accordingly pursuant to City of Myrtle Point Code.

B. The City Council may designate a certain class of violations of this Code as a Class A Misdemeanor, which, upon conviction thereof, is punishable as prescribed in Oregon Revised Statute (ORS) Chapter 161. Such person is guilty of a separate violation for each and every day during any portion of which any violation of this Code is committed or continued. The penalties imposed by ORS Chapter 161 are in addition to and not in lieu of any other remedies available to the City.

1.6.030 Abatement of Violation Required

A finding of a violation of this Code shall not relieve the owner of the duty to abate the violation.

1.6.040 Responsible Party

Compliance with this Code is the responsibility of each property owner. If a provision of this Code is violated by a business or other entity, the officer or officers of that entity shall be subject to the penalties imposed by this section.

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ARTICLE 2 – ZONING DISTRICTS

Chapters:

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

Chapter 2.1 – Establishment of Zoning Districts

Sections:

2.1.010 Purpose and Classification of Zoning Districts
2.1.020 Determination of Zoning Boundaries

2.1.010 Purpose and Classification of Zoning Districts

Every parcel, lot, and tract of land within the City of Myrtle Point is designated with a zoning district. The use of land is limited to the uses allowed by the applicable zoning district. Zoning designations shall be as provided on the City of Myrtle Point Zoning Map, which shall be consistent with the City of Myrtle Point Comprehensive Plan. The City Recorder maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern.

2.1.020 Determination of Land Use District Boundaries

Where due to the scale, lack of scale, lack of detail or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the Planning Official or, upon referral, the Planning Commission, pursuant with Chapter 1.5 and in accordance with all of the following criteria:

A. Rights-of-way. Boundaries that approximately follow the centerlines of streets, highways, alleys, bridges, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately among the subject zoning districts;

B. Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

C. Jurisdiction boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and

D. Natural features. Boundaries indicated as approximately following a river, stream, topographic contour or other changeable natural feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Code Interpretation procedure, in accordance with Chapter 1.5. Unless otherwise specified, the boundary of the Water (W) zone shall be the mean high water line, or the line of non-aquatic vegetation; whichever is higher.

Chapter 2.2 – Zoning District Regulations

Sections:

2.2.010 Purpose
2.2.020 Allowed Land Uses by Zoning District
2.2.030 Development Standards by Zoning District
2.2.040 Development Standards Exceptions

2.2.010 Purpose

All real property in Myrtle Point is subject to the zoning regulations of Chapter 2.2. Certain types of land uses are also subject to the Special Use regulations in Chapter 2.3. In addition, some properties are subject to both the general zoning regulations of Chapter 2.2 and the Overlay Zone regulations of Chapter 2.4. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

A. **Residential (R) Districts.** The R districts are intended to meet the housing needs of the community, including but not limited to the need for single-family dwellings, manufactured dwellings, manufactured dwelling parks, two-family (duplex) dwellings, multifamily dwellings, and attached single-family (townhome) dwellings. The R districts also allow some non-residential uses customarily found in residential areas, including but not limited to home businesses, parks, schools, family daycare, residential care, accessory dwelling units, and places of worship. Lands designated for residential are zoned either R-1 (Residential), R-2 (Manufactured Homes), or R-3 (Manufactured Home Park).

B. **Commercial-Residential (CR) District.** The CR district is intended to provide areas suitable for a wide variety of commercial uses and allow limited residential uses.

C. **Light Industrial (LI) District.** The Light Industrial (LI) district is intended to provide areas suitable for light industrial uses, including uses that combine industrial and limited commercial uses.

D. **Heavy Industrial (HI) District.** The Heavy Industrial (HI) district is intended to provide a suitable area for a wide range of light industrial and heavy industrial uses. Development standards, including conditional use permit procedures for some uses, are intended to maintain compatibility between HI district uses and adjacent districts.

E. **Open Space (OS) District.** The Open Space (OS) district is intended to provide a suitable area for a wide range of parks and open space uses, including but not limited to the Coos County Fairgrounds, city parks, crop cultivation, recreational areas, conservation activities, and limited use livestock grazing, and accessory uses. The OS district also allows other uses, such as recreational vehicle parks, with approval of a conditional use permit.

F. **Public Facilities (PF) District.** The Public Facilities (PF) district is intended to provide a suitable area for a wide range of public uses, including but not limited to the Coos County Fairgrounds, city parks, and schools, and their accessory uses.

G. **Water (W) District.** The Water (W) district is intended to provide for conservation activities within identified estuarine areas of the City, consistent with the Myrtle Point Comprehensive Plan and the Coquille River Estuary Management Plan. Minor navigational improvements are also allowed, subject to a conditional use permit.

2.2.020 Land Uses Allowed in Zoning Districts

Table 2.2.020 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 5.1. A Zoning Checklist is required before changing a use, applying for a building permit, or commencing development.

Table 2.2.020 – Land Uses Allowed in Zoning Districts **[Amended – Ord. 1268, 3/18/2013]**

Uses	***Status of Use in District***					
Use Categories *(Examples of uses are provided in Chapter 5.1)*	**Residential (R)**	**Com-Res. (CR)**	**Indus. (LI) & (HI)**	**Public Fac. (PF)**	**Open Space (OS) & Water (W)**	***Limitations and Special Use Standards*** *(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)*
Residential Categories						
Household Living						
Single-Family Dwelling (not attached)	P	P	N*	N*	N	*Existing, lawfully-established Single-Family Dwellings are granted special status, subject to Chapter 1.4.
Accessory Dwelling (second dwelling on a single-family lot)	S	S	N	N	N	*Existing, lawfully-established Accessory Dwellings are granted special status, subject to Chapter 1.4.
Two-Family Dwelling (Duplex)	P	P	N	N	N	*Existing, lawfully-established Two-Family (Duplex) Dwellings are granted special status, subject to Chapter 1.4.
Manufactured Home	S	S	N	N	N	Sec. 2.3.070-2.3.090 ORS 446 *Existing, lawfully-established Manufactured Homes are granted special status, subject to Chapter 1.4.
Mobile Home/Manufactured Dwelling Park	**R-1:** N **R-2:** CU+S **R-3:** S	N	N	N	N	Sec. 2.3.080 ORS 446

Table 2.2.020 – Land Uses Allowed in Zoning Districts **[Amended – Ord. 1268, 3/18/2013]**

Uses	***Status of Use in District***					
Use Categories *(Examples of uses are provided in Chapter 5.1)*	**Residential (R)**	**Com-Res. (CR)**	**Indus. (LI) & (HI)**	**Public Fac. (PF)**	**Open Space (OS) & Water (W)**	***Limitations and Special Use Standards*** *(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)*
Multifamily Dwellings (3 or more dwellings on lot, including senior housing, assisted living, and single room occupancy uses but not group living)	S	S	N	N	N	Sec. 2.3.100
Use of Recreational Vehicle as Dwelling (must be connected to water, electrical supply and sewage disposal systems) and in an approved manufactured dwelling park, mobile home park or RV park	P	N	N	N	N	2.3.090 ORS 197.493
Group Living						
Group Care Home (5 or fewer individuals receiving care)	P	P	N	N	N	Sec. 2.3.050 *Existing, lawfully-established Group Care Homes are granted special status, subject to Chapter 1.4.
Group Care Facility (6-15 individuals receiving care)	P	P	N	N	N	Sec. 2.3.050 *Existing, lawfully-established Group Care Facilities are granted special status, subject to Chapter 1.4.
Commercial Categories Sec. 2.3.110 Commercial Development Standards applies to all Commercial Uses						**Sec. 2.3.110**
Drive-Up/Drive-In/Drive-Through Uses (includes but is not limited to drive-up windows, drive-up ATM's, auto service and repair, and similar uses and facilities)	N	CU	CU	N	N	
Bed and Breakfast Inn	CU+S	S	N	N	N	Sec. 2.3.040

Key:
P = Permitted
S = Permitted with Special Use Standards
CU = Conditional Use Permit required
N = Not permitted

Table 2.2.020 – Land Uses Allowed in Zoning Districts **[Amended – Ord. 1268, 3/18/2013]**

Uses	***Status of Use in District***					
Use Categories *(Examples of uses are provided in Chapter 5.1)*	**Residential (R)**	**Com-Res. (CR)**	**Indus. (LI) & (HI)**	**Public Fac. (PF)**	**Open Space (OS) & Water (W)**	***Limitations and Special Use Standards*** *(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)*
Educational Services, e.g., tutoring/training center or similar commercial services (not a school or home occupation)	N	P	P	N	N	
Entertainment, Major Event	N	CU	**LI:** CU **HI:** N	CU*	**OS:** CU* **W:** N	*In PF and OS districts, entertainment uses must be accessory to a public use.
Family Daycare (16 or fewer children) under ORS 657A.250 and ORS 657A.440(4)	P	P	N	N	N	*Existing, lawfully-established Family Daycare are granted special status, subject to Chapter 1.4.
Home Occupation - Greater than 500 square feet of use - Less than 500 square feet of use	 S+CU S	 S S	 N N	 N N	 N N	Sec. 2.3.060 *Existing, lawfully-established Home Occupations are granted special status, subject to Chapter 1.4.
Lodging (Hotels, Motels, Inns)	N	P	**LI:** CU **HI:** N	N	N	
Medical Center or Clinic	N	P	CU	N	N	
Office	N	P	P	N	N	
Outdoor Recreation, Commercial	N	CU	N	CU*	CU*	*In PF and OS districts, commercial uses must be accessory to a public use.
Vehicle Servicing, Gas Station, or Vehicle Repair	N	CU	P	N	N	
Retail Sales and Service, enclosed in building Retail Sales and Service, not enclosed	N N	P CU	P* CU*	N N	N N	*In the HI district, retail use must be accessory to an industrial use.
Self-Service Storage, Commercial	N	CU	P	N	N	

Table 2.2.020 – Land Uses Allowed in Zoning Districts **[Amended – Ord. 1268, 3/18/2013]**

Uses	***Status of Use in District***					
Use Categories *(Examples of uses are provided in Chapter 5.1)*	**Residential (R)**	**Com-Res. (CR)**	**Indus. (LI) & (HI)**	**Public Fac. (PF)**	**Open Space (OS) & Water (W)**	***Limitations and Special Use Standards*** *(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)*
Industrial Categories						
Industrial Service	N	CU	P	N	N	
Manufacturing and Production	N	CU	CU	N	N	
Warehouse and Freight Movement	N	CU	P	N	N	
Waste-Related, including Biomass Energy	N	N	CU*	N	N	*Waste-Related uses allowed in HI district only, subject to CU permit.
Wholesale Sales, enclosed in a building Wholesale Sales, not enclosed in a building	N N	P CU	P CU	N N	N N	
Other Industrial Uses (not listed)	N	N	CU*	N	N	*Unlisted industrial uses allowed in HI district only, subject to CU permit.
Institutional Categories						
Utilities	P	P	P	P	CU	
Community Service	P	P	P	P	P	
Daycare Center, does not include Family Daycare or Group Care Home/Facility	CU	P	N	CU*	N	Daycare center allowed in PF district only when accessory to a public use.
Parks and Open Space	P	P	CU	P	P	
Religious Institutions and Houses of Worship	CU	CU	CU	CU	N	

Key:
P = Permitted
S = Permitted with Special Use Standards
CU = Conditional Use Permit required
N = Not permitted

Table 2.2.020 – Land Uses Allowed in Zoning Districts **[Amended – Ord. 1268, 3/18/2013]**

Uses	***Status of Use in District***					
Use Categories *(Examples of uses are provided in Chapter 5.1)*	**Residential (R)**	**Com-Res. (CR)**	**Indus. (LI) & (HI)**	**Public Fac. (PF)**	**Open Space (OS) & Water (W)**	***Limitations and Special Use Standards*** *(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)*
Schools	CU	CU	CU	CU	N	
Other Categories						
Accessory Structures (with a permitted use) - not taller or larger than primary use - Taller or larger than primary use	 P CU	 P CU	 P CU	 P P	 P P	
Agriculture – Animals	Keeping of cattle requires 2-acre minimum lot size; except keeping of cattle on smaller lots is allowed with a Conditional Use Permit. Other animals subject to City Nuisance Ordinance.					
Agriculture – Crop Cultivation, Commercial Gardening/Horticulture, Plant Nursery	P	P	P	P	P	
Conservation	P	P	P	P	P	Subject to review and approval by natural resource regulatory agencies, as applicable
Micro-Generation Facilities (e.g., generation of solar, wind, biomass, or similar energy for on-site use only)	P	P	P	P	P	Sec. 2.2.030
Mining	N	N	CU	N	N	
Radio Frequency Transmission Facilities	CU	CU	CU	N	N	
Regional Utility Corridors (e.g., irrigation, electrical, gas, oil, and similar transmission lines) extending through the City.	CU	CU	CU	CU	CU	
Temporary Uses (limited to uses that are allowed as primary uses in zoning district)	Temporary Uses are regulated the same as other uses; except the City Council may waive Site Plan Review for uses that are 6-months or less in duration, provided Zoning Checklist approval is required.					

Key:
P = Permitted
S = Permitted with Special Use Standards
CU = Conditional Use Permit required
N = Not permitted

Table 2.2.020 – Land Uses Allowed in Zoning Districts **[Amended – Ord. 1268, 3/18/2013]**

Uses	***Status of Use in District***					
Use Categories *(Examples of uses are provided in Chapter 5.1)*	**Residential (R)**	**Com-Res. (CR)**	**Indus. (LI) & (HI)**	**Public Fac. (PF)**	**Open Space (OS) & Water (W)**	***Limitations and Special Use Standards*** *(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)*
Transportation Facilities: operation, maintenance, preservation, right-of-way acquisition, and construction activities in accordance with the City's Comprehensive Plan Transportation Element and Public Works Standards, including construction of streets and roadways as part of approved land division and emergency measures necessary for public safety and protection of property, when approved by the applicable roadway authority.	P	P	P	P	P	
Other Uses (unlisted use)	CU	CU	CU	CU	CU	Uses similar to "Not Permitted" uses are Not Permitted.

Key:
P = Permitted
S = Permitted with Special Use Standards
CU = Conditional Use Permit required
N = Not permitted

2.2.030 Development Standards by Zoning District

The standards in Table 2.2.030 apply to all new or expanded development, including projects that do not require land use approval. See Chapter 4.1 for land use application requirements.

Table 2.2.030 – Standards for New or Expanded Development

Standards by Zoning District	Residential (R-1, R-2, & R-3)	Commercial-Residential (CR)	Industrial (LI) & (HI)	Public Fac. (PF) Open Space (OS) Water (W)
Minimum Lot Area (square feet), except existing Lots of Record smaller than standard may be developed pursuant to Chapter 1.3.	6,000 sf; except 7,500 sf for Two-Family (Duplex) dwelling, and 3,750 sf for Attached Single-Family (Townhome) dwelling For Multifamily use, 7,500 sf, plus an additional 1,000 sf for each dwelling unit over two (2) on a lot.	5,000 sf; except 7,500 sf for Two-Family (Duplex) dwelling, and 3,750 sf for Attached Single-Family (Townhome) dwelling For Multifamily use, 7,500 sf, plus an additional 1,000 sf for each dwelling unit over two (2) on a lot.	None: Building Code standards must be met.	
Minimum Lot Width at Front Building Line - Non-Common Wall Development - Common Wall/Zero Lot Line Development	50 ft 30 ft	50 ft 30 ft	None: Building Code standards must be met.	Not Applicable
Minimum Lot Depth	65 ft	65 ft		
Maximum Lot Coverage – total area covered by structures and impervious paved surfaces, including decks and accessory structures	60%	80%, except 90% for lots fronting Spruce Street	80%	**PF:** 70% **OS:** 20% **W:** 0%
Minimum Common Open Space Area in new Residential Subdivisions and Multifamily Developments, as of a % of the overall site. Applies to all land use applications submitted after *February 3rd, 2012*.	20%	10%	Not Applicable	

Table 2.2.030 – Standards for New or Expanded Development

Standards by Zoning District	Residential (R-1, R-2, & R-3)	Commercial-Residential (CR)	Industrial (LI) & (HI)	Public Fac. (PF) Open Space (OS) Water (W)
Maximum Structure Height	35 ft, subject to the following standards: A) The City may limit height as required for fire protection. B) The height of a new dwelling shall not exceed the height of an existing dwelling on an abutting lot by more than one (1) foot for every one (1) foot of combined side or rear yard setback, as applicable, separating the two dwellings. C) Notwithstanding the provisions of 'B', above, an increased height is allowed in any zone, subject to approval of a Conditional Use Permit and provided fire protection requirements met.			
Minimum Front or Street Side Setback on Lot Abutting Standard Right-of-Way	15 ft in R-1, R-2, R-3, PF, and OS zones and 0 ft in CR, LI, and HI zones; except 20 ft for the following: garage openings; carport entries; structures where vehicles are serviced, stored, or repaired; structures associated with vehicle queuing areas (e.g., kiosks, drive-up/drive-through facilities, ATMs, etc.), and similar structures. Notwithstanding the above, developments adjacent to **Spruce Street** shall be setback not more than 5 feet, except the setback may be increased where a plaza is proposed between a building and the property line. Developments adjacent to **Hwy 42** shall conform to the highway corridor/gateway landscape standards in Chapter 3.2, which may require a setback yard for landscaping. See also, Section 2.2.040 Setback Yard Exceptions.			
Minimum Front or Street Side Setback on Lot Abutting Sub-Standard Right-of-Way	Where an existing street right-of-way is less than the standard width provided in Chapter 3.4, the minimum front or street setback equals one-half of the ultimate/planned width of the abutting right-of-way, per the City of Myrtle Point Transportation System Plan, as measured from the street or highway centerline, as applicable.			
Minimum Interior Side Setback	5 ft, except where common wall/zero-lot line development is approved with 0-setback, or where greater setback is required per CU permit.		3 ft, except where common wall/zero lot line development is approved with 0-setback, or where greater setback is required per CU permit.	
Minimum Rear Setback	15 ft, except a setback of 5 ft is permitted for accessory structures of 12 ft or less in height	3 ft, except as required by utility easement or Building Code		

Note: Other standards or easements may preclude building to the allowable lot size, coverage, setback, or height. See also, the special use standards in Chapter 2.3 and the overlay zone requirements in Chapter 2.4 for areas subject to flood hazard or potential geologic hazard.

2.2.040 Setback Yard Exceptions

Setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback standards are also intended to allow for flexibility in maintaining existing structures and in developing attached housing, consistent with the policies of the City of Myrtle Point Comprehensive Plan. Setbacks may be adjusted through the following means:

A. Minor encroachments into a setback yard for chimneys, porches, decks, eaves, and similar parts of a structure, are permitted, pursuant to applicant building codes.

B. The Planning Commission may reduce the required front yard setback requirement for a new or expanded building where it finds that one or more buildings on lots abutting the subject site and on the same block face (street frontage) have less than the minimum front yard setback. In such cases, the Commission may establish a minimum setback that is equal to the average front setback on the two abutting lots. Where only one building is on an abutting lot on the same block face, the Commission shall find the average using the standard setback and the setback of the existing building. The above exception does not apply to garage openings, carport entries, and structures where vehicles are serviced, stored, or repaired; the minimum street setback of 20 feet shall be maintained for those structures.

C. All other setback yard exceptions are subject to review and approval of a Variance pursuant to Chapter 4.7.

Chapter 2.3 – Special Use Standards

Sections:

2.3.010 Purpose
2.3.020 Applicability
2.3.030 Accessory Dwellings
2.3.040 Bed and Breakfast Inns
2.3.050 Residential Care Homes and Residential Facilities
2.3.060 Home Occupations
2.3.070 Manufactured Homes on Lots
2.3.080 Mobile Home and Manufactured Dwelling Parks
2.3.090 Mobile Homes and Recreational Vehicles Used as Dwellings
2.3.100 Multiple Family Development Standards
2.3.110 Commercial Development Standards
2.3.120 Water (W) Zone Development
2.3.130 Certain Residential Uses Granted Special Status

2.3.010 Purpose

The Special Use Standards in Chapter 2.3 address the unique requirements of certain land uses and building types, as identified with an "S" in Table 2.2.020. The standards in Chapter 2.3 do not replace but supplement the standards in Sections 2.2.010 through 2.2.040.

2.3.020 Applicability

The City applies the Special Use Standards at the time a new use, a change in use, or a development is proposed that requires review under the provisions of this Title.

2.3.030 Accessory Dwellings

Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure (Section 4.1.030) and shall conform to all of the following standards:

A. One Unit. A maximum of one (1) Accessory Dwelling unit is allowed per legal lot.

B. Floor Area. An Accessory Dwelling shall not exceed 600 square feet of floor area, or 40% of the primary dwelling unit floor area, whichever is smaller. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. The floor area of the primary dwelling garage is not included in the calculation of maximum floor area.

C. Lot Size. The minimum lot size for a lot with an Accessory Dwellings is 6,000 square feet.

D. Building Design. The Accessory Dwelling shall have exterior siding and roofing which in color, material and appearance are the same, similar, or superior to exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is

considered "superior" to metal siding). The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements. [Amended – Ord. 1281, 2018]

E. Building Height. The height of an accessory dwelling shall not exceed the height of the primary dwelling.

F. Parking. Two (2) off-street parking spaces are required, total, for a Single-Family Dwelling and an Accessory Dwelling on the same lot.

G. Screening and Buffering. The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.2.

H. Standards for Existing Non-Conforming Structures. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity. [Added – Ord. 1281, 2018]

2.3.040 Bed and Breakfast Inns

Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure (Section 4.1.030) and shall conform to all of the following standards:

A. Accessory Use. The use must be accessory to a household already occupying the site.

B. Maximum Size. Six (6) bedrooms for guests, and a maximum of twelve (12) guests are permitted per night.

C. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.

D. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.

E. Food Service. May be provided only to overnight guests of the business, except where a restaurant use is allowed (e.g., CR District).

F. Signs. Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces. See also sign regulations in Municipal Code.

G. Screening and Buffering. The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.2.

2.3.050 Residential Care Homes and Residential Facilities

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Note: Residential Facilities are not the same as an Acute Care Facilities, which are classified as Community Service uses; and they are not the same as Senior Housing facilities that provide limited or no medical care, which are classified as Multifamily Housing.

A. Licensing. Residential Care Homes and Residential Care Facilities are residential treatment or training homes or adult foster homes licensed by the State of Oregon. All Residential Care Homes and Residential Care Facilities shall be duly licensed, consistent with ORS 197.660-.670.

B. Residential Care Homes. Residential Care Homes may provide residential care alone, or in conjunction with treatment and/or training, for **5 or fewer** individuals who need not be related. Staff persons required to meet State-licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

C. Residential Care Facilities. Residential Care Facilities may provide residential care alone, or in conjunction with treatment and/or training, for **6-15 individuals** who need not be related. Staff persons required to meet State-licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

D. Access. Comply with Chapter 3.1.

E. Parking. Comply with Chapter 3.3.

F. Screening and Buffering. The City may require a landscape hedge or fence be installed on the property line separating a Residential Care Facility from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.2.

G. Review Procedure. Residential Care Homes are subject to review and approval through a Type I (Zoning Checklist) procedure under Section 4.1.020. Residential Care Facilities are subject to review and approval through a Type III (Public Hearing) procedure under Section 4.1.040.

2.3.060 Home Occupations

This Code permits Home Occupations by right in certain zones, provided business owners meet the standards of Section 2.3.060.

A. Purpose. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.

B. Home Occupation in Residential Zones. Home Occupations of less than 500 square feet in the Residential (R-1, R-2, and R-3) zones, are permitted subject to a Type I (Zoning Checklist) review. Home Occupations greater than 500 square feet in a Residential (R) zone are allowed, subject to approval of a Conditional Use Permit.

C. Home Occupation in Commercial-Residential Zone. Home Occupations of any size are permitted in the Commercial Residential (CR) zone subject to a Type I (Zoning Checklist) review.

D. Home Occupation Good Neighbor Standards. Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including but not limited to building codes and nuisance regulations.

1. Appearance of Residence:

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

    b. The home occupation shall not 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 any conditions of development approval (*i.e.,* prior land use development permit or 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 the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.

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

    c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

3. Employees:

    a. Other than family members residing within the dwelling located on the home

occupation site, there shall be not more than one (1) employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal 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 occupation site.

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

4. Advertising and Signs: Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces. [Amended – Ord. 1271, 2/3/2014]

5. Vehicles, Parking and Traffic:

a. Not more than two (2) commercially licensed vehicles associated with the home occupation are allowed at the home occupation site. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.

b. There shall be no commercial vehicle deliveries during 9:00 p.m. to 7:00 a.m.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m. Monday through Friday. [Amended – Ord. 1271, 2/3/2014]

7. Prohibited Home Occupation Uses:

a. Any activity that produces radio, TV, or other electronic 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, including garage sales exceeding the thresholds of a temporary use, is 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 is allowed. [Amended – Ord. 1271, 2/3/2014]

c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

(1) Ambulance service;

(2) Animal hospital, veterinary services, kennels or animal boarding;

(3) Auto and other vehicle repair, including auto painting; and

(4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement: The City's designated Code Enforcement Officer or other law enforcement official may visit a home occupation site to ensure compliance with all applicable regulations.

2.3.070 Manufactured Homes on Lots

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of Myrtle Point shall conform to City standards. The following standards do not apply to units existing within the City prior to *February 3rd, 2012*, provided they were lawfully established. See also, Section 2.3.080-2.3.090 regarding Mobile Homes.

A. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;

B. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);

C. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (*e.g.,* horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

D. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;

E. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards, or equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement;

F. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

G. Floodplain. Manufactured homes, when placed in a flood hazard area, pursuant to Chapter 5-2.9, shall comply with the following supplemental standards.

1. The stand shall be a minimum of 12 in. above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [Manufactured Dwelling Specialty Code, 4-3.1(5)]
2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. [See definition of Lowest Floor in Manufactured Dwelling Specialty Code]
3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for anchoring techniques). [44 CFR 60.3(c)(6)]
4. Electrical crossover connections shall be a minimum of 12 inches above BFE. [Manufactured Dwelling Specialty Code 6-4.2(1)]

H. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

I. Prohibited. The manufactured home shall not be located in a designated historic district.

2.3.080 Mobile Home and Manufactured Dwelling Parks

Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections A-D, below:

A. Permitted Uses. Single-family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (*e.g.,* landscape maintenance).

B. Development Standards. Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and State requirements for Mobile Home and Manufactured Dwelling Parks in ORS 446

C. Perimeter Landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City **may** require installation of fencing and/or planting of a landscape buffer of 5-10 feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.

D. Floodplain. Compliance with the City of Myrtle Point Floodplain Overlay is required.

2.3.090 Mobile Homes and Recreational Vehicles Used as Dwellings

A. General Standards. Mobile homes shall contain minimum of 650 square feet of floor space and be installed and equipped as follows:

1. Piers and footings:
   a. The main structural beam of such mobile home shall be supported by concrete piers on 8-foot, or nearer, centers;
   b. The piers shall be supported by a reinforced concrete footing at least 6 inches by 12 inches in size;
   c. If constructed laterally to the mobile home, the footing shall extend to the exterior walls.

2. Anchoring:
   a. All units shall be adequately anchored to the footings at the center of the unit and at all corners;
   b. Anchoring studs shall be embedded in the concrete footings.

3. Wheels: Prior to occupancy of the unit, the wheels shall be removed.

4. Skirting:
   a. All such mobile homes shall be skirted from the base of the exterior wall to the ground level:
   b. Such skirting, of other than masonry, shall be supported by a frame approved by a building inspector;
   c. Such skirting shall be maintained in neat and orderly condition at all times;
   d. The material used for the purpose of skirting shall be masonry, metal, exterior plywood or the equivalent.

5. Entryways: All entryways to such mobile homes shall be served by a permanent porch at least 4 feet by 8 feet in size which shall be constructed and maintained in a neat and orderly condition.

B. Use Restrictions. No recreational vehicle shall be used or occupied as a dwelling except in an established mobile home park or recreational vehicle park. No mobile home shall be used or occupied for any purpose except in an established mobile home park or in the R-2 or R-3 zones.

C. Temporary Use. Notwithstanding other provision of this Section, a recreational vehicle or mobile home may be used as a temporary dwelling within any zone:

1. Without a permit provided such use occurs:
   a. Not more than one time during any consecutive 30 day period; and
   b. For a period not to exceed 72 continuous hours.

2. With a valid Visitor Permit or Temporary Dwelling Permit as provided in this section.

a. Visitor Permit.

(1) The City Planning Official through a Type I procedure may issue a Visitor Permit, either in person or over the telephone, upon collecting the following information: Name of applicant; Address; Telephone number; Date of arrival; and Estimated date of departure.

(2) Visitor Permits shall be valid for a period not exceeding 14 consecutive days and shall not be issued more than one time during any consecutive 30-day period.

b. Temporary Dwelling Permit.

(1) The Planning Commission through a Type III procedure may, at its discretion, upon showing of a need, grant a Temporary Dwelling Permit.
(2) Temporary Dwelling Permits shall be valid for a period not exceeding 60 consecutive days, unless the Planning Commission grants an extension.
(3) The Planning Commission may impose terms and conditions of a Temporary Dwelling Permit and/or on extensions of such permit.

c. Permit Revocation; Violations.

(1) The City Council may revoke a Temporary Dwelling Permit for the protection of public peace, safety, health and general welfare.

(2) A violation of any provision of this section or the failure to comply with any terms and conditions of a permit issued or extended under this section may be enforced in one or more of the following ways: Revocation of the permit by Order of the City Council or their designee; as provided in Chapter 1.6 Enforcement; and/or a ban on the use of the recreational vehicle or mobile home as a temporary dwelling for a period up to 60 consecutive days by Order of the City Council.

2.3.100 Multiple Family Development Standards

New multiple family developments (projects consisting of three or more dwelling units on a lot, excluding upper-story housing in commercial buildings) shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2.2.090 provides a conceptual illustration of the requirements listed below.

A. Purpose. The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. Design standards that orient multifamily dwellings with visibility of adjacent streets, walkways, and yards also support crime prevention through natural surveillance of such areas.

B. Applicability. Section 2.3.100 applies new multifamily developments.

C. Standards.

1. Building Orientation.

   a. Multifamily buildings shall generally orient to a public street or shall orient to an internal driveway containing a separated or raised walkway connecting each dwelling unit entrance to the parking area, any on-site recreation areas, and the street right-of-way.

   b. Parking areas, to the extent practicable, shall not be placed between residences and adjacent streets, but instead should be oriented internally to the development site as generally depicted in the following exhibits.

2. Common Open Space and Landscaping. A minimum of 20 percent of the site area in the R districts and 10 percent of the site area in the CR district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:

   a. "Site area" for the purposes of this Section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way;

   b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.

   c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet;

   d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the Planning Commission may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping;

3. Private Open Space. Private open space areas shall be required for dwelling units based on the following criteria:

   a. A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing of at least 48 square feet of usable area. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (*i.e.,* after grading and landscaping);

   b. A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than 5 feet above the finished grade.

4. Trash receptacles. Trash receptacles shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

Figure 2.3.100 Examples of Multifamily Development

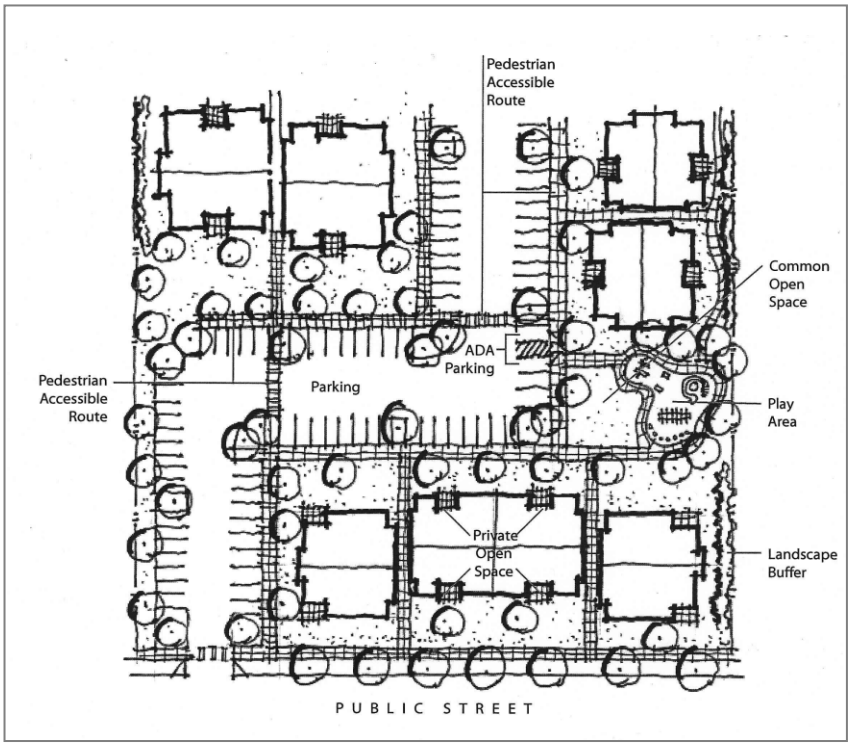


Figure 2.3.100(a) Acceptable Site Plan (above)

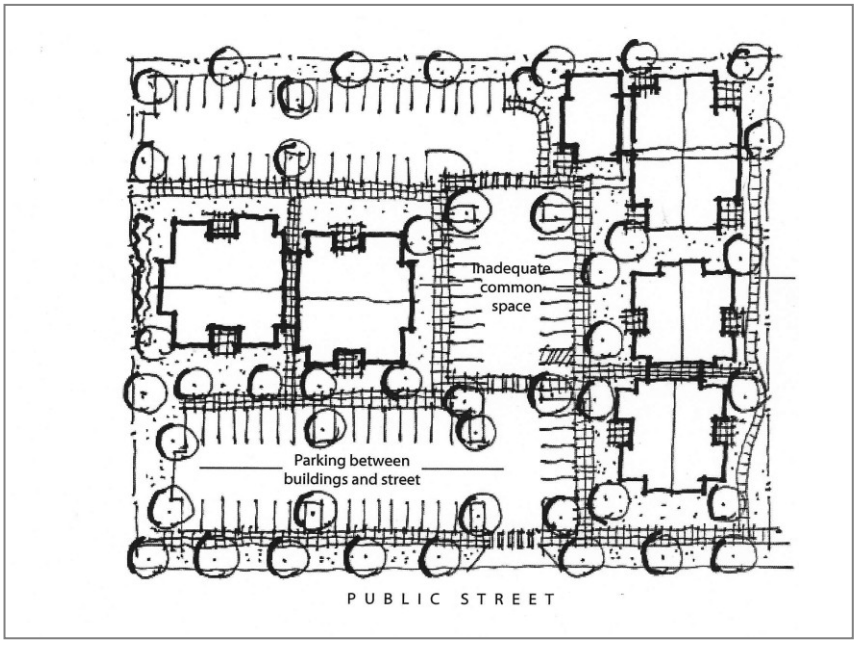


Figure 2.3.100(b) Unacceptable Site Plan (above)

2.3.110 Commercial Development Standards

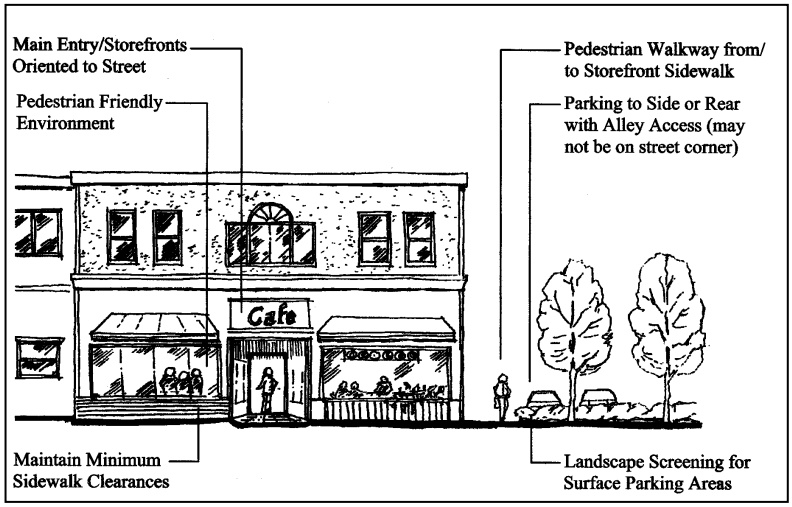
The following standards are intended to improve the quality of the built environment in areas where commercial development is allowed. The standards ensure that new commercial buildings are easily accessible to pedestrians and contribute to an attractive, walkable commercial area. The standards are also intended to protect and enhance Myrtle Point's historic commercial core.

A. Driveway access requires City or ODOT approval, as applicable, in conformance with Chapter 3.1. Driveways and any drive-up/through queuing areas shall be designed so that vehicles do not obstruct any fire apparatus access lane, walkway, or public right-of-way.

B. Buildings shall have at least one primary entrance facing an adjacent street, so that the entrance is visible and easily accessible from the public right-of-way for pedestrians. This provision is met by complying with all of the following standards:

1. Buildings adjacent to Spruce Street shall have a primary entrances oriented to Spruce Street with no parking located between the building and sidewalk. Buildings on corner lots may have a corner entrance or an entrance oriented to Spruce Street or the side street.
2. Building adjacent to streets other than Spruce Street shall be oriented to provide direct and convenient pedestrian access to a public sidewalk; the distance between a building's primary entrance and the sidewalk shall be minimized.

Figure 2.3.110(a) Commercial Development Standards



3. Where parking must be located between a building's primary entrance and a public sidewalk, a landscape buffer shall be provided between the parking lot and sidewalk in conformance with the landscape standards in Chapter 3.2.

C. All new buildings shall contain canopies, awnings, overhangs, recesses, or other features providing weather-protection over the primary building entrance(s). Such weather-protection shall cover an area of not less than sixteen (16) square feet and extend a minimum of four (4) feet from each primary building entrance.

D. Building architecture in the Downtown Core shall be consistent with the historic building pattern with regard to form, detailing, materials, and color. In reviewing proposed building plans, the City decision making body shall consider the following elements in determining design consistency: roof form (e.g., flat or pitched) and roof detailing (e.g., parapet, cornice, gable); building exterior cladding (e.g., masonry brick, stone block, stucco, or wood); windows, canopies/awnings, signs and doors (e.g., placement, proportions, orientation,

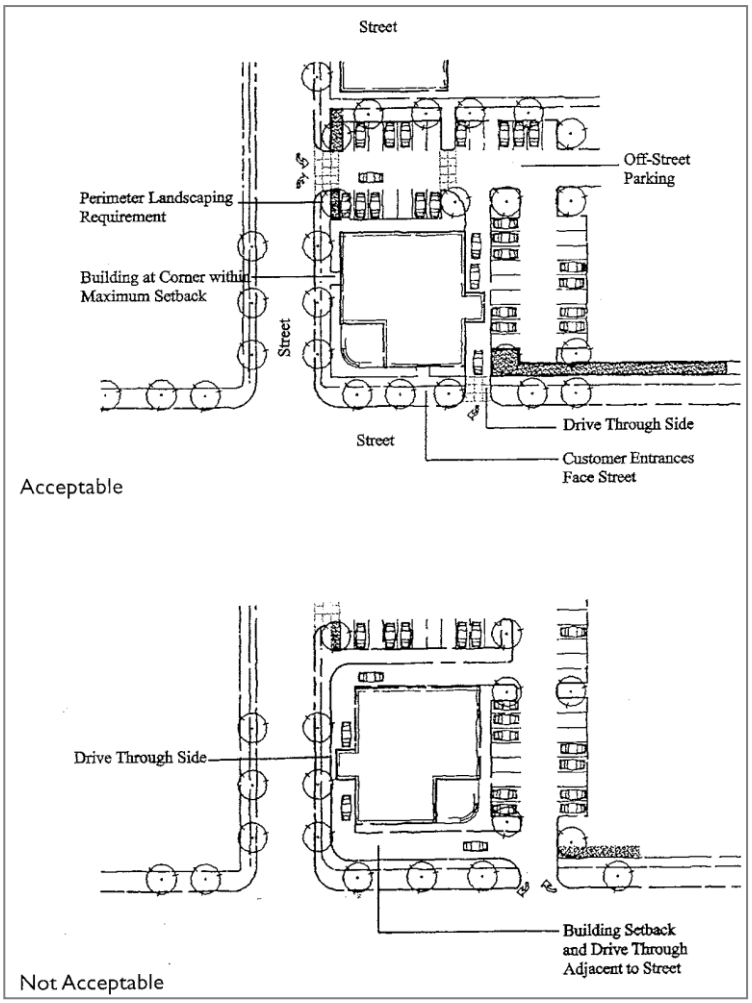
detailing); height/scale (e.g., division of upper and lower building stories and general alignment with adjacent buildings); and materials and color. The City decision-making body may exercise reasonable discretion in interpreting subsection 2.3.110(D), consistent with the purpose and intent of Section 2.3.110.

E. Off-street parking is not required for uses within the Commercial Core. Off-street parking for uses in all other locations shall be provided in conformance with Chapter 3.3.

F. The Planning Commission may require landscaping, screening, lighting, materials, or pedestrian walkway improvements to ensure compatibility with adjacent uses, including but not limited to uses in residential districts. All developments adjacent to Hwy 42 shall conform to the highway corridor/gateway landscape standards in Chapter 3.2.

G. Drive-up, drive-in, and drive-through facilities (*e.g.,* coffee kiosks, drive-up windows, teller machines, drop-boxes, and similar facilities) shall not encroach into any street, sidewalk, or bicycle way. Where such facilities are located adjacent to a street or highway, the drive-up/in/through vehicle queuing (waiting area) and service window/teller machine/drop box, etc. shall be setback not less than five (10) feet from the street or highway right-of-way; the setback area shall contain a landscaped buffer conforming to Chapter 3.2. The 10-foot setback does not apply to permitted buildings, canopies, or drive aisles where vehicles exit the site.

Figure 2.3.110(b) Commercial Development Standards



2.3.120 Water (W) Zone Development

A. Purpose. Section 2.3.120 contains development standards for the Water (W) Zone, consistent with the Myrtle Point Comprehensive Plan and the Coquille River Estuary Management Plan. The W zone contains one district, designated "conservation." Uses and activities must conform to the purpose of that conservation district, which is: *To manage this area for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purposes of restoration.*

B. Permitted Uses and Activities. The following uses and activities are permitted:

1. Undeveloped, low-intensity, water-dependent recreation, boat ramps or public use where no dredging or fill for navigational access is needed;
2. Research and educational observations;
3. Navigational aids and communication facilities;
4. Protection of habitat, nutrient, fish, wildlife, and aesthetic resources, active restoration of fish and wildlife habitat or water quality and estuarine enhancement;
5. Passive restoration measures;
6. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities;
7. Bridge crossings, their support structures and dredging necessary for their installation;
8. Aquaculture that does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks;
9. Boat ramps for public use where not dredging or fill for navigational access is needed; and
10. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation, except as otherwise restricted under Section 2.2.030.

C. Conditional Uses and Activities. Minor navigational improvements are allowed subject to approval of a Conditional Use Permit under Chapter 4.4.

D. Special provisions.

1. Policies 6, 7, 8, 9, 10 and 11 contained in the Estuarine Resources Element of the Myrtle Point Comprehensive Plan are included herein by reference and made a part of this Code.
2. All uses in the Water zone shall be conducted in accordance with all applicable State and Federal laws and regulations, and nothing in Section 2.3.120 is to be construed as modifying or superseding those authorities.

2.3.130 Certain Residential Uses Granted Special Status

Special status has been granted to existing Single-Family, Two-Family (Duplex), and Accessory Dwellings, and Manufactured Homes in industrial zones. This status includes dwellings used as Group Care Homes, Group Care Facilities, Family Daycare, and Home Occupations. Notwithstanding the restrictions of any other section of this Code, these properties shall be deemed to be conforming to the base zoning district.

[Subsection Added – Ord. 1268, 3/18/2013]

Chapter 2.4 – Overlay Zones

Sections:

2.4.010 Purpose
2.4.020 Applicability
2.4.030 Floodplain (/FP) Overlay Zone
2.4.040 Hazards (/HZ) Overlay Zone
2.4.050 Historic-Cultural (/HC) Overlay Zone
2.4.060 Wetland Protection (/WP) Overlay Zone

2.4.010 Purpose

Comprehensive Plan, pursuant to Statewide Planning Goal 5, as follows:

A. The Floodplain Overlay Zone (/FP) regulates land use in areas subject to flood hazard;

B. The Hazards Overlay Zone (/H) regulates land use in areas subject to geologic hazards;

C. The Historic-Cultural Overlay Zone (/HC) regulates alterations to significant historic-cultural resources; and

D. The Wetland Protection Overlay Zone (/WP) regulates alterations to jurisdictional wetlands.

2.4.020 Applicability

Overlay zone provisions shall be applied in addition to other zone requirements as indicated by the Overlay Zone designations set forth on the amended Zone Map and/or as provided by this Chapter.

2.4.030 Floodplain (/FP) Overlay Zone [Amended – Ord. 1283, 2018]

A. Findings of Fact, Purpose and Objectives

1. FINDINGS OF FACT

   a) The flood hazard areas of the City of Myrtle Point are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
   b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

2. STATEMENT OF PURPOSE. It is the purpose of the Floodplain Overlay Zone to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

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

3. METHODS OF REDUCING FLOOD LOSSES. In order to accomplish its purposes, this Floodplain Overlay Zone include methods and provisions for:

   a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
   b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
   c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

d) Controlling filling, grading, dredging, and other development which may increase flood damage;
e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
f) Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

B. Definitions. Unless specifically defined below, words or phrases used in the Floodplain Overlay Zone shall be interpreted so as to give them the meaning they have in common usage and to give the regulations their most reasonable application. Where there is no definition in this section, the definitions Article 5 apply. The definitions in this section apply within the context of applying Floodplain Overlay Zone regulations. However, where this section and another city ordinance or another section of this Code conflict or overlap whichever imposes the more stringent restrictions shall prevail.

1. "APPEAL" means a request for a review of the interpretation of any provision of these Floodplain Overlay Zone regulations or a request for a variance.

2. "AREA OF SPECIAL FLOOD HAZARD" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

3. "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

4. "BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides.

5. "BELOW-GRADE CRAWL SPACE" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point

6. "CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

7. "DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging,

filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

8. "ELEVATED BUILDING" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

9. "FLOOD" OR "FLOODING"
   a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
      i. The overflow of inland or tidal waters.
      ii. The unusual and rapid accumulation of runoff of surface waters from any source.
      iii. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in this section and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
   b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

10. "FLOOD INSURANCE RATE MAP (FIRM)" means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

11. "FLOOD INSURANCE STUDY" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

12. "FLOODPLAIN" see "AREA OF SPECIAL FLOOD HAZARD"

13. "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

14. "HISTORIC STRUCTURE" means Historic Structure means any structure that is:

    a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the

Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   i. By an approved state program as determined by the Secretary of the Interior or
   ii. Directly by the Secretary of the Interior in states without approved programs.

15. "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these Floodplain Overlay Zone regulations found at Paragraph 2.4.030-E.2(a).

16. "MANUFACTURED DWELLING" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle."

17. "MANUFACTURED DWELLING PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

18. "NEW CONSTRUCTION" means, for the purposes of determining insurance rates, structures for which the ''start of construction'' commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

19. "RECREATIONAL VEHICLE" means a vehicle which is:

a) Built on a single chassis;
b) 400 square feet or less when measured at the largest horizontal projection;
c) Designed to be self-propelled or permanently towable by a light duty truck; and

d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

20. "REQUEST FOR REVIEW" means a request for a review of the interpretation of any of the flood provisions or a request for a variance or waiver.

21. "START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date.

    The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

22. "STRUCTURE" for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

23. "SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

24. "SUBSTANTIAL IMPROVEMENT" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

    a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
    b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

25. "VARIANCE" means a grant of relief from the requirements of these Floodplain Overlay Zone regulations which permits construction in a manner that would otherwise be prohibited by these Floodplain Overlay Zone regulations.

26. "WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

C. General Provisions

1. APPLICABILITY. This Floodplain Overlay Zone shall apply to all areas of special flood hazards within the jurisdiction of the City of Myrtle Point, Coos County, Oregon.

2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County, Oregon and Incorporated Areas" dated December 7, 2018, with accompanying Flood Insurance Rate Maps are hereby adopted by reference and declared to be a part of these Floodplain Overlay Zone regulations. The Flood Insurance Study is on file at Myrtle Point City Hall, 424 5th Street, Myrtle Point, Oregon. The best available information for flood hazard area identification as outlined in these Floodplain Overlay Zone regulations shall be the basis for regulation until a new FIRM is issued which incorporates the data required by these Floodplain Overlay Zone regulations.

3. PENALTIES FOR NONCOMPLIANACE. No structure nor land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these Floodplain Overlay Zone regulations and other applicable regulations. Violations of the provisions of the Floodplain Overlay Zone regulations by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of the Development Code. Any person who violates these Floodplain Overlay Zone regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500/day, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Myrtle Point from taking such other lawful action as is necessary to prevent or remedy any violation.

4. INTERPRETATION. In the interpretation and application of these Floodplain Overlay Zone regulations, all provisions shall be:

   a) Considered as minimum requirements;
   b) Liberally construed in favor of the governing body; and,
   c) Deemed neither to limit nor repeal any other powers granted under State statutes.

5. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by these Floodplain Overlay Zone regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-

made or natural causes. These Floodplain Overlay Zone regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These Floodplain Overlay Zone regulations shall not create liability on the part of the City of Myrtle Point, Coos County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on these Floodplain Overlay Zone regulations or any administrative decision lawfully made hereunder.

6. ABROGATION

These Floodplain Overlay Zone regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. Administration

1. ZONING CLEARANCE PERMITS AND MAINTENANCE OF RECORDS

a) Zoning Clearance Permit Required. A Zoning Clearance Permit shall be obtained before construction or development begins within any area of special flood hazard established in this Code. The permit shall be for all structures including manufactured dwellings, as set forth in the "DEFINITIONS" and for all development including grading, filling, storage of materials, and other activities, also as set forth in the "DEFINITIONS."

b) Application for Zoning Clearance Permit. Application for a development permit shall be made on forms furnished by the City of Myrtle Point and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
   i. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
   ii. Elevation in relation to mean sea level of floodproofing in any structure;
   iii. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Paragraph 2.4.030-E.2(b) (Nonresidential Construction); and
   iv. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

2. DESIGNATION OF THE LOCAL ADMINISTRATOR. The City Manager is hereby appointed to administer and implement the provisions of this Section by granting or denying development permit applications in accordance with the provisions herein.

3. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR. Duties of the local administrator shall include, but not be limited to:

   a) Permit Review
      i. Review all development permits to determine that the permit requirements of these Floodplain Overlay Zone regulations have been satisfied.
      ii. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
      iii. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Paragraph 2.4.030-E.4 are met.

   b) Use of Other Base Flood Data (In A Zones). When base flood elevation data has not been provided (A Zones) in accordance with Paragraph 2.4.030-C.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Paragraph 2.4.030-E.2, SPECIFIC STANDARDS, and 2.4.030-E.4 FLOODWAYS.

   c) Information to be Obtained and Maintained
      i. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Paragraph 2.4.030-D.3(b), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
      ii. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Paragraph 2.4.030-D.3(b):
         1. Verify and record the actual elevation (in relation to mean seal level), and
         2. Maintain the floodproofing certifications required in Paragraph 2.4.030-D.1(b)iii.
      iii. Maintain for public inspection all records pertaining to the provisions of these Floodplain Overlay Zone regulations.

   d) Alteration of Watercourses
      i. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
      ii. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

   e) Requirement to Submit New Technical Data
      i. Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when

development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).

ii. The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.

iii. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.

f) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Paragraph 2.4.030-D.4.

4. <u>VARIANCE PROCEDURE</u>

a) Appeal Board

i. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of these Floodplain Overlay Zone regulations.

ii. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Myrtle Point in the enforcement or administration of these Floodplain Overlay Zone regulations.

iii. Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council.

iv. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of these Floodplain Overlay Zone regulations, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

v. Upon consideration of the factors of Paragraph 2.4.030-D.4(a)iv and the purposes of these Floodplain Overlay Zone regulations, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of these Floodplain Overlay Zone regulations.

vi. The local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

b) Conditions for Variances

i. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Paragraph 2.4.030-D.4(a)iv have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

ii. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

iii. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

iv. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

v. Variances shall only be issued upon:
   1. A showing of good and sufficient cause;
   2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
   3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, nor conflict with existing local laws or ordinances;

vi. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

vii. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Paragraph 2.4.030-D.4(b)i, and otherwise complies with Paragraphs 2.4.030-E.1(a) through (c) of the GENERAL STANDARDS.

viii. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. Provisions for Flood Hazard Reduction

1. GENERAL STANDARDS. In all areas of special flood hazards, the following standards are required:

a) Anchoring

i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

ii. All manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

b) Construction Materials and Methods

i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

iii. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c) Utilities

i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

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

e) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Paragraph 2.4.030-D.3(b)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

f) AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

2. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Paragraph 2.4.030-C.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Paragraph 2.4.030-D.3(b), Use of Other Base Flood Data (In A and V Zones), the following provisions are required:

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

4. If a building has more than one enclosed area below the lowest floor, each area shall be equipped with adequate flood openings.

b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
   i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
   ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
   iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Paragraph 2.4.030-D.3(c)ii;
   iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Paragraph 2.4.030-E.2(a)ii;
   v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below.
   vi. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
   vii. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

c) Manufactured Dwellings
   i. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Paragraph 2.4.030-E.1(a)ii above;
   ii. The bottom of the longitudinal chassis frame beam in A zones, shall be at or above BFE;
   iii. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors
   iv. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
   v. Electrical crossover connections shall be a minimum of 12 inches above BFE.

d) Recreational Vehicles. Recreational vehicles placed on sites are required to:
   i. Be on the site for fewer than 180 consecutive days, and
   ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
   iii. Meet the requirements of Paragraph 2.4.030-E.2(c) above and the elevation and anchoring requirements for manufactured dwellings.

e) Small Accessory Structures. Relief from elevation or floodproofing as required in Paragraph 2.4.030-E.2(a) or (b) above may be granted for small accessory structures that are:
   i. less than 200 square feet and do not exceed one story;
   ii. not temperature controlled;
   iii. not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;
   iv. not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall unless confined in a tank installed in compliance with these Floodplain Overlay Zone regulations or stored at least one foot above Base Flood Elevation;
   v. located and constructed to have low damage potential;
   vi. constructed with materials resistant to flood damage;
   vii. anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
   viii. constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or
      1. provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
      2. the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
      3. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
   ix. constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

f) Below-Grade Crawl Spaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:
   i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is

not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

ii. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

v. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

vi. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

viii. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

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

3. <u>BEFORE REGULATORY FLOODWAY</u>

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

4. FLOODWAYS

Located within areas of special flood hazard established in Paragraph 2.4.030-C.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a) Except as provided in paragraph (c), prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
b) If paragraph (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection 2.4.030-E – **Provisions for Flood Hazard Reduction.**
c) Projects for stream habitat restoration may be permitted in the floodway provided:
   i. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and,
   ii. A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and
   iii. No structures would be impacted by a potential rise in flood elevation; and
   iv. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.
d) Temporary structures placed in the floodway: Relief from no-rise evaluation, elevation or dry flood-proofing standards may be granted for a non-residential structure placed during the dry season (June – October) and for a period of less than 90 days. A plan for the removal of the temporary structure after the dry season or when a flood event threatens shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.
e) Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway for a period of less than 90 days within the dry season (June – October).

5. STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

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

a) New construction and substantial improvements of residential structures and manufactured dwellings within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).
b) New construction and substantial improvements of nonresidential structures within AO zones shall either:
   i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
   ii. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Paragraph 2.4.030-E.2(b)iii.
c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
d) Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
   i. Be on the site for fewer than 180 consecutive days, and
   ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
   iii. Meet the requirements of Paragraph 2.4.030-E.5(a) above and the elevation and anchoring requirements for manufactured dwellings.

6. <u>CRITICAL FACILITIES</u>

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

2.4.040 Hazards (/HZ) Overlay Zone

A. Purpose and Intent. The purpose of the Hazard Overlay Zone is to provide protection for both the City of Myrtle Point and its residents through the provision of the development standards based on physiographic conditions, including, but not limited to: slope of the land, natural drainage ways, soil characteristics, and lands subject to land movements or erosion.

The provisions of this Code seek to address geologic hazards identified on city lands that may be subject to reasonably anticipated or predictable hazard events (i.e., 100 year frequency) while allowing development where the property owner shows through expert evidence and mitigating measures that the proposed development can be made reasonable safe from known hazards. The property owner, including subsequent property owners, take responsibility for the hazard and any potential damage that might result. Issuance of a building permit under this Code is not considered an assurance or guarantee that the site will not fail or that damage will not be incurred.

B. Administration. All applications for development shall be reviewed by the City Planning Official through a Type II procedure for compliance with the Hazard Overlay Zone. The City Planning Official may elect to have the Planning Commission complete the review. Those requests that are reviewed by the Planning Commission shall be accompanied by a report from the City Planning Official concerning compliance with the Hazard Overlay. The City Planning Official or the Planning Commission may require additional investigation or a revised report from the geologist or engineer to ensure the site adequately addresses the intent of this Code. The City Planning Official or Planning Commission may deny the issuance of a permit if subsequent investigation or reporting does not provide satisfactory evidence that safe development can occur on the site.

All decisions of the City Planning Official may be appealed to the Planning Commission. Decisions made by the Planning Commission concerning Hazard Overlay compliance shall be appealed in accordance with Section 4.1.030 of this code.

If, at the time of application, the applicant can prove through testimony of a registered engineer or engineering geologist that a parcel shown to be on Class B or Class C lands does not have any geologic or soils hazards that will adversely affect development on the parcel in question or on any other parcel, the City Planning Official or the Planning Commission may waive mitigation requirements.

C. Hazard Zone Classifications. The following factors shall be used to determine the classifications of various hazard overlay zones and their constraints to building and development upon them:

1. Class A Lands – No Hazard. Class A lands are those which have no constraints as defined by this code. The underlying zone and, if applicable, other overlay zones in which the parcel is located, may limit development.

2. Class B Lands – Steep Slopes. Class B lands are those which lie on slopes greater than

15%. Class B lands shall require a site review report as described under subsection E.

3. Class C Lands – Soil Limitations. Class C lands are those that have hazardous conditions based on soil characteristics identified in the Resource Conservation Service *Soil Survey of Coos County, Oregon,* but may be on slopes of less than 15%. These soils are listed in the Comprehensive Plan Soil Inventory. Class C hazards may include, but are not limited to, shrink/swell, slope stability failures, or ponding or poor drainage. Class C lands also include any existing unstable landforms such as areas of evident slumps, slides, ground creep, debris flows, seeps and springs, or other groundwater manifestations that would have an impact on soil stability. Class C lands do not include those that are subject to flooding or are found within the floodplain as identified in the Comprehensive Plan. Class C lands shall require a site review report as described under subsection E.

The above classifications, are cumulative in their effect and, if a parcel of land falls under two or more classifications it shall be subject to the regulations of each classification. Those restrictions applied shall pertain to the entire parcel on which development occurs.

D. Official Maps. The City has adopted official maps denoting the identified areas of natural hazard. The maps are generalized in nature and provide basic reference to soils that may contain hazards. On-site investigation shall be required as per subsection E to make a final determination of whether hazards exist on lands to be developed. If the City Planning Official suspects that property not identified on the official maps may be subject to a natural hazard described in subsection C, he or she may withhold issuance of the development permit for 30 days to study the facts relating to the land. Compliance shall be required only after a report from an engineer or engineering geologist as applicable to the problem identified, certifies that the land in question complies with the description of a natural hazard in subsection C. In this case, the burden of proof is on the City.

Annexation of lands to the City subsequent to the adoption of this overlay requires a determination of existing hazards. Any hazards identified on the land to be annexed shall be amended to the official maps. If the City initiates the annexation, the City shall pay the cost of determination of hazards; if a property owner initiates the annexation, the property owner is responsible for determining the existence of hazards on the property or properties being annexed.

Amendment of the natural hazard maps shall require review and approval by the City Council pursuant to Chapter 4.7.

E. Development Requirements for Class B and Class C Lands. Development or redevelopment on lands identified as Class B or Class C that requires the issuance of a structural building permit or entails excavation or fill of greater than 50 cubic yards shall be subject to conditions, restriction, and recommendations outlined in a site review report to be completed by an engineer or engineering geologist. This report shall include the following:

1. Client or party that commissioned the report;

2. Name, signature and registration number of engineer or geologist who completed the investigation on which the report is based, as well as the dates when the work was done;

3. Written description and map of site in regard to location and general setting, major geographic and geologic features, topography, slope, and existing cut and fill materials;

4. Project description and preliminary site map including location on the site, drainage, local vegetation, and proposed cut and/or fill;

5. Discussion of any existing slope stability problems on the parcel under investigation, as well as on surrounding parcels;

6. Discussion of soil types on the site. The reporting of soil types must be consistent with classifications used by the National Resource Conservation Service *Soils Survey of Coos County, Oregon;*

7. Specific recommendations for cut slope and fill stability, seepage, erosion and drainage control or other design criteria to mitigate recognized geologic hazards; and

8. A statement that the site has been adequately investigated and can be safely developed in keeping with the report recommendations if the recommendations are employed and are reasonably maintained and that anticipated or predictable hazard events will not destroy or seriously damage the structure or require major repair to it.

9. In addition to any development recommendations in the site review report, the following standards will apply:

    a. Any cuts and/or fills greater than 50 cubic yards in Class B lands must be designed by an engineer to comply with the Uniform Building Code. Such cuts and/or fills shall be designed in such a manner that they will be stable for the use intended.

    b. All development which removes vegetation or disturbs topsoil and which leaves the disturbed soil at a slope of 20% or more shall be replanted in a manner to re-established vegetation within a one-year period from issuance of a Certificate of Occupancy.

    c. Any development that increases the natural runoff by decreasing the infiltration of the soil shall conform to the following standards:

        (1) All roof drainage must be collected, controlled and directed either by underground pipe or concrete asphalt gutter to a City street or storm drain.
        (2) All drainage from driveways, parking areas, and other impervious surfaces must be collected and directed to a City street or storm drain by underground pipe or concrete or asphalt gutter.
        (3) Other alternate methods of storm water disposal, such as a leach field, may be approved by the City's Public Works Department.

F. Certification of Mitigation. Once the development is completed, the engineer or geologist who provided the hazards report shall declare to the City that all recommended mitigating measures were followed as stipulated in the site report.

G. Inspection. Nothing in this section shall abridge the City's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the development was made according to plan and to require alterations prior to final approval of the development.

2.4.050 Historic-Cultural (/HC) Overlay Zone

A. Purpose. The purpose of the Historical Cultural (/HC) Overlay Zone is to promote the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration and protection of buildings, structures, appurtenances, sites, places and elements of historic value to the City of Myrtle Point.

B. Review Process. Within the HC overlay it shall be the Planning Commission's responsibility to act as an architectural review board. The Planning Commission through a Type III review shall review proposals to alter, move, renovate, demolish or change a use of any site, structure or object that has local, regional, statewide or national significance, as designated by the Myrtle Point Comprehensive Plan or as otherwise designated by the City Council. Application shall be made to the Commission by the property owner for the alteration, moving, renovation, demolition or change of use of any historical site; and before any permit can be issued, the following process shall occur:

1. The applicant for a permit shall present information concerning the proposed action to the Planning Commission, upon which the Commission shall make findings and recommendations, which shall address the following:
   a. Whether historical significance will be substantially affected by the proposed change;
   b. Whether financial or other hardship to the owner in preserving the historical significance is outweighed by the public interest in preserving historic values;
   c. Whether the site, structure, or object will maintain its historic significance;
   d. Whether the proposed action or change has any substantial economic, social, environmental or energy consequences on public and private interests involved; and
   e. Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare.

2. If, upon due consideration of 'a' through 'e', above, the Commission recommends preservation of the property, the Commission shall determine whether there are alternative ways in which historic values may be preserved. All permit review and approval actions, at the option of the Commission, may be tabled for a period of up to 90 days during which time the City will determine through a statewide public advertisement whether or not there is public or private interest in purchasing the property with the intent of rehabilitation, maintenance and protection of the property.

3. If such interest is found, the Commission shall disapprove the application for a permit.

4. If negotiations end without a change of ownership or no public or private interest in rehabilitating, maintaining or otherwise protecting the property is found, a renewed application for a permit shall be considered by the Commission without prejudice and the Commission shall approve, approve with conditions, or deny the permit application based on applicable Code criteria, including ant State or Federal regulations that apply.

2.4.060 Wetland Protection (/WP) Overlay Zone

A. Purpose. The purpose of the Wetland Protection (/WP) Overlay Zone in the City of Myrtle Point is to preserve and protect significant wetland areas. It is the policy of the City of Myrtle Point to protect significant wetland areas within the City limits. Areas affected by this overlay zone are those identified in the Myrtle Point Comprehensive Plan, Goal 5 resource inventory worksheets, and reference in the U.S. Fish and Wildlife Service National Wetland Inventory Map(s) filed with the Coos County Planning Department.

B. Limitations on Use. Development in significant wetlands is prohibited consistent with City policy. All development proposals shall require a comprehensive plan amendment, including a Goal 5 Economic, Social, Environmental and Energy assessment, and findings showing that the wetland is not significant and that the conflicting use can be permitted.

ARTICLE 3 – DEVELOPMENT DESIGN STANDARDS 3-2

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Article 3 – Development Design Standards

Chapters:

3.1 Access and Circulation
3.2 Screening, Fences and Walls, Outdoor Lighting,
3.3 Parking and Loading
3.4 Public Facilities

Chapter 3.1 - Access and Circulation

Sections:

3.1.010 Purpose
3.1.020 Vehicular Access and Circulation
3.1.030 Pedestrian Access and Circulation

3.1.010 Purpose

Chapter 3.1 contains standards for vehicular access and circulation, and pedestrian accessibility. Standards for street improvements are provided in Chapter 3.4 Public Improvement Standards.

3.1.020 Vehicular Access and Circulation

A. **Intent and Purpose.** This Section serves as the roadway access management policy of the City of Myrtle Point until such time as the City adopts a Transportation System Plan. It is intended to promote transportation safety and adequate levels of transportation service.

B. **Applicability.** This Section applies to new development and changes in land use necessitating new or expanded street access, including land divisions.

C. **Access Permit Required.** Access to a public street (e.g., a new driveway opening or highway approach) requires permit approval by the applicable roadway authority (City, County, or ODOT). The City Planning Official reviews permit requests for access to City streets through a Type I procedure.

D. **Traffic Study Requirements.** The applicable roadway authority in reviewing a development proposal or permit request for street access may require a traffic study prepared by a qualified professional to determine applicable requirements. The scope of work for a traffic study shall be subject to review and approval by the roadway authority. Where the roadway authority is the County or ODOT, the City may defer to the roadway authority's advice in determining the need for, and required elements of, a traffic study.

E. **Conditions of Approval.** Where an existing or proposed driveway approach does not meet a roadway authority's standards, the roadway authority may require the closing or consolidation of existing such access, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting development approval, to ensure the safe and efficient operation of the street and highway system.

F. **Driveway Approaches.** All driveway approaches (connections to a public right-of-way) shall conform to all of the following design standards:

1. Vehicle access onto higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.
2. Driveways shall be designed and located to provide exiting vehicles with an unobstructed view of oncoming vehicles and pedestrians.
3. Construction of driveway accesses along acceleration or deceleration lanes or tapered (reduced width) portions of a roadway should be avoided due to the potential for vehicular conflicts.
4. Driveways shall be located to allow for safe maneuvering in and around loading areas.
5. Driveway width and surfacing shall provide for required emergency vehicle access and truck/trailer turning radius, as applicable.
6. Driveways shall have a paved asphalt or concrete surface with minimum dimensions and appropriate signage designating any restrictions on access (e.g., one-way, exit-only, etc.). The City may approve use of gravel, crushed rock, or a similar (durable) all-weather surface for driveways in the OS and PF zones.
7. Where sidewalks or walkways occur adjacent to the roadway, driveway aprons shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. The roadway authority may require driveway aprons in areas without sidewalks or walkways, as needed, to protect the adjacent roadway pavement.
8. Where Americans with Disabilities Act compliant sidewalks exist, driveway aprons shall meet accessibility requirements where they join such sidewalks.
9. Where a drainage ditch crosses under a driveway, a culvert extending under and beyond the edges of the driveway on both sides of the driveway is required, pursuant applicable design standards.
10. Access locations and turning movements at driveway approaches may be restricted to ensure traffic safety and operations.
11. Access onto the State Highway is subject to review and approval by ODOT.

G. **Access Spacing.** Driveway approaches shall be setback from street intersections in accordance with the clear vision requirements of subsection 3.1.020(K), and in accordance with the requirements of the applicable roadway authority.

H. **Site Circulation.** New developments shall be required to provide a circulation system that accommodates expected vehicular and pedestrian traffic on the site.

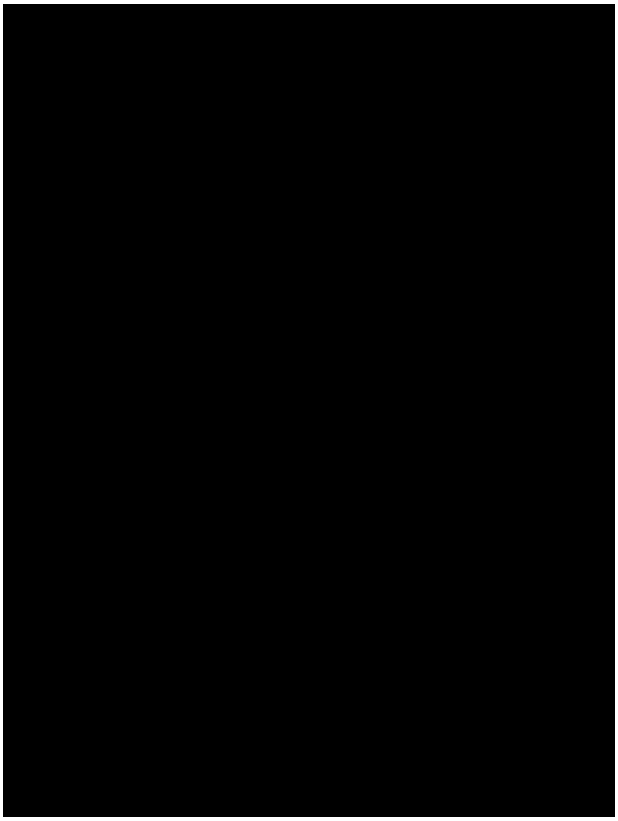
I. **Fire Access and Turnarounds.** Comply with Fire Code, as applicable.

J. **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6” for their entire length and width.

K. **Vision Clearance.** No visual obstruction (*e.g.,* sign, structure, solid fence, or shrub

vegetation) between three (3) feet and eight (8) feet in height shall be placed in "vision clearance areas" at street intersections as shown in Figure 3.1.020K. The minimum vision clearance area may be modified by Planning Commission upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Light poles, utility poles, tree trunks (limbed up 8 feet) and similar objects may be allowed within a required clear vision area, subject to standards of the applicable roadway authority.

Figure 3.1.020K Vision Clearance Areas



L. **Exceptions and Adjustments.** The City may approve deviations to driveway spacing on City streets where existing driveway spacing, or driveway-intersection spacing, is substandard. The City may also approve reduced spacing on City streets where mitigation measures, such as consolidating access (shared driveways), limiting driveways to one-way, or imposing turning restrictions (e.g., right in/out only), provides for adequate sight distance, traffic operations and safety.

M. **Joint Use Driveways.** The number of driveway and street intersections with OR 42 shall be minimized. When necessary for traffic safety and access management purposes or to provide access to more than one lot, the City may require joint use driveways. Joint use driveways (i.e., driveways providing access to more than one lot) are appropriate for developments adjacent to one another where access onto the street system limited. In such cases, driveways

shall be stubbed to property lines, allowing extension and joint use of driveways with future development.

N. **Joint Use Access Easement and Maintenance Agreement.** Where the Planning Commission authorizes a joint use driveway, the property owners shall record an easement with the deed allowing joint use of/cross access between adjacent properties served by the subject driveway. In addition the property owners shall record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners. The City of Myrtle Point shall not be responsible for maintaining the driveway.

O. **Construction.** Except for driveways serving individual single-family dwellings, the following development and maintenance standards apply to all driveways:

1. Protection of Public Ways. During site development and construction, driveways and access roads shall be graveled to prevent tracking of mud onto any adjacent paved streets.

2. Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or similar durable paving material to prevent soil compaction and erosion. All paving materials shall be subject to review and approval by the Public Works Director.

3. Surface Water Management. New development and redevelopment that increases impervious surface area shall provide for surface water management, pursuant to Section 3.4.040.

3.1.030 Pedestrian Access and Circulation

A. **Intent and Purpose.** This Section implements the transportation policies of the City of Myrtle Point. It is intended to provide for safe and convenient pedestrian access and circulation in developments.

B. **Applicability.** This Section applies to developments requiring Site Plan Review.

C. **Site Layout and Design.** To provide safe, direct, and convenient pedestrian circulation, developments shall contain pedestrian walkways as follows:

1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and all future phases of development, as applicable.

2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on the following definitions:

   a. "Reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel.

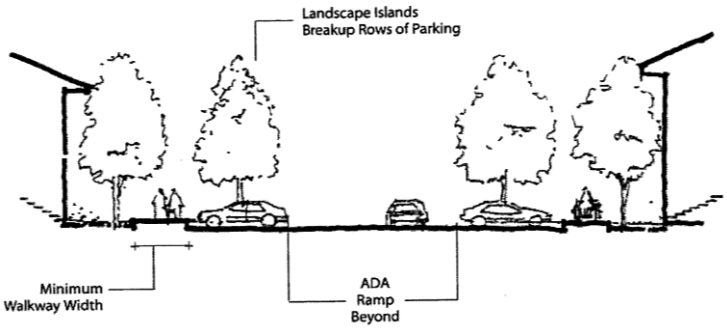
   b. "Safe and convenient" means the route is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The Planning Commission may require landscape buffering between walkways and adjacent parking lots or driveways.

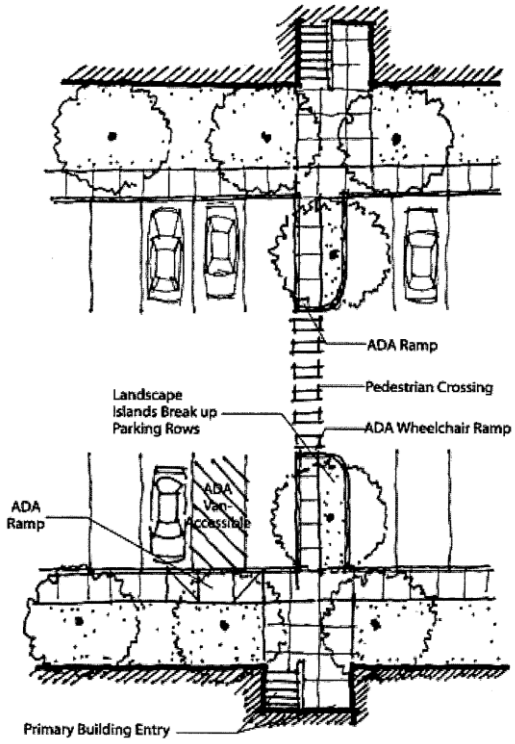
   c. "Primary entrance" means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.

3. Walkway Construction. Walkway surfaces may be concrete, asphalt, brick/masonry pavers, or other City-approved durable surface, and shall be at least four (4) feet in width. The City may require walkways six (6) feet in width, or wider, in commercial developments and in other developments where pedestrian traffic warrants wider walkways.

4. Accessible routes. Americans with Disabilities Act (ADA) accessible walkways may be required, per applicable building codes.

Figure 3.1.030C(2) Pedestrian Access and Circulation Details
(walkway subject to ADA requirements)





Chapter 3.2 - Landscaping, Fences and Walls, Outdoor Lighting

Sections:

3.2.010 Purpose
3.2.020 Applicability
3.2.030 Landscaping and Screening
3.2.040 Fences and Walls
3.2.050 Outdoor Lighting

3.2.010 Purpose

This Section establishes standards for landscaping, fences, screening walls, and outdoor lighting. It is intended to protect public health and safety, while maintaining compatibility with adjacent land uses and thereby protecting property values.

3.2.020 Applicability

A. Section 3.2.030, Landscaping, establishes minimum landscape requirements. It applies to new developments subject to Site Plan Review.

B. Section 3.2.040, Fences and Walls, applies when a fence or wall is to be erected, extended, or otherwise altered; it also applies in all situations where this Code requires screening or buffering (e.g., around outdoor/unenclosed storage or uses).

C. Section 3.2.050, Outdoor Lighting, applies to all new outdoor lighting.

D. The Planning Commission may adjust the standards of this Chapter by reducing the amount or changing the type of screening, buffering, or lighting required where it determines that the adjustment is consistent with the Purpose in subsection 3.2.010.

3.2.030 Landscaping and Screening

A. **Landscape Area Standard.** Developments subject to Site Plan Review shall contain landscaping, which shall be equal to or greater than ten percent (10%) of the developed area of the site. Such landscaping shall consist of at least 50 percent planted area and conform to the standards in subsection 3.2.030B.

B. **Landscape Standards.**

1. Myrtle Trees. Credit toward meeting landscape area requirement shall be given where one or more mature Myrtle Tree(s) in good health is(are) incorporated into a required landscape area and the proposed development plan adequately protects said trees. In such

cases, the Planning Commission may award credit at a ratio of 1:2; so that for every one (1) square foot of site area reserved for existing Myrtle Trees (as measured under a tree's drip line), a credit of up to two (2) square feet of required landscape area may be awarded. Where credit is awarded, the Planning Commission may require the property owner to record a tree conservation easement, which shall run with the land.

2. Commercial Core Streetscape. For purposes of this subsection, the Commercial Core is depicted in Figure 3.2.030B(2) and includes parcels fronting each side of Spruce Street. Streetscape standards within the Core are as follows:

   a. Landscaping in the Commercial Core shall generally consist of street trees and planter containers, window boxes, and/or similar landscape areas that complement the streetscape, do not obstruct pedestrians, and are easily maintained. See Figure 3.2.30B(2a).

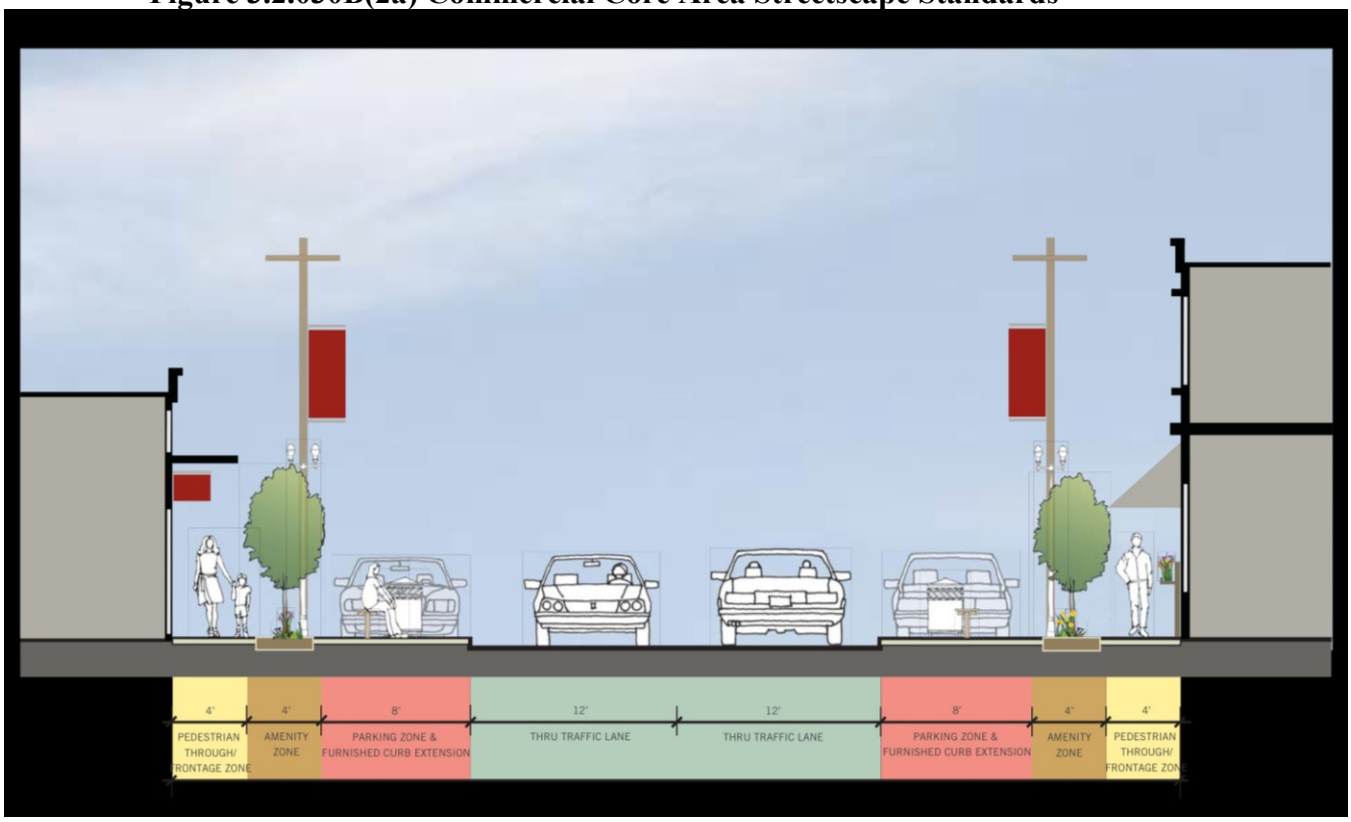
   b. The street right-of-way shall provide for a 4-foot wide pedestrian through zone, a 4-foot wide amenity zone (trees lights, planters, benches, etc.), an 8-foot parking zone with sidewalk/curb extensions at intersections, and a 12-foot vehicle travel lanes on each side of the street.

Figure 3.2.030B(2) Commercial Core Area Boundary

   c. The Planning Commission may grant credit toward meeting the 10% landscape area requirement in subsection 3.2.030A for projects within Commercial Core where a pedestrian plaza is incorporated into the site plan. A pedestrian plaza may consist of a widened sidewalk adjacent to a storefront (e.g., within a private front yard) or a

seating area/courtyard within a side or rear yard. In such cases, the Planning Commission may award credit at a ratio of 1:2; so that for every one (1) square foot of site area improved as a pedestrian plaza (e.g., with pavers, plant containers, and bench/seating), a credit of up to (2) square foot may be awarded. Where credit is awarded, the Planning Commission may require the property owner to record a public access easement (e.g., plaza adjacent to a sidewalk), which shall run with the land.

Figure 3.2.030B(2a) Commercial Core Area Streetscape Standards



3. Parking Lot Landscaping. Parking lots shall be landscaped as follows. See also Figure 3.2.030(B)(3):
   a. An area equal to ten percent (10%) or more of the paved parking surface shall be landscaped. Landscaping shall be distributed to provide a partial tree canopy over parking area and to provide a buffer along the parking area perimeter.
   b. The tree species shall be selected from those that are listed by the Oregon State University Extension Service, or other credible reference, and which are deemed suitable for the local climate. Such trees shall not be listed as noxious or invasive specifies, and shall not conflict overhead utilities (See Pacific Power guidelines), not cause damage to pavement or underground utilities, and not bear fruit or seeds that would damage property or create a hazard;
   c. Trees shall be planted at least two (2) feet from any curb or paved area. Where trees are planted in sidewalk tree wells, root barriers shall be installed with the trees.
   d. The landscaped area shall be planted with shrubs, grass, or living groundcover to assure ninety (90) percent coverage within two years;
   e. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls, when planted in accordance with the requirements of this section, may be counted toward required parking lot landscaping;
   f. Wheel Guards. Parking lot landscaping shall be protected from damage by a secured wheel guards to prevent vehicles entering into landscaped areas.

Figure 3.2.030B(3) Parking Lot Landscaping

(B)(3)(a) – Parking lot landscape >10% of parking area, evenly distributed.
(B)(3)(d) – Trees, shrubs, and living ground cover combined = >90% coverage.
(B)(3)(f) – Wheel guards or curbs protect landscape areas from vehicles.

4. Plant Selection. New development shall contain a combination of evergreen and deciduous trees, shrubs and ground cover plants, the selection of which shall be based on all of the following criteria:

    1. Only plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The City may rely on the Oregon State University Extension Service bulletins, Pacific Power tree planting guides, and similar sources in evaluating landscape plans.

    2. Trees shall be no less than 2-inch caliper for street trees and 1-1/2 inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.

    3. Shrubs shall be planted from 2-gallon containers, minimum, and shall be spaced in order to provide the intended canopy cover within 2 years of planting; larger containers may be required where the purpose of the shrubs is to provide screening;

    4. Where practical, use plants that are indigenous to the local area and that are suited to developed areas; for example, where practical, existing mature Myrtle Trees that are in good health should be retained with development;

    5. Selected plants shall have root and canopy growth characteristics that avoid conflicts with utilities;

    6. Natural vegetation shall be retained where practical, provided it does not conflict with clear vision requirements and utilities;

    7. Landscape materials shall be used to screen pedestrian walkways and from vehicle circulation and parking areas; plants shall not obstruct pedestrian ways;

    8. Landscape plans shall provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color;

    9. Deciduous trees should be used where summer shade and winter sunlight is desirable;

    10. Landscape plans shall use a combination of plants for yearlong color and interest;

    11. Where applicable, denser concentrations of landscaping shall be used to screen outdoor storage and mechanical equipment areas, and to stabilize graded areas such as cuts and fills, berms, swales, and storm water retention areas.

    12. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are able to grow on their own.

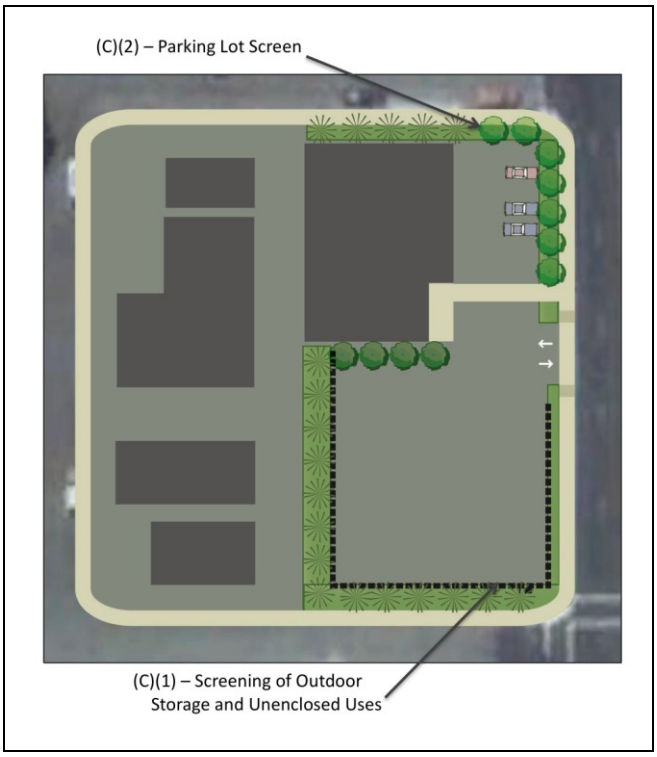
C. **Screening Requirements.** Screening is required for outdoor storage areas, unenclosed uses, and parking lots, and may be required in other situations as determined by the Planning Commission through Site Plan Review. Landscaping shall be provided pursuant to the following standards and as generally illustrated in Figure 3.2.030C(1):

1. Outdoor Storage and Unenclosed Uses. All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per Site Plan Review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 3.2.040 for related Fence and Wall standards.

2. Parking Lots. The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting sidewalk or walkway shall be screened using a low-growing hedge or low garden wall, provided such screening shall not exceed four (4) feet in height.

3. Other Uses Where Requiring Screening. The Planning Commission may require screening in other locations where it determines it is in the public interest.

Figure 3.2.030(C)(1) Screening of Outdoor Storage and Unenclosed Uses



D. **Maintenance.** For public health and safety, screening shall be maintained in good condition, or otherwise replaced by the property owner.

3.2.040 Fences and Walls

A. **Height.**

1. Residential Uses. Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall:

   a. Within Front or Street-Side Yard Setback: Four (4) feet; except the following additional height is allowed:

      (1) A fence may be constructed to a maximum height of six (6) feet where the fence is of open chain link or other "see-through" composition that allows ninety percent (90%) light transmission; and

      (3) One incidental garden structures (e.g., arbor or gate) not exceeding eight (8) feet in height and six (6) feet in width is allowed within a front or street-facing yard provided it does not encroach into a required clear vision area.

   b. Within an Interior Side or Rear Yard Setback: six (6) feet, provided, however, the fence or wall height, as applicable, shall not exceed the distance from the fence/wall line to the nearest primary structure on an adjacent property.

2. Non-Residential Uses. Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall:

   a. Within Front or Street-Side Yard Setback. Four (4) feet, except the following additional height is allowed for properties not located within the Commercial Core Area, as illustrated by Figure 3.2.030B(1):

      (1) A fence or wall may be constructed to a maximum height of six (6) feet where the fence is setback behind the front/street side property line behind a five (5) foot landscape buffer; or

      (2) A fence or wall may be constructed to a maximum height of eight (8) feet where the fence is setback behind the front/street side property line behind a ten (10) foot landscape buffer; or

      (3) Where approved by the Planning Commission, a fence constructed of open chain link or other "see-through" composition that allows ninety percent (90%) light transmission may reach a height of up to eight (8) feet.

   b. Within an Interior Side or Rear Yard Setback: eight (8) feet, provided, however, the fence or wall height, as applicable, shall not exceed the distance from the fence/wall line to the nearest primary structure on an adjacent property.

3. All Zones. Fences and walls shall comply with the vision clearance standards of Section 3.1.020(K). The allowable height of a fence or wall may be restricted to less than the dimensions under subsection 3.2.040A(2) to maintain required sight distance at a street intersection or driveway approach.

B. **Materials.**

1. Permitted fence and wall materials include weather-treated wood; untreated cedar and redwood; metal (e.g., chain link, wrought iron, and similar fences); bricks, stone, masonry block, formed-in-place concrete, or similar masonry; vinyl and composite (e.g., recycled) materials designed for use as fencing; and similar materials as determined by the Planning Commission. In addition, evergreen hedges may be considered screening walls for the purpose of this Chapter, subject to Planning Commission approval.

2. Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in Heavy Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

C. **Permitting.** Projects subject to site plan review are required to include information on proposed fences and walls, if any, and a building permit may be required for certain fences and walls, per applicable building codes.

D. **Maintenance.** For public health and safety, walls and fences shall be maintained in good condition, or otherwise removed or replaced by the property owner.

3.2.050 Outdoor Lighting

A. **General Requirements.** This Section is intended to provide adequate levels of outdoor lighting while minimizing negative impacts of light pollution.

B. **Applicability.** All outdoor lighting shall comply with the standards of this Section. The Planning Commission may require installation of lighting, or limit certain types of lighting, as a condition of land use or development approval for security purposes or to maintain privacy and compatibility between different land uses.

C. **Standards.**

1. Light poles shall not exceed a height of 20 feet. This limitation does not apply to flag poles and streetlights.
2. Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward to preserve the night sky (celestial views).
3. Lighting shall be shielded to minimize light spillover onto adjacent properties.
4. Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.
5. Lighting placed over a sidewalk or walkway shall maintain a minimum vertical clearance of eight (8) feet and an unobstructed width (pedestrian through zone) of at least 36 inches.

D. **Adjustments.** The Planning Commission, through Site Plan Review, may approve adjustments to the above standards. In approving an adjustment, the Planning Commission must find that the proposed lighting is necessary for security and does not unduly impact adjacent residential uses or pose a hazard to public health or safety.

E. **Permitting.** A building permit may be required for certain electrical connections, per applicable building codes.

F. **Maintenance.** For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.

G. **Materials and Installation.** Lighting shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.

Chapter 3.3 - Parking and Loading

Sections:

3.3.010 Purpose
3.3.020 Applicability
3.3.030 Automobile Parking Standards
3.3.040 Bicycle Parking Standards
3.3.050 Loading

3.3.010 Purpose

Chapter 3.3 provides basic and flexible standards for parking. This is particularly important in Myrtle Point where commercial blocks are relatively short and building parcels small. Therefore parking facilities must be sized and designed properly to ensure they operate safely and do not create hazards to drivers or pedestrians.

3.3.020 Applicability

Chapter 3.3 applies to new development, and changes in use from a less intensive use (less parking demand) to a more intensive use (more parking demand). The requirements of this Chapter are applied through Site Plan Review. Where a proposed development or change in use does not necessitate additional parking and does not modify an existing parking area, Chapter 3.3 does not apply.

3.3.030 Automobile Parking Standards.

A. **Vehicle Parking - Minimum Standards by Use.** The minimum number of required off-street vehicle parking spaces shall be determined in accordance with one of the following procedures:

1. Pursuant to the standards in Table 3.3.030A; or

2. Pursuant to a Parking Demand Analysis prepared by a qualified professional and subject to review and approval by the Planning Commission. Such demand analysis must consider average parking demands for existing and proposed uses on the subject site, opportunities for shared parking (parking agreement) with other uses in the vicinity, existing public parking in the vicinity, and potential carpool or private shuttle usage; or

3. Where a use is not specifically listed in Table 3.3.030A, parking requirements shall be determined by finding that a use is similar to one of those listed in Table 3.3.030A in terms of parking demand, or by estimating parking needs individually using the demand analysis

option described in subsection 3.3.030A(2).

B. **Exception for Commercial Core.** There is no minimum number of required off-street parking spaces for uses within the Commercial Core, as defined in subsection 3.2.030(B)(1). The Planning Commission may permit such uses to expand without adding parking, upon finding that the expansion does not unduly impact an adjacent residential use or pose a hazard to public health or safety.

C. **Exception for Existing Uses.** There is no minimum number of required off-street parking spaces for existing uses lawfully established as of *February 3rd, 2012.* The Planning Commission may permit such uses to expand without adding parking, upon finding that the expansion does not unduly impact an adjacent residential use or pose a hazard to public health or safety.

Table 3.3.030 – Minimum Required Parking by Use

Use Categories *(Examples of uses and definitions are in Chapter 5.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Residential Categories	
Household Living	
Single Family Dwelling, including manufactured homes on lots	2 spaces per dwelling
Duplex	4 spaces per duplex (2 spaces per dwelling unit)
Accessory Dwelling (second dwelling on a single-family lot)	2 spaces total for primary dwelling and accessory dwelling
Multifamily	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms, except Planning Commission may require more or less parking based on the presence of on-street parking and/or the expectation that residents drive, or where owner provides shuttle service for residents.
Commercial Categories	
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	No requirement. See Special Use requirements in Chapter 2.2
Bed and Breakfast Inn	2 spaces per use; additional parking may be required by the City through the Conditional Use Permit review (Chapter 4.4)

Use Categories *(Examples of uses and definitions are in Chapter 5.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Educational Services, not a school (e.g., tutoring or similar services)	1 space per 400 sq. ft. floor area
Entertainment, Major Event	per Conditional Use Permit review (Chapter 4.4)
Hospitals	1 space per 2 beds
Hotels, Motels, and similar uses	1 spaces for every 2 guest rooms
Mortuary	1 space per 150 floor space
Offices, including Banks	1 space per 400 sq. ft. floor area
Outdoor Recreation, Commercial	per Conditional Use Permit review (Chapter 4.4)
Surface Parking Lot, when not accessory to a permitted use	per Conditional Use Permit review (Chapter 4.4)
Quick Vehicle Servicing or Vehicle Repair	2 spaces plus vehicle queuing space, or per Conditional Use Permit review (Chapter 4.4)
Retail Sales and Commercial Service (See also Drive-Up Uses)	Retail: 1 space per 500 sq. ft. floor area
	Restaurants and Bars: 1 space per 300 sq. ft. floor area
	Health Clubs, Gyms, Continuous Entertainment (*e.g.,* bowling alleys): 1 space per 300 sq. ft.
	Theaters and Cinemas: 1 per 6 seats
Self-Service Storage	2 spaces, plus adequate space for loading/unloading
Industrial Categories	
Industrial Service	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 4.4)
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 4.4)
Waste-Related	As required by Conditional Use Permit review (Chapter 4.4)

Use Categories *(Examples of uses and definitions are in Chapter 5.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Wholesale Sales, e.g., Building Materials, Heavy Equipment, Agricultural Supplies or Products, and Similar Wholesale Goods	1 space per 1,000 sq. ft.
Institutional Categories	
Basic Utilities	Parking based on applicant's projected parking demand, subject to City approval
Community Service, including Government Offices and Services	Parking based on applicant's projected parking demand, subject to City approval
Daycare, adult or child day care including Family Daycare	1 space per employee
Parks and Open Space	Parking based on projected parking demand
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area; or as required by Conditional Use Permit (Chapter 4.4)
Schools	Parking based on projected parking demand, subject to City approval
Other Categories	
Accessory Uses (with a permitted use)	Parking based on applicant's projected parking demand, subject to City approval
Agriculture, including but not limited to Nurseries and similar horticulture	See Retail Sales and Wholesale, as applicable
Radio Frequency Transmission Facilities	None, except as required by Conditional Use Permit (Chapter 4.4)
Temporary Uses	Parking based on applicant's projected parking demand, subject to City approval
Transportation Facilities (operation, maintenance, preservation, and construction)	None, except for park-and-ride facilities; and where temporary parking is required for construction staging areas

D. **General Parking Standards.**

1. Location. Motorized vehicle parking is allowed only on streets with an improved paved shoulder of sufficient width, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this Code. The Special Use Standards in Chapter 2.2 control the location of parking for some uses, and Chapter 3.1, Access and Circulation, provides design standards for new driveways and pedestrian walkways through parking areas.
2. Mixed-Use Projects. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The Planning Commission may adjust the total parking standard for mixed-use projects pursuant to the Parking Demand Analysis procedure in subsection 3.3.030A.
4. Parking Area Lighting. Lighting at levels appropriate for pedestrian safety shall be provided over parking areas and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use. See also, Section 3.2.050 Outdoor Lighting.
6. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses. See also, Section 3.2.030 Landscaping and Screening and Section 3.2.040 Fences and Walls.
7. Accessibility. Parking shall be provided for those disabilities in accordance with applicable building code (Americans with Disabilities Act) requirements.
8. Maintenance. All parking lots shall be maintained by the property owner and kept in good condition and repair.

E. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through Site Plan Review.

F. **Off-site parking.** Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 400 feet of the use it serves and the Planning Commission has approved the off-site parking through Site Plan Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

G. **Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking areas is proposed for expansion, the entire parking

area shall be improved in conformance with this Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or a City-approved material allowing for storm water infiltration (e.g., pavers, porous concrete, grass concrete blocks, etc.), provided Americans With Disabilities Act requirements are met. Parking areas shall generally conform to the minimum dimensions in Figure 3.3.030F(1) and (2), and Table 3.3.030F, below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to Section 3.4.040.

H. **Exceptions and Adjustments to Parking Area Dimensions.** The dimensions in subsection 3.3.030F are minimum standards. The Planning Commission may adjust the dimensions through Site Plan Review based on evidence that a particular use will generate vehicles that require more or less maneuvering area.

Figure 3.3.030F(1) - Parking Area Minimum Dimensions

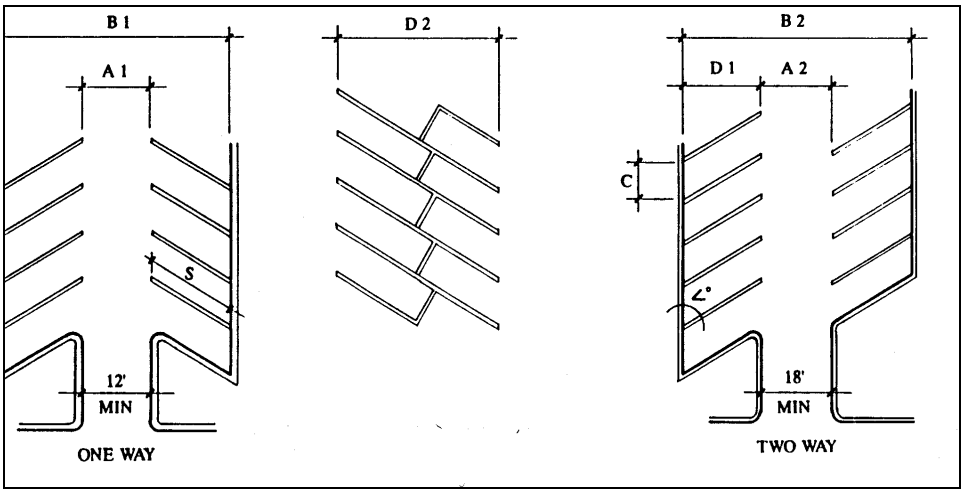


Table 3.3.030F - Parking Area Minimum Dimensions*

	PARKING ANGLE < °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
			SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
Standard Space	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

*See also, Chapter 2.3 for parking location requirements related to multifamily and commercial land uses; Chapter 3.1, Access and Circulation, for driveway standards; and Chapter 3.2 for requirements related to Landscaping, Screening, Fences, Walls, and Outdoor Lighting.

3.3.040 Bicycle Parking Standards

A. **Standards.** New and expanded uses subject to Site Plan Review shall provide bicycle parking spaces, as follows.

Table 3.3.040
Minimum Required Bicycle Parking Spaces

Use	Required # of Spaces
Multifamily Residential (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
Commercial (not required for parcels with less than 1,000 square feet of commercial or office space)	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Industrial	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Community Service	2, or as required by City
Parks (active recreation areas only)	4, or as required by City
Schools	2 bike spaces per classroom
Institutional Uses and Places of Worship	2 bike spaces per 10 vehicle spaces
Other Uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

B. **Design.** Bicycle parking shall consist of steel racks designed specifically for bicycle storage, or other sturdy structures that provide a safe and secure means of storing a bicycle and do not obstruct pedestrian or vehicle circulation.

C. **Exemptions.** This Section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The Planning Commission may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.

D. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 3.1, Access and Circulation).

3.3.050 Loading Areas

A. **Purpose.** The purpose of this section of the Code is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets and OR 42.

B. **Applicability.** Section 3.3.050 applies to new development and changes in use approved on or after *February 3rd, 2012*, where such uses are expected to have visits by service or delivery trucks on a regular basis.

C. **Standard.** Planning Commission shall determine the need for off-street loading spaces, if any, based on information presented in the applicant's Site Plan Review application. At a minimum, when an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. OR 42 shall not be obstructed and Planning Commission may restrict the use of other public rights-of-way, so applicants are advised to provide complete and accurate information about the potential need for loading spaces.

D. **Placement, setbacks, and landscaping.** Loading areas shall conform to the Commercial Development Standards of Section 2.3.090 and the access and screening requirements of Chapters 3.1 and 3.2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

E. **Exceptions and Adjustments.** Planning Commission may approve a loading area adjacent to or within a street right-of-way through Site Plan Review only where it finds that loading and unloading operations are short in duration (*i.e.,* less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority (i.e., if different than the City).

Chapter 3.4 - Public Facilities

Sections:

3.4.005 Purpose and Applicability
3.4.010 Transportation Standards
3.4.020 Public Use Areas
3.4.030 Sanitary Sewer and Water Service Improvements
3.4.040 Storm Drainage and Surface Water Management
3.4.050 Utilities
3.4.060 Easements
3.4.070 Construction Plan Approval
3.4.080 Installation
3.4.090 Performance Guarantee and Warranty Bond

3.4.005 Purpose and Applicability

A. **Purpose.** Chapter 3.4 provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Myrtle Point Comprehensive Plan and adopted City master plans.

B. **Applicability.** This Chapter applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Plan Review where public facility improvements are required. All public facility improvements within the City shall occur in accordance with the standards and procedures of this Chapter. When a question arises as to the intent or application of any standard, the Planning Commission shall interpret the Code pursuant to Chapter 1.5.

C. **Public Works Infrastructure Design Standards.** All public facility improvements shall conform to the City of Myrtle Point Public Infrastructure Design Standards Manual ("Manual). Where a conflict occurs between this Code and the Manual, the provisions of this Code shall govern.

D. **Public Improvement Requirement.** No building permit may be issued until all required public facility improvements are in place and approved by the Public Works Director, or otherwise bonded, in conformance with the provisions of this Code and the Public Infrastructure Design Standards Manual. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly related to and are roughly proportional to the impact of development.

3.4.010 Transportation Standards

A. **General Requirements.**

1. No development shall be approved unless adequate transportation facilities are available or such improvements will be constructed and operational, as required by this Code and the Myrtle Point Transportation System Plan.

2. Development resulting in increased traffic on OR 42 shall meet the traffic operations standards per the current Oregon Highway Plan.

3. All new driveway approaches (access to a public street) shall conform to Chapter 3.1.

B. **Street Location Alignment and Grades.**

1. All streets shall be properly integrated with the existing and planned system of thoroughfares and rights-of-way. Specific street location and alignment shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
2. Grades of streets shall conform as closely as possible to the original topography. New streets or street extensions exceeding a grade of 15% over a distance more than 200 feet are discouraged. Where such grades are unavoidable, the Planning Commission may require a secondary access to the subdivision, installation of fire protection sprinkler systems in dwellings, and/or other mitigation to protect public health and safety.
3. Where the location of a street is not shown on an adopted City street plan, the location of streets in a development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code.
4. All streets that stub into a development site shall be extended with development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
5. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.
6. In order to promote efficient vehicular and pedestrian circulation throughout the city, interconnected streets shall be required pursuant with this Code.

C. **Minimum Rights-of-Way and Street Sections.** In order to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties, the following street design standards apply. Where a range of street width or improvement options is indicated, Planning Commission shall determine requirement based on the advice of a qualified professional and the following factors:

1. Operational safety of the street system for motor vehicles, pedestrians, and bicycles
2. Level of service standards of the applicable roadway authority
3. Provision of on-street parking
4. Placement of utilities
5. Street lighting
7. Slope stability and erosion control (minimize cuts and fills)
8. Storm drainage
9. Emergency vehicles/apparatus and emergency evacuation
10. Traffic calming (slow traffic in residential areas)
11. Appropriate transitions between varying street widths (i.e., existing streets and new streets)
12. Other factors related to public health, safety, and welfare

Table 3.4.010C Minimum Street, Sidewalk and Bikeway Standards*

Classification	Paved Width	Right-of-Way Width	Travel Lanes	Bike Lanes	On-Street Parking	Shoulders (per side)	Sidewalks/Planters
Commercial Core	40 ft.	56 ft.	12 ft. (x2)	Shared	Parallel Both Sides	Paved-Gutter	8 ft. Both Sides See Fig. 3.2.030B(2)
Local	32 ft.	50 ft.	14 ft.-16 ft.	Shared	Parallel Both Sides	Paved-Gutter	5 ft. SW / 3-4 ft. Planter Both Sides
Local – Hillside	20 ft - 28 ft.	50 ft. Slope easement may be required	14 ft.-16 ft.	Shared	None or One Side	Gutter or Gravel and Swale*	5 ft. SW / Swale* One Side
Alley	15 ft.	20 ft.	15 ft.	None	None	Paved	Not Applicable
Collector	40 ft. – 50 ft.	60 ft.	12 ft. (x2)	5 ft. (x2)	Optional	Paved-Gutter	6 ft. SW Both Sides (Park Strip or Tree Well Optional)
Collector – Hillside	20 ft or - 28 ft.	50 ft.-60 ft. Slope easement may be required	10 ft. (x2)	Shared	None or One Side	Gutter or Gravel and Swale*	5 ft. SW / Swale* One Side
OR 42	Highway design is subject to the Oregon Highway Plan.						6 ft. SW Both Sides (Park Strip or Tree Well Optional)
Cul-de-sac	Maximum length of 400 feet and serving not more than 18 single family dwellings. Minimum cul-de-sac turnaround radius: 50-feet for right-of-way and 40-feet for roadway. Sidewalk required on cul-de-sac street but not on cul-de-sac turnaround. See also, subsection 3.4.010H.						

*All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a park strip is provided it shall consist of a minimum 4-8 feet wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City approval and recording of required public drainage way and drainage way maintenance easements.

D. **Intersections and Block Length.**

The following standards apply to the creation of new streets and situations where a street is extended to serve development:

1. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. Street intersections shall have a minimum intersection angle of 75 degrees. All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection. No more than two (2) streets shall intersect at any one point. Street jogs and intersection offsets of less than 125 feet are not permitted. Intersections shall be designed to facilitate storm water runoff into City approved storm water facilities.
2. Block Length. The block length (distance between street intersections) in new residential subdivisions shall generally be not less than 200 feet and not more than 600 feet. The Planning Commission may adjust this standard upon finding that topographic or other physical barriers require longer blocks. Where the City permits subdivisions with blocks longer than 600 feet, the development design shall incorporate public access ways (walkways) breaking up longer blocks and connecting streets at regular intervals pursuant to subsection 3.4.010D(3).
3. Access Ways. The Planning Commission may also require developers to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the ends of the street to another street or public access way. Where an access way is required, it shall be not less than ten (10) feet wide and shall contain a minimum six (6) foot wide paved surface approved by the Planning Commission. Access ways shall be contained within a public right-of-way or public access easement, as required by the Planning Commission.

E. **Extension of Streets, and Bikeways.**

1. Connectivity to Adjoining Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision. Where a proposed development abuts unplatted land or a future phase of a development, street stubs shall be provided to allow for the logical extension of the street system into the adjacent area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshall, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
2. Future Street Plan. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding; rather it is intended to show potential future street extensions with future development and ensure that the proposed development does not preclude future street connections to adjacent development land.

3. Temporary Street Ends. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. Street ends shall contain turnarounds constructed to Uniform Fire Code standards (for streets over 150 feet in length) and be designed to facilitate future extension in terms of grading, width, and temporary barricades.

4. Half Streets. Half street improvements are not permitted, except that the City may accept a temporary half-street improvement where the subdivider dedicates right-of-way for a full street and provides a financial guarantee for the remainder of the street improvement, pursuant to the performance bond provisions of Chapter 4.3.

F. **Engineering Design Standards.** Street design shall conform to the standards of the applicable roadway authority; for City streets that is the Public Infrastructure Design Standards Manual. Where a conflict occurs between this Code and the Public Infrastructure Design Standards Manual, the provisions of this Code shall govern.

G. **Substandard Existing Right-of-Way.** Where an existing right-of-way adjacent to a proposed development is less than the standard width, the Planning Commission may require the dedication of additional rights-of-way at the time of Subdivision, Partition, or Site Plan Review, pursuant to the standards in Table 3.4.010C.

H. **Cul-de-sacs.** Streets shall be planned to continue to and through abutting properties, consistent with this Section. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. For example, the Planning Commission may approve a cul-de-sac where a future street extension is infeasible. When a cul-de-sac is allowed, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of 400 feet, except where the decision making body determines that topographic or other physical constraints of the site require a longer cul-de-sac; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the standards of Table 3.4.010C; and
3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 3.1.010D(3).

I. **Private Streets and Gated Streets.** Private streets, including gated drives serving more than two (2) dwellings (i.e., where a gate limits access to a development from a public street), are not permitted.

J. **Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in Myrtle Point or vicinity.

K. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

L. **Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

M. **Streetlight Standards.** Streetlights shall conform to the City of Myrtle Point Public Infrastructure Design Standards Manual.

N. **Street Cross-Sections.** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the City Council.

3.4.020 Public Use Areas

A. **Dedication of Public Use Areas.**

1. Whereas new subdivisions are required to reserve open space in accordance with Chapter 4.3 Land Divisions, the Planning Commission may accept such public use areas as part of the City of Myrtle Point's system of parks and recreation areas.

2. Where a proposed open space, park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the public dedication or reservation of the subject site on the final plat for the subdivision if, and only if, the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made. (See also, Chapter 4.3 Subdivision Standards.)

3. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

3.4.030 Sanitary Sewer and Water Service Improvements.

A. **Sewers and Water Mains Required.** All new development is required to connect to City water and sanitary sewer systems. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and applicable engineering requirements. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the Planning Commission when alternate alignment(s) are provided.

B. **Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the Planning Commission has approved all sanitary sewer and water plans in conformance with City standards.

C. **Over-Sizing.** The City may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable Water and Sewer Master Plans; and the City may authorize other cost-recovery or cost-sharing methods as provided under State law.

D. **Inadequate Facilities.** Development permits may be restricted or rationed by the Planning Commission where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The Planning Commission may require water booster pumps or sanitary sewer lift stations be installed with backup power.

3.4.040 Storm Drainage and Surface Water Management

The City of Myrtle Point has separately adopted Ordinance #1263 Erosion and Sediment Control and Storm and Surface Water Management. The provisions of Ordinance #1263 are included herein by reference and made part of this Code.

3.4.050 Utilities

The following standards apply to new development where extension of electric power or communication lines is required:

A. **General Provision.** The developer of a property is responsible for coordinating his development plan with the applicable utility providers and paying for the extension/installation of utilities not otherwise available to the subject property.

B. **Underground Utilities.**

1. General Requirement. The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including but not limited to those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the Planning Commission determines that placing utilities underground would adversely impact adjacent land uses. The Planning Commission may require screening and buffering of above ground facilities to protect the public health, safety or welfare.

2. Subdivisions. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

   a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic, per Chapter 3.1 Access and Circulation;

   b. The Planning Commission reserves the right to approve the location of all surface-mounted facilities;

   c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets; and

   d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. **Exception to Undergrounding Requirement**. The Planning Commission may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

3.4.060 Easements

A. **Provision.** The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

B. **Standard.** Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of Myrtle Point Public Works Standards.

C. **Recordation.** All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on the final plat, as applicable. See Chapter 4.2 Site Plan Review, and Chapter 4.3, Land Divisions.

3.4.070 Construction Plan Approval

No development, including sanitary sewers, water, streets, parking areas, buildings, or other development, shall be undertaken without plans having been approved by the City of Myrtle Point, permit fees paid, and permits issued. Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council Resolution.

3.4.080 Installation

A. **Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City Council.

B. **Adopted Installation Standards.** The City of Myrtle Point has adopted a Public Infrastructure Design Standards Manual containing standards, criteria and specifications for public improvements as well as private utility installation within the public right-of-way.

C. **Commencement.** Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.

D. **Resumption.** If work is discontinued for more than one month, it shall not be resumed until the Public Works Director is notified in writing and grants approval of an extension.

E. **City Inspection.** Improvements shall be constructed under the inspection of the Public Works Director. The Public Works Director may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter 4.6, Modifications to Approved Plans and Conditions of Approval. Any survey monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

F. **Engineer's Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 3.4.090.

3.4.090 Performance Guarantee and Warranty Bond

A. **Performance Guarantee Required.** The City at its discretion may approve a final plat or building permit when it determines that at least 75 percent of the public improvements required for the land division or phase thereof are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.

B. **Determination of Sum.** The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs (not less than 110% of estimated improvement costs, as prepared by a qualified civil engineer).

C. **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.

D. **Agreement.** A written agreement between the City and developer shall be recorded with the final plat. The agreement shall not be valid until it is signed and dated by both the applicant and City Planning Official. The agreement shall contain, at a minimum, all of the following:

1. The period within which all required improvements and repairs shall be completed;

2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;

3. The improvement fees and deposits that are required;

4. (Optional) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

E. **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.

F. **Termination of Performance Guarantee.** The developer shall not cause termination of nor allow expiration of the guarantee without first securing written authorization from the City.

G. **Warranty Bond.** A warranty bond good for two (2) years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal fifteen percent (15%) of the total cost of improvements and begin upon acceptance of said improvements by the City.

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Article 4 – Application Review Procedures and Approval Criteria

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Chapter 4.1 – General Review Procedures

Sections:

4.1.010 Purpose and Applicability
4.1.020 Type I Procedure (Ministerial Staff Review and Zoning Checklist)
4.1.030 Type II Procedure (Administrative Review)
4.1.040 Type III Procedure (Quasi-Judicial Review - Public Hearing)
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4.1.010 Purpose and Applicability

A. **Purpose**. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. **Applicability of Review Procedures**. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010 lists the City's land use and development approvals and corresponding review procedure(s).

1. Type I Procedure (Staff Review – Zoning Checklist). Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);

2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the City Planning Official with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for review in a public meeting;

3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

4. Type IV Procedure (Legislative Review). The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

Table 4.1.010 Summary of Approvals by Type of Review Procedure		
Approvals*	**Review Procedures**	**Applicable Regulations**
Zoning Checklist Review	Type I	Applicants are required to complete a Zoning Checklist before applying for any other permit or approval. See Section 4.1.020.
Access to a Street	Type I	Chapter 3.1 and the standards of the applicable roadway authority (City/County/ODOT)
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 1.5
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation	No permit, except when required by Chapter 4.7.	
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 4.5
Zoning District Map Change	Type III or IV	Chapter 4.6
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3
Legal Lot Determination	Type I	Chapter 1.3
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	 Type III Type II**	 Chapter 4.3 Chapter 4.3
Site Plan Review	Type II or III	Chapter 4.2
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	 Type III Type II**	 Chapter 4.3 Chapter 4.3
Temporary Use	Type I/II/III	See Table 2.2.020
Variance		
Minor Major	Type II Type III	Chapter 4.7 Chapter 4.7

* The applicant may be required to obtain building permits and other approvals (e.g., Signs, Public Improvement Plans, Plumbing, Electrical, Structural, Floodplain Development, etc) through the State Building Official and/or approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

**Final plats are reviewed by the Planning Commission through the Type II procedure.

4.1.020 Type I Procedure (Staff Review and Zoning Checklist)

The City Planning Official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., clear and objective standards). The City Planning Official reviews proposals requiring a Type I review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Article 2 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

A. **Application Requirements**.

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

2. Application Requirements. When a Zoning Checklist is required, it shall:

   a. Include the information requested on the application form;

   b. Address the criteria in sufficient detail for review and action; and

   c. Be filed with the required fee.

B. **Requirements**. The City shall not act upon an application for land use approval and a building permit shall not be issued until the City Planning Official has approved a Zoning Checklist for the proposed project.

C. **Criteria and Decision**. The City Planning Official's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

D. **Effective Date**. A Zoning Checklist decision is final on the date it is signed by the City Planning Official. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the State Land Use Board of Appeals. See also, Section 1.2.090, Zoning Checklist and Building Permits.

4.1.030 Type II Procedure (Administrative Review)

The City Planning Official, or his or her designee performs Administrative Staff Reviews through the Type II procedure. Type II decisions are made by the City Planning Official with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

A. **Application Requirements**.

1. Application Forms. Applications for projects requiring Administrative Review shall be made on forms provided by the City Planning Official.

2. Submittal Information. The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

   a. The information requested on the application form;

   b. Plans and exhibits required for the specific approval(s) being sought (For example, requirements for property line adjustments are in Chapter 4.3.);

   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail; and

   d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and

   e. The required fee.

B. **Procedure**.

1. The City Planning Official shall mail notice of a pending Type II decision to the following individuals and agencies not less than fourteen (14) days prior to making the Type II decision.

2. The purpose of the Administrative decision notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:

   a. All owners of record of real property within a minimum of 100 feet of the subject site;

   b. Any person who submits a written request to receive a notice; and

c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of Myrtle Point. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

3. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:

   a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review;

   b. A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;

   c. The address and City contact person for submitting written comments; and the date, time and location the City Planning Official or Planning Commission, as applicable, is scheduled to make a decision on the application;

   d. The street address or other easily understandable reference to the location of the proposed use or development;

   e. Disclosure statement indicating 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;

   f. Statement that all evidence relied upon by the City Planning Official or Planning Commission, as applicable, to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City; and

   g. Statement that after the comment period closes the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

4. At the conclusion of the comment period, the City Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the City Planning Official may transmit all written comments

received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.

5. Where the City Planning Official refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided the Commission must make a final decision within the 120-day period prescribed under State law (ORS 227.178) and as described in Section 4.1.060 of this Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to Section 4.1.040; in which case a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

6. Within seven (7) days of a Type II (Administrative) decision, the City Planning Official shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the State Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The City Planning Official 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.

7. The Administrative Notice of Decision shall contain all of the following information:

    a. A description of the applicant's proposal and the City's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

    b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);

    c. A statement of where the City's decision can be obtained;

    d. The date the decision shall become final, unless appealed; and

    e. A statement that all persons entitled to notice may appeal the decision to City Council pursuant to subsection 4.1.030(D) .

C. **Effective Date of Decision**. Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective ten (10) days after the City mails the decision notice unless the decision is appealed pursuant to subsection 4.1.030(D).

D. **Appeal of Type II (Administrative) Decision.** A Type II Administrative Decision made by the City Planning Official may be appealed to the Myrtle Point Planning Commission; and a Type II Administrative Decision made by the Planning Commission may be appealed to the City Council, as applicable, pursuant to the following:

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

   a. The applicant or owner of the subject property;

   b. Any person who was entitled to written notice of the Type II decision;

   c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

2. Appeal filing procedure.

   a. *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.

   b. *Time for filing*. A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within ten (10) days of the date the Notice of Decision is mailed.

   c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

      (1) An identification of the decision being appealed, including the date of the decision;

      (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

      (3) A statement explaining the specific issues being raised on appeal; and

      (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type II Administrative Decision shall be a hearing de novo either before the Planning Commission, where the contested

decision was made by the City Planning Official, or before the City Council, where the Planning Commission made the contested decision. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Administrative Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal Hearing Procedure. Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 4.1.040. Section 4.1.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

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

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

A. **Application Requirements**.

1. Application Forms. Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.

2. Submittal Information. The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

   a. The information requested on the application form;

   b. Plans and exhibits required for the specific approval(s) being sought;

   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail; and

   d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and

   e. The required fee.

B. **Procedure**.

1. Mailed and Posted Notice.

   a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:

      (1) All owners of record of real property located within a minimum of 100 feet of the subject site.

      (2) Any person who submits a written request to receive a notice; and

      (3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of Myrtle Point. The failure of another agency to respond with written comments on a pending

application shall not invalidate an action or permit approval made by the City under this Code.

b. At least fourteen (14) days before the hearing, the applicant or applicant's representative shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Planning Official. The applicant shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.

2. Content of Notice. Notice of a Quasi-Judicial hearing to be mailed and published per Subsection 1 above shall contain all of the following information:

a. A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;

b. The date, time and location of the scheduled hearing;

c. The street address or other easily understandable reference to the location of the proposed use or development;

d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official and that copies shall be provided at a reasonable cost;

f. 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 (7) days before the hearing, and that a copy shall be provided on request at a reasonable cost;

g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

h. A statement that after the public hearing closes, the City Council will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

C. **Conduct of the Public Hearing**.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

   a. The applicable approval criteria by Code chapter that apply to the application;

   b. Testimony and evidence shall address 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;

   c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the State Land Use Board of Appeals on that issue;

   d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing.

   e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members or the hearing body shall not participate in the hearing, except where State law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.

   a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. 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 by this Section;

c. Members of the hearing 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.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven (7) days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven (7) days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven (7) days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

   a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

   b. An extension of the hearing or record granted pursuant to this Section is subject to the limitations of Section 4.1.060 (ORS 227.178 - “120-day rule”), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

   c. If requested by the applicant, the hearing body shall grant the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly

waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

   a. A description of the applicant's proposal and the City's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

   b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);

   c. A statement of where the City's decision can be obtained;

   d. The date the decision shall become final, unless appealed; and

   e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040(D), or may appeal the City Council's decision to the State Land Use Board of Appeals, as applicable

C. **Effective Date of Decision**. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective ten (10) days after the City mails the decision notice unless the decision is appealed pursuant to subsection 4.1.040(D).

D. **Appeal of Planning Commission Decision.** The Planning Commission's decision may be appealed to the Myrtle Point City Council as follows:

   1. <u>Who may appeal</u>. The following people have legal standing to appeal:

      a. The applicant or owner of the subject property;

      b. Any person who was entitled to written notice;

      d. Any other person who testified orally or in writing during Planning Commission hearing before the close of the public record.

   2. <u>Appeal filing procedure</u>.

      a. *Notice of appeal*. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures.

b. *Time for filing*. A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within ten (10) days of the date the Notice of Decision is mailed.

c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

(1) An identification of the decision being appealed, including the date of the decision;

(2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

(3) A statement explaining the specific issues being raised on appeal; and

(4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type III Quasi-Judicial Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony or argument concerning any applicable standard, criterion, condition, or issue.

E. **Record of the Public Hearing.**

1. The official public hearing record shall include all of the following information:

a. All materials considered by the hearings body;

b. All materials submitted by the City Planning Official to the hearings body regarding the application;

c. The minutes of the hearing;

d. The final written decision; and

e. Copies of all notices given as required by this Chapter, and correspondence regarding the application that the City mailed or received.

2. The meeting minutes shall be filed in hardcopy form with the City Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.

3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

F. **Effective Date and Appeals to State Land Use Board of Appeals.** A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this Chapter shall be filed with the State Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

4.1.050 Type IV (Legislative Review)

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

B. **Application Requirements**.

1. Application forms. Legislative applications shall be made on forms provided by the City Planning Official.

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

   a. The information requested on the application form;

   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

   c. The required fee, except when City of Myrtle Point initiates request; and

   d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

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

1. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least forty-five (45) days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.

2. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

   a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another). See also, ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing; and

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

3. At least ten (10) days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the City.

4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.

D. **Final Decision and Effective Date.** A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within five (5) business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

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

A. **Time Limit - 120-day Rule**. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this Chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)

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

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

D. **City Planning Official's Duties.** The City Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:

1. Prepare application forms based on in the provisions of this Code and applicable State law;

2. Prepare required notices, and process applications for review and action by City Council;

3. Assist Planning Commission and City Council in administering the hearings process;

4. Answer questions from the public regarding the City's land use regulations.

5. Prepare staff reports summarizing pending applications, including applicable decision criteria;

6. Prepare findings consistent with City Council decisions on land use and development applications;

7. Prepare notices of final decisions, file the notices in the City's records and mail a copy of the notices to all parties entitled to notice under this Code; and

8. Maintain and preserve the file and public record for each application.

Chapter 4.2 - Site Plan Review

Sections:

4.2.010 Purpose
4.2.020 Applicability
4.2.030 Review Procedure
4.2.040 Application Submission Requirements
4.2.050 Approval Criteria
4.2.060 Assurances
4.2.070 Compliance with Conditions; Modifications; Permit Expiration

4.2.010 Purpose

The purpose of this Chapter is to advance all of the following objectives in the public interest:

A. Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;

B. Promote the public health, safety and general welfare;

C. 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; and

D. Encourage efficient use of land resources and public services, and the provision of transportation options.

4.2.020 Applicability

Site Plan Review approval is required for new development. Site Plan Review approval is also required to expand a non-conforming use or development. Except as specified by a condition of approval on a prior City decision, or as required for uses subject to Conditional Use Permit approval, Site Plan Review is <u>not required</u> for the following:

A. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic;

B. Single-family detached dwelling (including manufactured home) on its own lot;

C. A single duplex or two single family attached (common-wall town home) units;

D. Non-residential building addition of up to 500 square feet;

E. Home occupation, except for uses requiring a Conditional Use Permit;

F. Accessory structures and accessory parking;

G. Development and land uses that are already approved as part of a Site Plan Review or Conditional Use Permit application, provided modifications to such plans may require Site Plan Review, pursuant to Chapter 4.5;

H. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official, except where a condition of approval requires Site Plan Review.

I. 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.

4.2.030 Review Procedure

Site Plan Review shall be conducted using the Type II procedure in Section 4.1.030, except that proposals exceeding the thresholds below shall be reviewed using the Type III procedure in Section 4.1.040:

A. The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual. (This is the equivalent of approximately 10 dwelling units or a 1,000 square foot bank with drive-thru window.); or

B The use exceeds 5,000 square feet of gross leasable floor area; or the project involves more than one (1) acre total site area; or

C. The proposal involves a Conditional Use (new or expanded); or

D. The proposal involves a variance under Section 4.7.030; or

E. The proposal involves expansion of a non-conforming use; or

F. The City Planning Official determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.

4.2.040 Application Submission Requirements

All of the following information is required for Site Plan Review application submittal, except where the City Planning Official determines that some information is not pertinent and therefore is not required.

A. **General Submission Requirements**

1. Information required for Type II or Type III review, as applicable. (See Chapter 4.1);

2. Public Facilities and Services Impact Study. 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. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements; and

3. Traffic Impact Analysis, as may be required by the City or other roadway authority.

B. **Site Plan Review Information**. In addition to the general submission requirements an applicant for Site Plan Review shall provide the following information, as deemed applicable by the City Planning Official. The City Planning Official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body:

1. Site analysis map. The site analysis map shall contain the following information, as the City Planning Official deems applicable:

   a. 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;

   b. Topographic contour lines at 2-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;

   c. Identification of slopes greater than fifteen (15) percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);

   d. 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;

e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, County, or State as having a potential for geologic hazards;

f. Areas subject to overlay zones;

h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;

i. The location, size and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of six (6) inches greater at four (4) feet above grade;

j. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

2. Proposed site plan. The site plan shall contain the following information:

a. The proposed development site, including boundaries, dimensions, and gross area;

b. Features identified on the existing site analysis maps that are proposed to remain on the site;

c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

e. 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;

f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

i. Loading and service areas for waste disposal, loading and delivery;

j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

k. Location, type, and height of outdoor lighting;

l. Location of mail boxes, if known;

m. Name and address of project designer, if applicable;

n. Locations of bus stops and other public or private transportation facilities;

o. Locations, sizes, and types of signs;

3. Architectural drawings. Architectural drawings, as applicable:

   a. Building elevations with dimensions;

   b. Building materials, colors and type;

   c. Name and contact information of the architect or designer.

4. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half (½) acre or larger, or where otherwise required by the City. 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, in accordance with Section 3.4.040.

5. Landscape plan. Where a landscape plan is required, it shall show the following, pursuant to Chapter 3.2:

   a. The location and height of existing and proposed fences, buffering or screening materials;

   b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

   c. The location, size, and species of the existing and proposed plant materials (at time of planting);

   d. Existing and proposed building and pavement outlines;

e. 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;

f. Other landscaping information as deemed appropriate by the City Planning Official. An arborist's report may be required for sites with mature trees that are to be retained and protected.

6. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

7. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050.

8. Traffic Impact Analysis, when required, shall be prepared in accordance with the road authority's requirements.

9. 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.), as necessary to determine a proposal's conformance with this Code.

4.2.050 Approval Criteria

An application for Site Plan Review shall be approved if the proposal meets all of the following criteria. The City decision-making body may in approving the application impose reasonable conditions, consistent with the following applicable criteria:

A. The application is complete, as determined in accordance with Chapter 4.1 and Section 4.2.040, above.

B. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;

C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, as may be required under Chapter 1.4, Non-Conforming Uses and Development;

D. The proposal complies with all of the Development and Design Standards of Article 3, as applicable, including but not limited to:

1. Chapter 3.1 - Access and Circulation;
2. Chapter 3.2 - Landscaping, Fences and Walls, Outdoor Lighting;
3. Chapter 3.3 - Parking and Loading; and

4. Chapter 3.4 - Public Facilities.

E. All adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized.

F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

4.2.060 Assurances

Public improvement required as part of a Site Plan Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 3.4.090, as applicable.

4.2.070 Compliance With Conditions; Modifications; Permit Expiration

Development shall not commence until all applicable land use and development approvals are final and effective. 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 bonding or other assurances for improvements. Site Plan Review approvals are subject to all of the following standards and limitations:

A. **Approval Period**. Site Plan Review approvals shall be effective for a period of one (1) year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or

2. Construction on the site is in violation of the approved plan.

B. **Extension**. The City Planning Official, upon written request by the applicant, may grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;

2. The applicant can show intent of initiating construction on the site within the one-year extension period;

3. 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 subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new Site Plan Review shall be required; and

4. 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.

C. **Modifications to Approved Plans and Developments**. Modifications to approved plans are subject to City review and approval under Chapter 4.5.

Chapter 4.3 - Land Divisions and Property Line Adjustments

Sections:

4.3.010 Purpose
4.3.020 General Requirements
4.3.030 Approval Process
4.3.040 Preliminary Plat Submission Requirements
4.3.050 Preliminary Plat Approval Criteria
4.3.060 Land Division-Related Variances
4.3.070 Final Plat Submission Requirements and Approval Criteria
4.3.080 Filing and Recording
4.3.090 Re-platting and Vacation of Plats
4.3.100 Property Line Adjustments

4.3.010 Purpose

The purpose of this chapter is to implement the objectives in subsections A-E, below:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and property line adjustments as follows:

   1. Subdivisions are the creation of four (4) or more lots from one parent lot, parcel or tract, within one (1) calendar year.

   2. Partitions are the creation of three (3) or fewer lots from one parent lot, parcel, or tract within one calendar year.

   3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).

B. Carry out the City's development pattern, as envisioned by the City's comprehensive plan.

C. Encourage efficient use of land resources and public services, and to provide transportation options.

D. Promote the public health, safety and general welfare through orderly and efficient urbanization.

E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

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4.3.020 General Requirements

A. **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:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Note: Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Section 4.3.100; they are not subject to 4.3.020 through 4.3.090.

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

C. **Future Re-division Plan**. When subdividing or partitioning tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-division plan, or shadow plan, indicating how re-division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future.

D. **Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Chapter 3.4. These systems shall be located and constructed underground where feasible.

E. **Adequate Drainage.** 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, pursuant to Chapter 3.4.

F. **Adequate Access.** All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 3.1.

4.3.030 Preliminary Plat Approval Process

A. **Review of Preliminary Plat**. Preliminary plats shall be processed using the Type III procedure under Section 4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 4.3.050.

B. **Preliminary Plat Approval Period**. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 4.3.070,

within the 2-year period. The Planning Commission may approve phased subdivisions, pursuant with subsection 4.3.030(D), with an overall time frame of more than two (2) years between preliminary and final plat approvals.

C. **Modifications and Extensions**. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.5. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed one (1) year per extension, provided that all of the following criteria are met:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.5;

2. The applicant has submitted written intent to file a final plat within the one-year extension period;

3. An extension of time will not prevent the lawful development of abutting properties;

4. 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

5. The extension request is made before expiration of the original approved plan.

D. **Phased Subdivision**. The Planning Commission may approve phased subdivisions, provided the applicant proposes a reasonable phasing schedule that meets all of the following criteria:

1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one (1) year;

2. Public facilities shall be constructed in conjunction with or prior to each phase;

3. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;

4. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary subdivision plat application; and

5. Planning Commission approval is required for modifications to phasing plans.

4.3.040 Preliminary Plat Submission Requirements

Applications for Preliminary Plat approval shall contain all of the following information:

A. **General Submission Requirements**.

1. Information required for a Type III review. (See Section 4.1.040);

2. Public Facilities and Services Impact Study. 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, which shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for subdivisions and planned unit developments of 20 or more dwelling units); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City standards under adopted ordinances and facility master plans; and

3. Traffic Impact Analysis, as may be required by the City or other roadway authority.

B. **Preliminary Plat Information.** In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information, in quantities determined by City Planning Official:

1. General information:

   a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division Coos County (check with County Surveyor);

   b. Date, north arrow, and scale of drawing;

   c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;

   d. Zoning of parcel to be divided, including any overlay zones; and

   e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and

   f. Identification of the drawing as a "preliminary plat".

2. Existing Conditions. Except where the City Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site:

a. Streets: Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;

b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;

c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

d. Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Planning Commission may waive this standard for partitions when grades, on average, are less than 6 percent;

e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

f. The Base Flood Elevation, per FEMA Flood Insurance Rate Maps, as applicable;

g. North arrow and scale; and

h. Other information, as deemed necessary by the City Planning Official for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed Development. Except where the City Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:

a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements: location, width and purpose of all proposed easements;

c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;

e. Proposed public street improvements, pursuant to Chapter 3.4;

f. On slopes exceeding an average grade of 10%, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;

g. Preliminary design for extending City water and sewer service to each lot, per Chapter 3.4;

h. Proposed method of storm water drainage and treatment, if required, pursuant to Chapter 3.4;

i. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

j. Evidence of compliance with applicable overlay zones, including but not limited to City of Myrtle Point Floodplain Overlay; and

k. Evidence of contact with the applicable road authority for proposed new street connections.

4.3.050 Preliminary Plat Approval Criteria

A. **Approval Criteria.** The Planning Commission may approve, approve with conditions or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of Chapter 4.3;

2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Article 2 (Zoning);

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to Article 3 (Development and Design Standards);

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

5. The proposed streets, utilities, and surface water drainage facilities conform to City of Myrtle Point adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;

7. Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

8. Evidence that improvements or conditions required by the City, road authority, Coos County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

B. **Conditions of Approval**. The Planning Commission may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

4.3.060 Land Division-Related Variances

Variances shall be processed in accordance with Chapter 4.7. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted; when practical the applications shall be reviewed concurrently.

4.3.070 Final Plat Submission Requirements and Approval Criteria

Final plats require review and approval by the Planning Commission prior to recording with Coos County. The final plat submission requirements, approval criteria, and procedure are as follows:

A. Submission Requirements. The applicant shall submit the final plat within two (2) years of the approval of the preliminary plat as provided by Section 4.3.050. The format of the plat shall conform to ORS 92.

B. **Approval Process and Criteria**. By means of a Type II Review, the Planning Commission shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City or applicable service provider if different than the City of Myrtle Point (e.g., road authority), or otherwise bonded in conformance with Section 3.4.090;

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;

5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;

6. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions and Restrictions (CC&R's), easements, maintenance agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat; and

8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Coos County Surveyor for purposes of identifying its location.

4.3.080 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat ("lot of record") shall follow the procedures set forth in ORS 92.010 to 92.190. The final plat filing and recording requirements are as follows:

A. **Filing Plat with County**. Within sixty (60) days of the City approval of the final plat, the applicant shall submit the final plat to Coos County for signatures of County officials as required by ORS Chapter 92.

B. **Proof of Recording**. Upon final recording with the County, the applicant shall submit to the City a mylar copy and three (3) 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.

C. **Prerequisites to Recording the Plat**.

1. 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;

2. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS Chapter 92.

4.3.090 Re-platting and Vacation of Plats

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. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS Chapter 271. 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 City standards.

4.3.100 Property Line Adjustments

A Property Line Adjustment is the modification of lot boundaries when no lot is created. The City Planning Official reviews applications for Property Line Adjustments pursuant to the Type I procedure under Section 4.1.020. The application submission and approval process for Property Line Adjustments is as follows:

A. **Submission Requirements**. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I review, pursuant to Section 4.1.020. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of lands subject to the City of Myrtle Point Floodplain Overlay; existing fences and walls; and any other information deemed necessary by the Planning Commission for ensuring compliance with City codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

B. **Approval Criteria**. The City Planning Official shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. <u>Parcel Creation</u>. No additional parcel or lot is created by the lot line adjustment;

2. <u>Lot standards</u>. All lots and parcels conform to the applicable lot standards of the

zoning district (Article 2) including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the City of Myrtle Point Floodplain Overlay; and

3. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.1 - Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the property line adjustment.

C. **Recording Property Line Adjustments**

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Coos 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.

2. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within fifteen (15) days of recording and prior to any application being filed for a building permits on the re-configured lots.

Chapter 4.4 - Conditional Use Permits

Sections:

4.4.010 Purpose
4.4.020 Approvals Process
4.4.030 Application Submission Requirements
4.4.040 Criteria, Standards and Conditions of Approval
4.4.050 Supplemental Development Standards

4.4.010 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. Conditional uses are identified in Chapter 2.2 - Zoning District Regulations. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

4.4.020 Approvals Process

The Planning Commission using a Type III procedure, per Section 4.1.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of conditional use permits. Modifications to conditional use permits are subject to Chapter 4.5 Modifications.

4.4.030 Application Submission Requirements

In addition to the submission requirements for a Type III review under Section 4.1.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to Section 4.2.040 Site Plan Review Application Submission Requirements.) An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 4.4.040

4.4.040 Criteria, Standards and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A-C.

A. **Use Criteria**

1. 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.

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Article 2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

B. **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, one or more of the following:

1. Limiting the hours, days, place and/or manner of operation;

2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;

3. Requiring larger setback areas, lot area, and/or lot depth or width;

4. Limiting the building or structure height, size, lot coverage, and/or location on the site;

5. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;

6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

8. Limiting the number, size, location, height and/or lighting of signs;

9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;

13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and

14. The Planning Commission may require renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this Chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Administrative or Quasi-Judicial Land Use review process.

Chapter 4.5 - Modifications to Approved Plans and Conditions

Sections:

4.5.010 Purpose
4.5.020 Applicability
4.5.030 Major Modifications
4.5.040 Minor Modifications

4.5.010 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.

4.5.020 Applicability

This Chapter applies when an applicant proposes to modify an approved application or condition of approval.

4.5.030 Major Modifications

A. **Major Modification**. The Planning Commission reviews applications for major modifications through the Quasi-Judicial procedure under Section 4.1.040. Any one of the following changes constitutes a major modification:

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, estimated an increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is ten percent (10%) or more, provided the standards of Article 2 and Article 3 are met; or

2. An increase in floor area to a commercial or industrial development, or an increase in the number of dwelling units in a multifamily development, by ten percent (10%) or more, provided the standards of Article 2 and Article 3 are met; or

3. A reduction in required setbacks, or an increase in lot coverage, by ten percent (10%) or more, provided the standards of Article 2 and Article 3 are met; or

4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic when roadway authority determines the

change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation); or

5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by ten percent (10%) or more; or

6. Change to a condition of approval, or a change similar to items 1-5, above, that could have a detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts triggering a major modification; or

7. Other changes similar to those in subsections 1-6, above, in scale, magnitude, or impact to adjacent properties, as determined by the City Planning Official.

B. **Major Modification Applications; Approval Criteria**. Requests for major modifications shall conform to all of the following procedures and criteria:

1. The applicant shall submit an application form, filing fee, a letter describing the modification, and a site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, in evaluating the request;

2. The application shall be subject to the same approval criteria used for the initial project approval; except that a modification adding a conditional use to a project approved without a conditional use shall require findings in conformance with Chapter 4.4;

3. The scope of review shall be limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Plan Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with Chapter 4.1; and

4. The Planning Commission shall approve, deny, or approve with conditions an application for major modification based on written findings on the applicable Code criteria (e.g., subdivision, site plan review, conditional use, etc.).

4.5.040 Minor Modifications

A. **Minor Modification**. The City Planning Official through a Type I or II procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for Minor Modifications. Minor modifications include technical corrections to comply with codes and regulations, and changes that fall below the thresholds in 4.5.030, as determined by the City Planning Official. Administrative Land Use Review, pursuant to Section 4.1.030. A minor modification is a change to an approved plan or condition of approval that does not meet any of the thresholds for a major modification listed in Section 4.5.030(A).

B. **Minor Modification Applications; Approval Criteria**. An application for minor modification shall include an application form, filing fee, a letter describing the modification, and a site plan using the same plan format as in the original approval. The City Planning Official may require other relevant information, as necessary, in evaluating the request.

C. **Minor Modification Approval Criteria.** The Planning Commission shall approve, deny, or approve with conditions an application for minor modification based on findings of compliance or noncompliance with the applicable requirements of the Development Code and the conditions of approval on the original decision.

Chapter 4.6 – Amendments to Zoning Map or Code

Sections:

4.6.010 Purpose
4.6.020 Procedure
4.6.030 Criteria
4.6.040 Record of Amendments
4.6.050 Transportation Planning Rule Compliance

4.6.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

4.6.020 Procedure

A. Except for corrections, amendments to Development Code text are Legislative.

B. Amendments to the Zoning Map that affect more than one parcel, or more than one-half (1/2) acre, whichever is greater, are Legislative actions.

C. Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative actions.

D. Amendments that do not meet the criteria under subsection 4.6.020(A), 4.6.020(B), or 4.6.020(C) may be processed as Quasi-Judicial amendments.

4.6.030 Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code or Comprehensive Plan shall be based on all of the following criteria:

A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

B. The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);

C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either corrects a mistake or inconsistency in the Comprehensive Plan, Development Code, or Zoning Map; or it responds to changes in the community; and

D. The amendment must conform to the Transportation Planning Rule provisions under Section 4.6.050.

4.6.040 Record of Amendments

The City Planning Official shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

4.6.050 Transportation Planning Rule Compliance

A. **Review of Applications for Effect on Transportation Facilities**. Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City Council, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant affect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

Chapter 4.7 - Adjustments and Variances

Sections:

4.7.010 Purpose
4.7.020 General Provisions
4.7.030 Adjustments
4.7.040 Variances
4.7.050 Expiration

4.7.010 Purpose

Chapter 4.7 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

4.7.020 Intent

Adjustments are variances are intended to provide relief to code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the Code's intent.

A. **Adjustments.** Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. Adjustments are allowed in limited situations pursuant to Section 4.7.030. The permitted use standards of Table 2.2.020 are not subject to modification through an adjustment.

B. **Variances.** Variances provide greater flexibility to code standards than adjustments where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard. The permitted use standards of Table 2.2.020 are not subject to modification through a variance.

4.7.030 Adjustments

A. **Adjustment through Administrative (Type II) Procedure**. Upon finding all of the approval criteria in subsection 4.7.030(C) are met, the City Planning Official or Planning Commission through a Type II procedure may approve an adjustment to one or more of the following standards, within the limits set forth for each standard:

1. Setbacks: Up to a twenty (20) percent change to a minimum setback.

2. Lot Coverage: Up to twenty (20) percent increase to the maximum lot coverage.

3. Lot Dimensions: Up to a twenty (20) percent decrease to a minimum lot dimension.

4. Lot Area: Up to a ten (10) percent decrease in minimum lot area.

5. Other Dimensional Standards: Up to a ten (10) percent increase or decrease in a quantitative (numerical) standard not listed above. This option is limited to standards in Article 2 (Table 2.2.030 and Chapter 2.3 Special Uses) and Article 3, but does not include building code requirements, engineering design standards, public safety standards, or standards implementing State or Federal requirements, as determined by the City Planning Official.

B. **Adjustment Approval criteria.** The City may grant an Adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The Adjustment allows for a building plan that is more compatible with adjacent land uses, or it does not create a conflict with adjacent uses. The City decision-making body shall consider whether the proposed Adjustment would create incompatibilities relative land use, access, circulation, future street connectivity, noise, light, glare, odor, emissions, vibration, building design, streetscape appearance and functionality, and similar types of impacts, as applicable.

2. Approval of the Adjustment does not create a violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;

3. An application for an Adjustment is limited to one (1) lot per application;

4. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;

5. Not more than three (3) Adjustments may be approved for one lot or parcel in a continuous 12-month period; and

6. All applicable building code requirements and engineering design standards shall be met.

4.7.040 Variances

A. **Procedure.** The Planning Commission through a Type III procedure may approve a Variance upon finding all of the following criteria are met:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses;

2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant);

4. The Variance does not conflict with other applicable City policies or other applicable regulations;

5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and

6. All applicable building code requirements and engineering design standards shall be met.

4.7.050 Expiration

Approvals granted under Chapter 4.7 shall expire if not acted upon by the property owner within one (1) year of the City approving the variance. Where the owner has applied for a building permit or final plat, has made site improvements consistent with an approved development plan (e.g., Site Plan Review or preliminary subdivision plan), or provides other evidence of working in good faith toward completing the project, the City Planning Official may extend an approval accordingly.

Article 5 - Definitions

Article 5 - Definitions **5-1**
Chapter 5.1 — Definitions *2*
5.1.010 Purpose 2
5.1.020 Applicability 2
5.1.030 Definitions 2

Chapter 5.1 — Definitions

Sections:

5.1.010 Purpose
5.1.020 Applicability
5.1.030 Definitions

5.1.010 Purpose

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

5.1.020 Applicability

A. **Definitions.** The definitions in Chapter 5.1 apply to all actions and interpretations under the City of Myrtle Point Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control. Where a term listed in Chapter 5.1 is defined more explicitly in another part of this Code or in codes incorporated therein by reference (e.g., building code), the term is not redefined herein for purposes of that other code.

B. **When A Term Is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

C. **Land Use Categories.** Chapter 5.1 contains descriptions of the land use categories and examples of uses allowed each the districts in Article 2.

5.1.030 Definitions

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group headings (*e. g.,* Transportation-Related, Environment-Related, etc.).

Abutting. Contiguous or adjoining.

Access. See Transportation-Related terms.

Accessory Structure. A structure of secondary importance or function on a site. In general, the

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

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

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

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

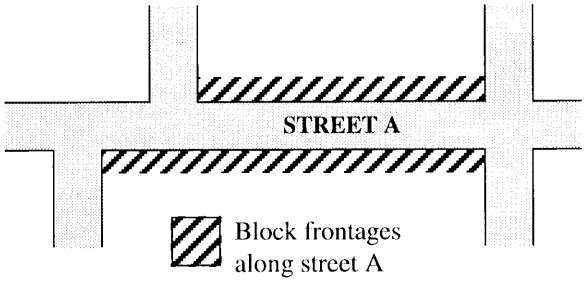
B

Bed and Breakfast Inn. Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that meets the standards of Section 2.3.030.

Block. All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

Block Face/Street Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See Figure.

Block Frontage



Building. See applicable Building Code.

Building Official. The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

C

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

Carport. A stationary structure consisting of a roof, its supports, not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

Change of Use. Change in the primary type of use on a site.

Child Care. Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 16 children in a home. See ORS 657A.440(4) for applicable requirements.

City. The City of Myrtle Point, Oregon.

Clear and Objective. Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Club. Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests but shall not include any organization, group, or association, the chief activity of which is to render a service customarily carried on as a business.

Commercial. Land use involving buying/selling of goods or services as the primary activity. See also "Retail Sales and Services."

Commercial Outdoor Recreation (Land Use). Includes firing ranges, golf courses and driving ranges, etc.

Common Area. Land jointly owned to include open space, landscaping or recreation facilities (e. g., may be managed by a homeowners' association).

Community Services (Land Use). Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit organizations that have membership provisions may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one (1) month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. See also, "Religious Institutions" and "Parks and Open Spaces."

Comprehensive Plan. The current adopted Comprehensive Plan of the City of Myrtle Point.

Conditional Use. A use that requires a Conditional Use Permit. See Chapter 4.4.

Condominium. Ownership of a single unit in a multi-unit structure that includes common areas and facilities; includes both residential and commercial condominiums. See ORS 100 for applicable requirements.

Corner lot. See Lot, Corner lot.

Corner Radius. The radius of a street corner, as measured around the curb or edge of pavement, except as otherwise specified by applicable engineering design standards.

Council/City Council. The City Council of Myrtle Point, Oregon.

County. Coos County.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding Federal holidays.

Dead-End Street. See Transportation-Related Definitions.

Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land based on the minimum lot size per dwelling unit required by the applicable zone.

Development-Related Definitions

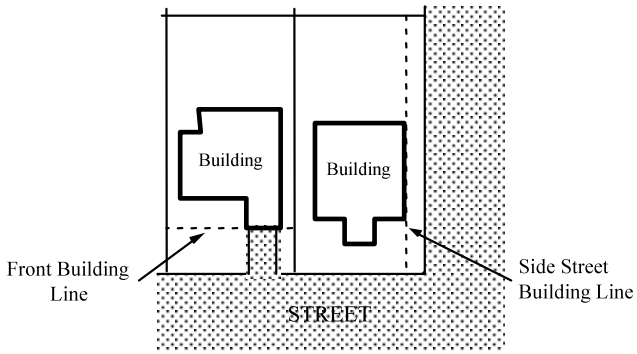
- **Alter/Alteration.** A change in use or occupancy or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of Myrtle Point before preparing project plans or commencing development. Alterations include but are not limited to the following:
  - Changes in use or occupancy;
  - Changes to the exterior of a building;
  - Changes to the interior of a building;
  - Increases or decreases in floor area of a building;
  - Changes to other structures on the site, or the development of new structures;
  - Changes to exterior improvements;
  - Changes to landscaping; and
  - Changes in the topography of the site.

- **Building Footprint**. The outline of a building, as measured around its foundation, or Building Coverage, whichever is greater.

- **Building/Structure Height.** Building height for the purposes of this Code is measured as the vertical distance above a reference datum (per Building Code) to the highest point of a flat roof or to the mid-point of a sloping roof. The height of a stepped or terraced building is the maximum height of any segment of the building, except that parapets, cornices and other projections are allowed pursuant to the height limitations in Article 2.

- **Building Line.** A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site, typically used in reference to required setback yards. See Figure.

Building Lines



Example of a front building line and a side street building line.

- **Clearing (as in clearing and grading).** Any activity that removes existing vegetation or strips surface material from any portion of the site and exceeding typical yard maintenance for a single family dwelling.

- **Develop.** To construct or alter a structure or to make a physical change to the land including excavations, clearing and fills. See also, Alteration.

- **Development.** All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

- **Driveway.** The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site. Where required by Code for emergency apparatus, a driveway must be kept clear of all obstructions.

- **Driveway Apron/Approach**. The edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

- **Emergency Apparatus Lane** or **Fire Lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements; typically not be used for parking or loading area.

- **Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

- **Parking.** See Parking.

- **Structure.** Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

- **Vehicle Areas.** All of the areas on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Discontinued Use. A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 1.4, Non-Conforming Situations.

Discretionary. A permit action or decision that involves substantial judgment or discretion.

Drive-through/Drive-up Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

Driveway. See Development-Related Definitions.

Driveway Apron/Approach. See Development-Related Definitions.

Duplex. See Residential Structure Types.

Dwelling. See Residential Structure Types.

E

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at Coos County.

Emergency Apparatus Lane or **Fire Lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements; typically not be used for parking or loading area.

Floodplain/Hazard Area. Area as so indicated by the Federal Flood Insurance Rate Map, as amended. See also, Section 2.4.030 for definitions applicable to the Floodplain Overlay zone.

F

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division, pursuant to ORS 92 and Chapter 4.3 of this Code.

Floor Area. Area of building, which may be described in terms of gross (overall) square feet, or

net marketable/leasable space.

G

Garage. A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling or other primary use. Carports are considered garages.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon.)

Grading. See Development-Related Definitions.

Ground Cover. Living or processed plant material (e. g. , mulch, bark chips), river rock and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See Chapter 3.2, Landscaping.

Group Living. Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size or composition of the group is different than that of a Household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential, as they are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures typically have a common eating area for residents, though individual units may have a kitchen. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site.

H

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals Subject to Reporting Under *Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986*, published July, 1987, U. S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.
- Other substances as determined by applicable state or federal agency.

Home Occupation, Home Occupation Site. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site, subject to the provisions of Chapter 2.3.

Hotel/Motel. A building or portion thereof designed and used for occupancy of transient

individuals lodged with or without meals for a continuous period not to exceed 29 days. (See ORS 446.310.)

House. See Residential Structure Types.

Household. One or more persons related by blood, marriage, civil union, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

I

Incidental and Subordinate to. Secondary to, and less apparent, than the primary use or other portion of the development.

Industrial Service Uses. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Examples include welding shops; machine shops; tool repair; electric motor repair; sales, repair, salvage or wrecking of heavy machinery, metal, building materials, autos or trucks (does not include junk yards); towing and temporary vehicle storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

J

Junk Yard. (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

K

Kennel. Any lot or premises where three (3) or more dogs or cats aged 6 months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

L

Land Division. The process of dividing land to create parcels or lots. See Chapter 4.3.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

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

Land Use Decision. A final decision or determination made by the City of Myrtle Point (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide planning goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment. (ORS 197.015) *Note: All decisions requiring Quasi-Judicial review by the City of Myrtle Point are Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.*

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e. g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Chapter 4.1.050.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.3, Parking and Loading.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. The following definitions for "lot" apply to the State definition of both lot (result of subdividing) **and** parcel (result of partitioning). See also, Ownership and Site.

- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.

- **Flag Lot.** A lot with two distinct parts (See Figure below):
  - The flag, which is the only building site; and is located behind another lot; and
  - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

- **Through/Reverse Frontage Lot.** A lot that has frontage on two parallel or approximately parallel streets.

Lot Lines/Property Lines. The property lines along the edge of a lot or site.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line

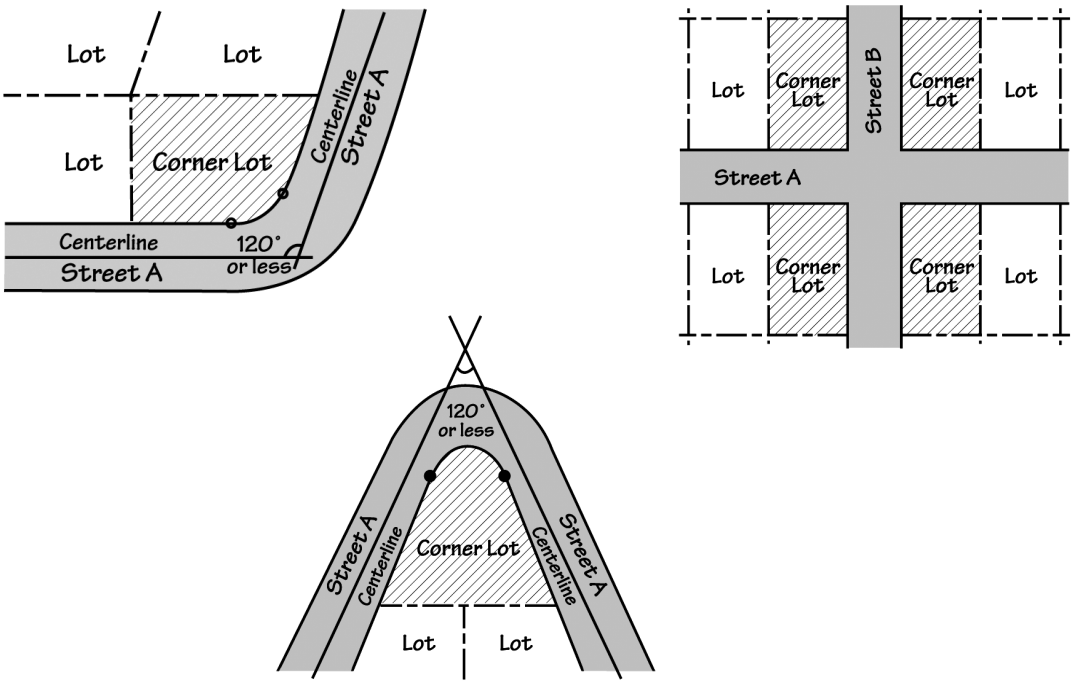
is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figures below.

- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figures below.

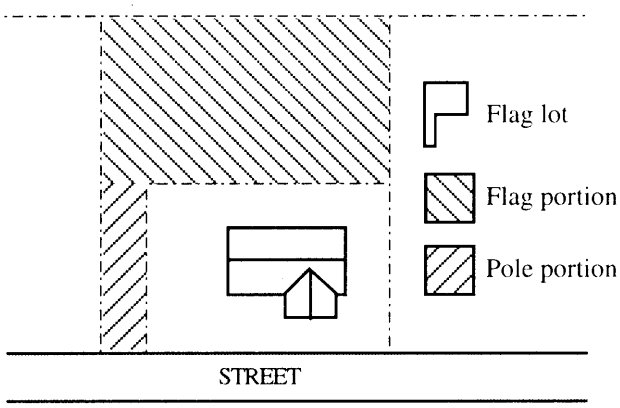
- **Side Lot Line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See Figures below.

- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures below. **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines, however, both are considered front yards for the purpose of measuring required setbacks. See Figures below.

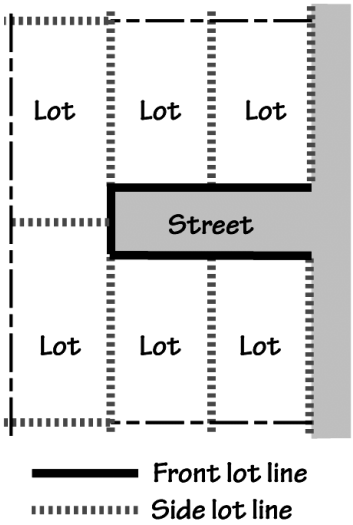
Corner Lots



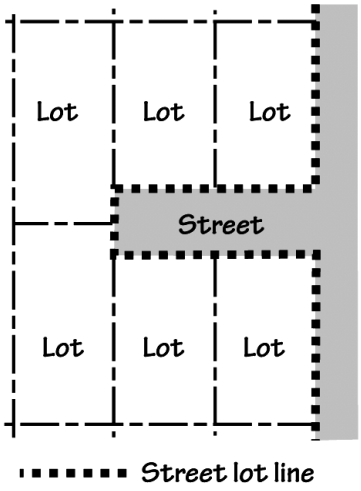
Flag Lot



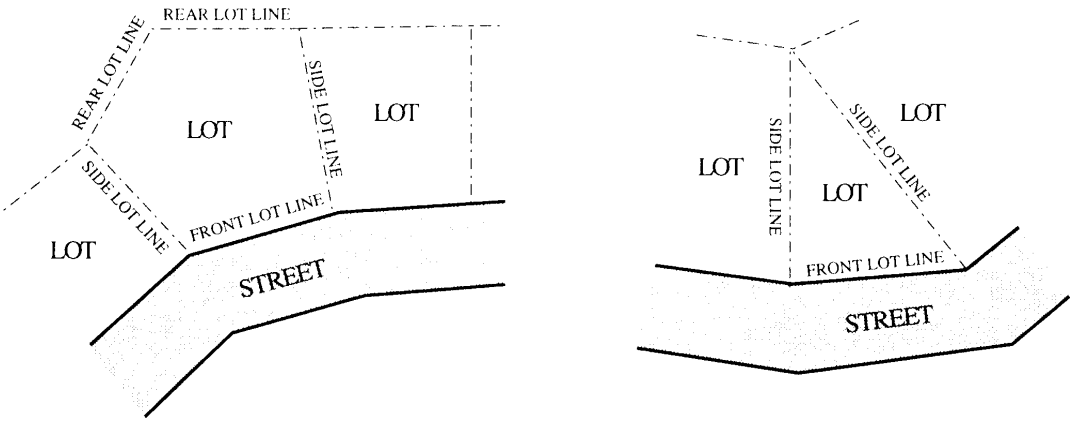
Front and Side Lot Lines



Street Lot Lines



Lot Lines on Irregular Lots



- **Lot of Record.** A legally created lot or parcel meeting all applicable regulations in effect at the time of creation, and held in separate ownership, or any other lot deemed a legal lot under Chapter 1.3.

Lot, Double-Frontage. See Lot, Through Lot.

Lot Area. The total surface area (measured horizontally) within the boundary lines of a lot.

Lot Consolidation. The reduction in the number of lots; i.e., the creation of one lot from two or more existing lots.

Lot Coverage. The total area of a lot covered by building(s) or impervious surfaces, as provided by the applicable land use district development standards.

Lot Line Adjustment. See Property Line Adjustment.

M

Main/Primary Building Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance, however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

Main Floor. Building floor closest to street level and within four (4) feet of finished grade.

Major Remodeling. Projects where the floor area or the developed area of the site increases by 35 percent or more.

Maneuvering Area/Aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

Manufactured and Mobile Homes. See Residential Structure Types.

Manufactured and Mobile Home Park (Land Use). Any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by no more than one (1) manufactured dwelling per lot. See also, ORS Chapter 446.

Manufacturing and Production (Land Use). Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include processing of food and related products; breweries and distilleries when not accessory to a commercial use; slaughter houses or meat packing; taxidermist; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, vehicles,

appliances; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

Mixed-Use. The combination on a site of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses.

Multifamily Housing. See Residential Structure Types.

N

Nonconforming Development. An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See Chapter 1.4.

Nonconforming Situation. A Nonconforming Development or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Development and Nonconforming Use. See Chapter 1.4.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 1.4.

O

Office (Land Use). Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

Off-street Parking. All off-street areas designed, constructed, used, or required or intended to be used for the parking of motor vehicles. See Chapter 3.3 for parking standards.

On-street Parking. Parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 3.3 for parking standards.

Orientation. To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

P

Parcel. A legally defined area of land created through a partition.

Parks and Open Space (Land Use). Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

Parking Lot Perimeter. The boundary of a parking lot area that usually contains a landscaped buffer area.

Parking Space. An improved space designed to provide standing area for a motor vehicle. See Chapter 3.3 for parking space standards.

Parking Versus Storage. Parking is to leave a motor vehicle for a temporary time. Storage is to place or leave in a location for storage, maintenance, repair, future sale or rental, or future use for an indefinite period of time. See also, Exterior Display.

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See ORS 92.010(8).

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

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of "partition plat" and "subdivision plat." See also, Chapter 4.3, Land Divisions.

Practicable. Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

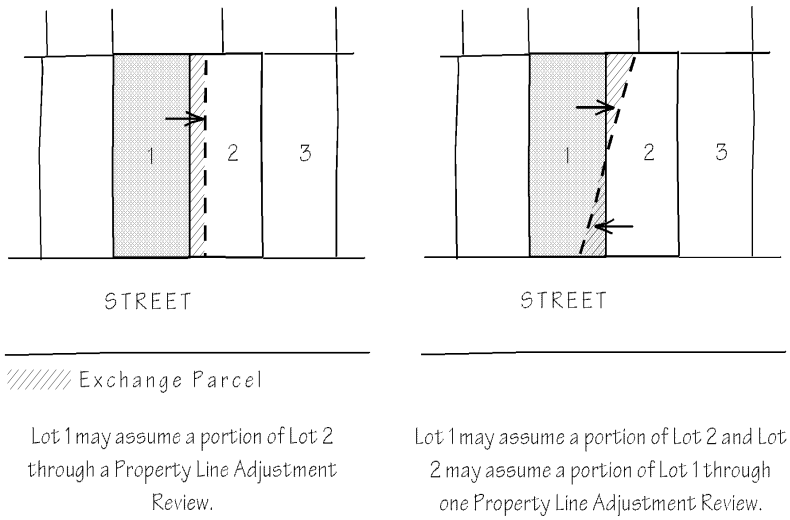
Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site.

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Project. An existing or proposed use or development subject to one or more land use approvals.

Property Line Adjustment. The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant to Chapter 4.3. See Figure below.

Property Line Adjustment



Public Access Easement. See Transportation-Related Definitions.

Property Line: front, rear, interior side, street side. See Lot Line.

Public Improvements. Development of public infrastructure, as required by the City, Special District, or Road Authority, as applicable. See Chapter 3.4.

Q

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Article 4.

R

Radio Frequency Transmission Facilities (Land Use). Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

Recreational Vehicle Park (Land Use). A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no

minimum required stay in a recreational vehicle park, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

Religious Institutions and Places of Worship (Land Use). Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Residential Use/Residential Structure Types (Land Uses)

- **Attached House (Townhome or Rowhouse).** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

- **Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

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

- **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.

- **Multifamily Development.** A structure or grouping of structures containing three or more dwellings on the same lot.

- **Multifamily Structure.** A structure containing three (3) or more dwelling units. The land underneath the structure is not divided into separate lots.

- **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 that was constructed before January 1, 1962.

- **Recreational Vehicle.** A vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined by State law and/or administrative rules.

- **Residential Home** is a residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. (See also, ORS 197.660.).

- **Residential Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs); ORS 443.400 (for persons with disabilities); and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents.

- **Senior Housing**. Housing designated and/or managed for persons over a specified age. Specific age restrictions vary. May include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

- **Single Family House.** A detached dwelling unit located on its own lot.

Retail Sales and Service Uses (Land Use). Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services. They include services such as barber/salon, accountant, restaurant, bar, repair service, and similar uses. See also, "Vehicle Service."

Right-Of-Way. See Transportation-Related Definitions.

Roadway; Roadway Authority. See Transportation-Related Definitions.

S

Schools (Land Use). Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

Self-Service Storage. Mini-storage or other storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

Setback/Setback Yard. The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

Shared Driveway. See Transportation-Related definitions.

Shared Parking. Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.3.

Sign. Any outdoor device, or device visible from outdoors, providing identification, advertising or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. Including in this definition of signs are: graphic devices such as logos, trademarks, and attention attracting objects such as wind-driven spinners and portable sign devices, logo sculpture and, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, laser projected designs/images/copy and other attention attracting media and devices.

Site. For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block/Street Frontage.

Street-facing/Oriented to Street. A wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

Subdivision. To divide land into four (4) or more lots within a single calendar year. See also, Chapter 4.3, Land Divisions, and ORS 92.010.

T

Topographical Constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing manmade feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

Tract. A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner's association or other entity for maintenance.

Transportation-Related Definitions (See also, Section 3.4.010 for related standards.)

- **Access.** A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. **Access point**: Any driveway, street, turnout or other means of providing for the movement of vehicles to or from a public roadway. **Reasonable Access**: Access that does not require excessive out-of-direction travel or pose a safety hazard.

- **Access Easement.** An easement recorded for the purposed of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access. **Cross access** is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

- **Access Management.** The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include but are not limited to 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements, 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways and 3) provision for future opportunities for mitigation by land dedication or easement.

- **Access Spacing/Intersection Spacing.** The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

- **Access Way.** A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on

public or private property (*i.e.,* with a public access easement); may also be designed to accommodate emergency vehicles. See also, Walkway.

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

- **Driveway.** Area providing vehicle access to a site, except streets.

- **Driveway, Shared**. When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

- **Dead-end Street.** A street that connects to another street at only one end, does not have a City-approved turnaround on its other end, and may or may not be extended to serve future development. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.

- **Level of Service ("LOS")**. A quantitative standard for transportation facilities describing operational conditions. See City of Myrtle Point Transportation System Plan.

- **Pathway.** A walkway, bikeway or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

- **Public Access Easement.** A public access easement is an easement granted to the public for vehicular and pedestrian access, or for non-motorized access.

- **Right-of-way.** An area that allows for the passage of people or vehicles. Right-of-way includes all public streets, highways, alleys and public access ways (e.g., pedestrian connections). A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned, provided the public is granted access. A right-of-way that is not dedicated or deeded to the public will be in a public access easement and may be separately contained in a tract.

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

- **Road/Roadway Authority.** The City or other agency (e. g., Oregon Department of Transportation, City of Myrtle Point, or Coos County) with jurisdiction over a road or street.

- **Sidewalk.** A paved walkway within a public street right-of-way that is generally located

adjacent to and separated from the roadway by a curb, swale, or planter strip.

- **Sight Distance.** The unobstructed viewing distance measured from one object or location to another object or location, usually required the purpose of traffic safety.

- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their on-ramps.

- **Street Connectivity**. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

- **Street Stub.** A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street. See also, Dead-End Street.

- **Through Street.** A street that connects to other streets at both ends or is planned to do so in the future, pursuant to an adopted transportation plan.

- **Turnaround.** A vehicle maneuvering area at the end of a dead-end street (*e.g.,* hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

- **Walkway.** A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access way, Pathway, Sidewalk.

Travel Trailer. A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink or toilets; used for vacation and recreational purposes; and not used as a residence. See ORS 446.003(5), (24); and see Recreational Vehicle.

U

Use (Land Use). The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Utilities. For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

Utilities (Land Use). Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic Utility uses may or may not have regular employees at

the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or "Other" uses (e.g., Utility Corridor) as applicable.

V

Variance. A City Council decision to lessen or otherwise modify the requirements of this Code. See Chapter 4.7.

Vehicle Repair. Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

Vehicle Servicing. Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or, oil and lubrication services, and similar uses.

Vision Clearance Area. Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance. See standards in Chapter 3.1.020.

W

Waste Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Waste-Related Use. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340. 100-110, Hazardous Waste Management.

Warehouse, Freight Movement and Distribution. The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

Wireless Communication Equipment. Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

X *[reserved]*

Y

Yard. The area defined by setbacks (*i.e.,* between the setback line and nearest property line).

Z *[reserved]*